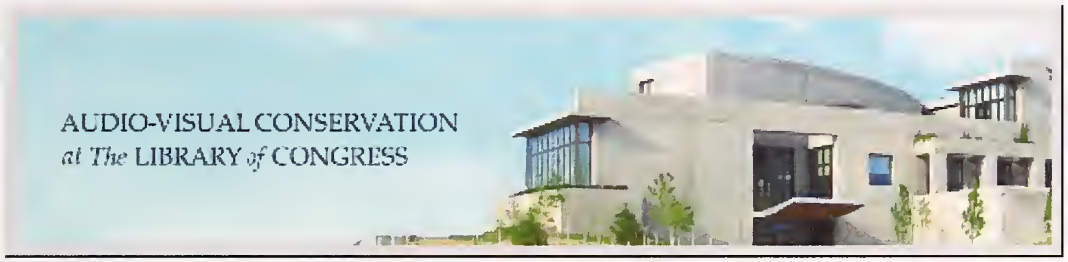

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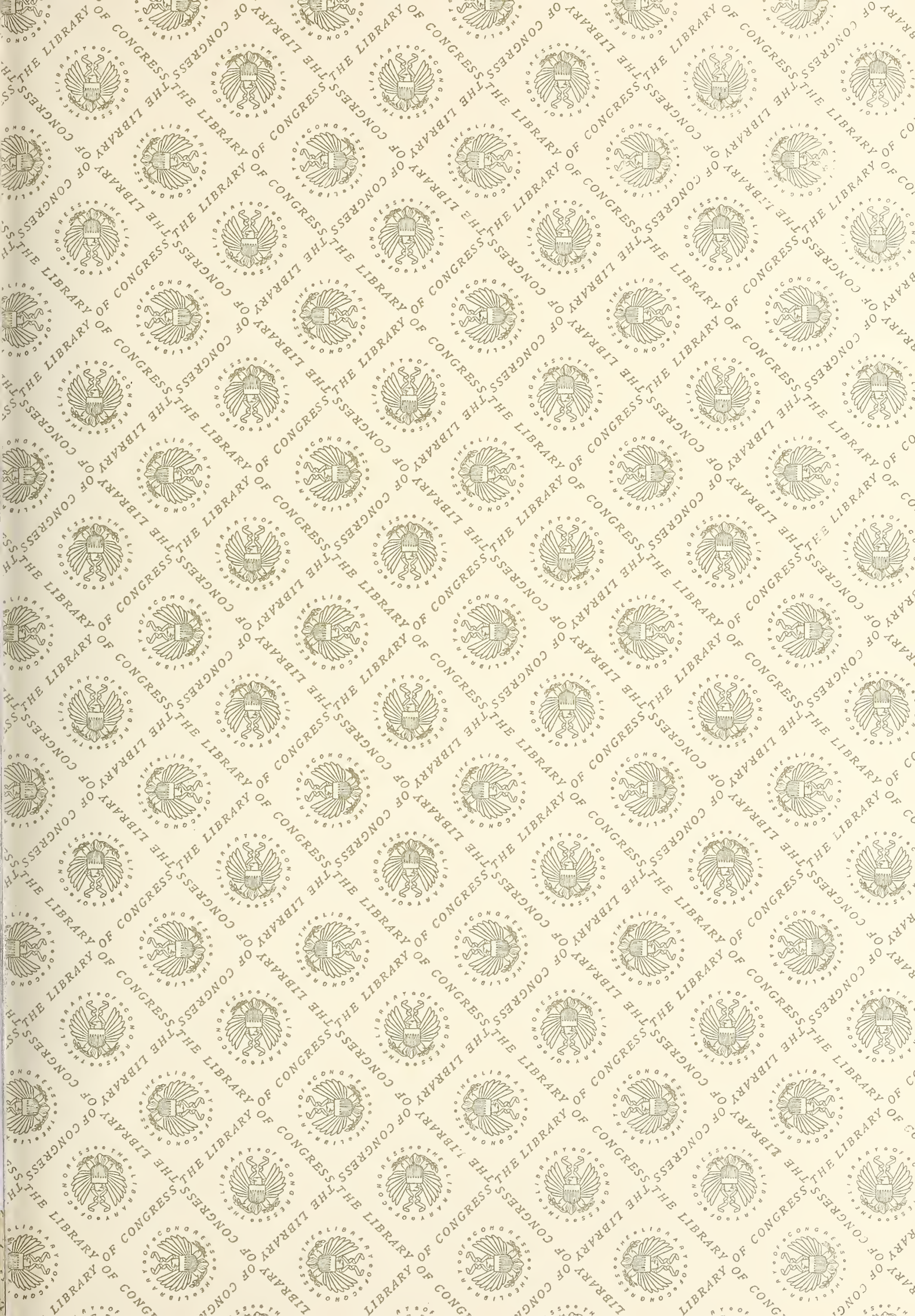
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THE LIBRARY OF CONGRESS

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 1 NEW YORK, THURSDAY, JANUARY 2, 1936 TEN CENTS

Ostrer States International Pictures Near

Sees Foreign Pictures With U. S. Appeal

BY MARK OSTRER
Chairman of Board, G.B. Picture Corp., Ltd.

It is my prediction that the complete internationalization of motion pictures will be accomplished in 1936.



Just as we in England are making pictures for world-wide appeal, so is Hollywood turning out product with a definite universal stamp and this wise policy will continue to predominate.

A greater interchange of artistic and technical talent will be effected and there will be a notable increase in the number of foreign-produced films released in the U. S. A.

From abroad will come productions of high box-office value, devoid of any drawbacks for American consumption. Picture-making in England will hit its stride. Our company, for one, will produce films especially suitable for America; pictures that any exhibitor anywhere will welcome.

I believe that 1936 will be a banner year for every branch of the industry.

Judge Bondy Signs RKO-RCA-M.H.Pact

Federal Judge William Bondy on Tuesday signed the petition extending to Feb. 29 the agreement under which RKO and RCA participate in profits of the Music Hall and the petition extending to Aug. 31 an agreement under which RKO Service Corp. performs certain managerial services for the Radio City house. The agreements were scheduled to expire Dec. 31.

Under the first agreement, which was originally made Sept. 1, 1934, and is now extended for two months to complete an 18-month computation basis, RKO and RCA jointly are to receive $750 per week from the initial operating profits of the Music Hall available on Feb. 29. An initial rent

(*Continued on page* 11)

The Headline Parade of 1935

Nineteen thirty-five was an interesting and important year in the industry. Kaleidoscopic in its changes, as always, the story, in quick resume, is re-told this morning, culled from the day-by-day headlines of *Motion Picture Daily* on pages 9, 10 and 11.

Pointing the way to days immediately on the horizon, the industry last year began to smile once more, for business generally took a decided turn for the better. Grosses at large reflected an improvement, measured, of course, by the calibre of the product.

The year marked the demise of the NRA code and saw no substitute arrive by which the industry might regulate itself. The year also witnessed the anti-trust trial in St. Louis and complete victory for Warners, Paramount, RKO and a number of its high executives.

Many changes in personnel of the major companies also took place. Among them, John E. Otterson became president of Paramount, Leo Spitz, president of RKO. Al Lichtman resigned as president of United Artists to join M-G-M. Twentieth Century merged with Fox and Winfield Sheehan retired from the production helm to make way for Darryl F. Zanuck.

Allied Looks Askance Upon Warner Move

WASHINGTON, Jan. 1.—Allied views Warners' withdrawal from Ascap "with suspicion," says the latest bulletin from Abram F. Myers' office.

"The withdrawal was not from motives of philanthropy," the bulletin reads. "The chortles which greeted the so-called breakup of Ascap may have been premature. For even if Ascap should reduce its charges by an amount proportionate to the depletion of its repertoire, due to the withdrawal of Warner affiliates, the exhibitors would still stand to lose in case those affiliates demand an increased royalty for the right publicly to perform their music.

"The music situation is complicated, but this does not justify the muddy thinking that is being indulged in re-

(*Continued on page* 2)

Warners Say 143 Stations Signed

Up to Tuesday 143 independent radio stations throughout the country had accepted the new music licensing contract offered by Warners and covering the first three months of the New Year, it was stated by Warners.

The independent stations accepting the revised contract will be licensed by Music Publishers' Holding Corp., a Warner subsidiary, to broadcast music published by Harms, Inc., M. Witmark & Sons, T. B. Harms Co., Remick Music Corp., and their subsidiaries, all owned by Warners.

1935 Gain in Film Stocks $162,862,375

Film issues of major companies gained $162,862,375 in market value in 1935 to a total of $565,835,500, as compared with $402,973,125 at the close of 1934.

The gradual return to more prosperous times and the added strength accorded the financial structures of principal companies through reorganizations apparently reflected new confidence in film securities on the part of the investing public.

Eastman Kodak showed the most substantial increase, that issue jumping from $281,250,000 at the end of '34 to $388,750,000 at the end of '35, or a gain of $107,500,000. Next in

(*Continued on page* 8)

James V. Bryson Dies in London

LONDON, Jan. 1.—James V. Bryson died here yesterday at University College Hospital of a fractured skull suffered in an accident on Christmas Day. Bryson was dealing in European films, and had attempted studio deals here since his unsuccessful suit against Universal for alleged wrongful dismissal in 1933. He was 52.

Bryson first joined Laemmle in Minneapolis, playing an important part in developing Universal's American distribution system. Some years ago he was transferred to London, as managing director of Universal Pictures, Ltd. Following his dismissal from the company, he brought the action, which failed.

ExchangesAdd Sales Tax to Rentals Here

Called Protective Move Pending Settlement

Local exchanges are beginning the collection of the two per cent city sales tax on film rentals, effective as of yesterday. Exhibitors in New Jersey and up-state New York, as well as those within the city limits, received notice early in the week that the tax would be added to their film rentals.

Spokesmen for the exchanges said that the action was being taken as a "protective" measure and that the funds collected from exhibitors for the tax would be segregated and refunded in the event the distributors were successful in their efforts to have the tax on film rentals declared illegal. The exchangemen pointed out that the city sales tax has been in effect since Dec., 1934, and that ef-

(*Continued on page* 11)

"Informer" Top on N. Y. Critics' List

They're out—those besta of the besta selections of the New York critics. Now the New Year can get started.

"The Informer" was the best picture.

Charles Laughton did the two best male performances of the year in "Mutiny on the Bounty" and "Ruggles of Red Gap."

Greta Garbo turned in the best feminine performance in "Anna Karenina" and Katharine Hepburn got a minority vote for "Alice Adams."

John Ford did the best directing job on "The Informer." And Alfred Hitchcock got a minority vote for

(*Continued on page* 11)

Merging Denied in Suit Against 306

Justice Bernard Shientag on Tuesday denied the application of eight I. T. O. A. members for leave to consolidate their actions seeking a total of $650,000 damages from Local 306 for business losses allegedly suffered as a result of the extensive picketing and other activities in the operators' union controversy of last spring and summer. The court ruled, however, that the plaintiffs could bring a consolidated action by first

(*Continued on page* 2)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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Advertising Manager

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Tubman Goes to New RKO Post in Canada

TORONTO, Jan. 1.—An important development in the supervision of RKO theatres in the Dominion has taken place in the appointment of T. Ray Tubman of Ottawa as district manager for Manitoba with headquarters at Winnipeg, effective Jan. 15.

Tubman, who has managed the RKO Capitol at Ottawa for the past seven years, will have charge of theatres at Winnipeg, Brandon, Fort William and Port Arthur. He made his start 16 years ago at Calgary, where he was manager of the Allen, and later went to Sault Ste. Marie, Ont., and finally to Ottawa where he has been prominent in community activities.

Reels Restricted, Ban Rose Bowl Game

Virtually all newsreels made no provision to cover the Rose Bowl football game on the coast yesterday, following the action of the Board of Athletic Control of Stanford and the Tournament of Roses Ass'n in limiting the reels to 100 feet of film on the game. This is the first time such restriction has been exercised. It was indicated Tuesday that Universal, Pathe, Paramount and Hearst Metrotone had agreed on non-coverage. The reels concentrated instead on the Sugar Bowl game in New Orleans and the Orange Bowl game in Miami.

Allied Looks Askance Upon Warner Move

(*Continued from page* 1)

garding it. The breaking up of Ascap without an efficient substitute can not be a good thing and has never been advocated by Allied. So long as the copyright law allows a separate and distinct royalty for the public performance of music, there must be a central agency through which exhibitors, broadcasters, etc., can be licensed. Ascap served the purpose admirably in every respect save one—it was too grasping. The prospect of obtaining separate licenses from and paying separate fees to a large number of copyright owners is appalling. Unless prompt action is taken by those in a position to act, chaos will soon prevail.

"A fair solution would be for the producers with the cooperation of Warner Brothers to take advantage of the weakened condition of Ascap and work out an arrangement whereby the public performing rights for music used in motion pictures will be bargained for and obtained at the same time as the recording rights and royalties, so far as the exhibitors are concerned, be included in the film rentals. The producers acting together in this fashion, could bring about a great reformation which would end, once and for all, the music racket. As a small, compact group they could be relied upon to bargain for fair rates in behalf of the entire industry.

"In the meantime, the Warner publishing houses have indicated that they will demand a charge for the performance of their music. The broadcasters have countered by ordering the music of those houses deleted from their programs. The exhibitors, having to play the pictures delivered under their contracts, can exercise no such discrimination.

Bill Amendment Necessary

"It is obvious that the Duffy Bill, which looked pretty good a year ago, will not accomplish much in the present situation. Merely repealing the penalty clause will not do the trick, although it will mitigate the danger. To be really effective the bill will have to be amended to include the 'Allied amendments' above referred to. As soon as the Patents Committee is organized for the session Allied will reconnoiter and ascertain the chances of accomplishing this.

"No other plan can be formulated until the fog has been dispelled and the effects of the powerful opposition of the broadcasting companies have become apparent. Allied is watching all developments carefully and will have a plan of action as soon as we know exactly what we will have to contend with."

Directors to Meet Feb. 4-5

WASHINGTON, Jan. 1.—The annual meeting of Allied directors will be held here Feb. 4 and 5, so that members of the board who wish to attend the session of eastern directors and the product committee can do so without facing conflicting dates.

The eastern meeting will be held in Baltimore Feb. 3, and the product committee will meet here Feb. 6.

Congress will have been in session a month when the meetings are held and the Pettengill-Neely bill and the Duffy bill will be discussed along with plans for other legislative moves.

Cantor Rolls In

Eddie Cantor will roll into Grand Central this morning in a private car with Parkyakarkus, some of his daughters (Cantor's, not Parkyakarkus's), and 14 of those fellows who work out radio programs.

In Chicago Cantor said the internal pressure in the car made the train coast all the way across Arizona.

When he gets calmed down he'll announce "Pony Boy," a story by Harry Selby, will be his next for Samuel Goldwyn after "Strike Me Pink."

Merging Denied in Suit Against 306

(*Continued from page* 1)

withdrawing their present suits and instituting the new one.

Plaintiffs in the action, as reported in MOTION PICTURE DAILY of Dec. 14 are the Globe, Central, Times Square, Liberty and Park, in Manhattan; Colony, in Queens, and Globe, Brooklyn.

Joseph Basson, president of Local 306, who is named as a defendant in the suits, described them as "a clean-cut admission of the powerful effect and great success of the peaceful picketing conducted by Local 306. They are also clear evidence that the general public enthusiastically supported the local in its fight against the 'bosses.' The union regards these suits as nuisance suits and attempts to hinder the local," Basson said.

Wall Street

Gains Mark Year End

	High	Low	Close	Net Change
Columbia	43½	43⅛	43½	+1
Consolidated	5¾	5½	5¾	+ ½
Consolidated, pfd.	18¼	18	18¼	+ ¾
Eastman Kodak	156⅛	156	156⅛	+ ⅛
Eastman, pfd	160	160	160	.....
Loew's, Inc.	52¾	51⅞	52	+ ¾
Paramount	10¼	9¾	10¼	+ ⅝
Paramount 1 pfd.	80	77	78	+1½
Paramount 2 pfd.	12¼	11⅝	12	+ ½
Pathe Film	8⅛	8	8	.....
RKO	5⅛	5	5	.....
20th Century-Fox.	23¼	22½	22½	.....
20th Century, pfd.	32	31¾	32	.....
Universal, pfd	52	50	52	+2
Warner Bros.	10	9⅝	9⅞	+ ⅜

Curb Issues Up

	High	Low	Close	Net Change
Sonotone	2	2	2	+ ⅛
Technicolor	18¾	18	18⅝	+ ⅜
Trans-Lux	3½	3⅜	3½	+ ⅛

Bonds Show Substantial Increases

	High	Low	Close	Net Change
General Theatre 6s '40	19⅜	18	19⅜	+1¼
General Theatre 6s '40 ctf	19	18¼	19	+1
Keith B. F. 6s '46	95	95	95	+2⅝
Loew's 6s '41 ex war	103¾	103¾	103¾	+ ⅛
Paramount Pict. 6s '55	92	91⅜	92	+ ⅞
Warner Bros. 6s '39 wd	86½	85½	85⅞	+ ⅞

(Quotations at close of Dec. 31)

"U" Offers Prizes For Exploitatio

Universal is to celebrate Carl Lae mle's 30th anniversary in the bu ness by making a series of exploit tion awards to theatre managers a exploitation men during the peri from Jan. 6 to April 4.

Three prizes: First, $250; seco $150, and third $100, are to be p up, and in addition there will be fi $50 and 10 $25 awards.

A statement by Laemmle coveri the plan reads: "The object of th contest is to stimulate the inter of exhibitors in getting the utm out of every picture that they pla by way of box-office returns. Ve frequently, in the rapidity of movi picture life, real opportunities f making money at the box-office a overlooked. With conditions of bu ness improving all around us, I f that it is entirely in order to set an incentive to managers and th exploitation men to use the brains G gave them in bringing money i their box-offices by way of a pro exploitation of every film they ru

Judges in the contest will be: P. Cochrane, Universal; A-Mike Vog *Motion Picture Herald;* Epes S gent, *Variety;* Chick Lewis, *Sho men's Trade Review;* and Lou G mond, *Box Office.*

Penn MPTO Intact Says Lewen Pizo

PHILADELPHIA, Jan. 1.—There m have been a merger in Philadelp but the M.P.T.O. of Eastern Pe sylvania, Southern New Jersey a Delaware is still functioning, s Lewen Pizor.

"The M.P.T.O. of Eastern Pe sylvania is an incorporated organi tion," he says, " and has been existence for more than 15 years. June, 1934, a few disgruntled me bers of this organization, solely selfish personal reasons, left the ganization to form a new one— Independent Exhibitors' Protect Ass'n. Now in 1935, a few m members, led and influenced by c tain members of this organizati who desired to wear a badge, on D 19 formed an organization known the Independent Motion Picture T atre Owners of Eastern Pennsylva Southern New Jersey and Delaw and in doing so joined hands w certain members of the I.E.P which organization had no treas and had difficulty holding members.

"The same men are attempting spread propaganda for the purp of endeavoring to disrupt, break do and destroy the M.P.T.O. of E. S. N. J. and Del., Inc., of whic am president, which I will prese and I will continue to battle th destructive forces against our org ization."

"Obsession" Book Ou

Paul Gulick and Joe Weil h turned out a striking press book "Magnificent Obsession." It is unu both in appearance and shape, the ers being in black and gold and measurements being 26 in. x 13 i

A number of the ad cuts are drawings and seven pages of ad are done with an eye to art value tended to suggest the type of pro tion.—J. M. J.



Because it is, as *Variety Daily* says, **'BETTE DAVIS' best achievement'**...because in its first pre-release engagement it is being held over at the Rivoli, N. Y...because its supporting cast includes such noted stars as Franchot Tone, Alison Skipworth, Margaret Lindsay, and John Eldredge ...because its story of 'the woman men always come back to' will cause tremendous comment and discussion, Warner Bros.' **"DANGEROUS"** is a welcome New Year's present to the nation. Released January 4th.

NOT EVEN

Kept them away!

READ WHAT THE WORLD'S FINEST THEATRE DID WITH UNIVERSAL'S MAGNIFICENT PRODUCTION!

BY DIRE

WESTERN UNION

1223-S

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

SYMBOLS

DL = Day Letter
NM = Night Message
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S14 PAID TWS 3 MINS=PRUV NEWYORK NY 508P DECEMBER 30 1935

CARL LAEMMLE=
UNIV PICT CORP UNIVERSALCITY CALIF=

IN SPITE OF A RECORD BREAKING SNOWSTORM MAGNIFICENT OBSESSION HAS FILLED THE MUSIC HALL CONTINUOUSLY FROM OPENING PERFORMANCE WITH TWO THOUSAND STANDING INSIDE AND OUTSIDE AT ONE THIRTY STOP OUR PATRONS ARE GIVING THE PICTURE FINE PRAISE STOP THOUGHT YOU MIGHT LIKE TO KNOW HENCE THIS TELEGRAM WITH CONGRATULATIONS=
W G VAN SCHMUS MANAGING DIRECTOR
RADIO CITY MUSIC HALL.
238P

MAGNIFIC

BLIZZARDS



Crowded out in the co-o-o-l-ld!

Shivering but determined patrons!



Warmer, but still waiting patiently!

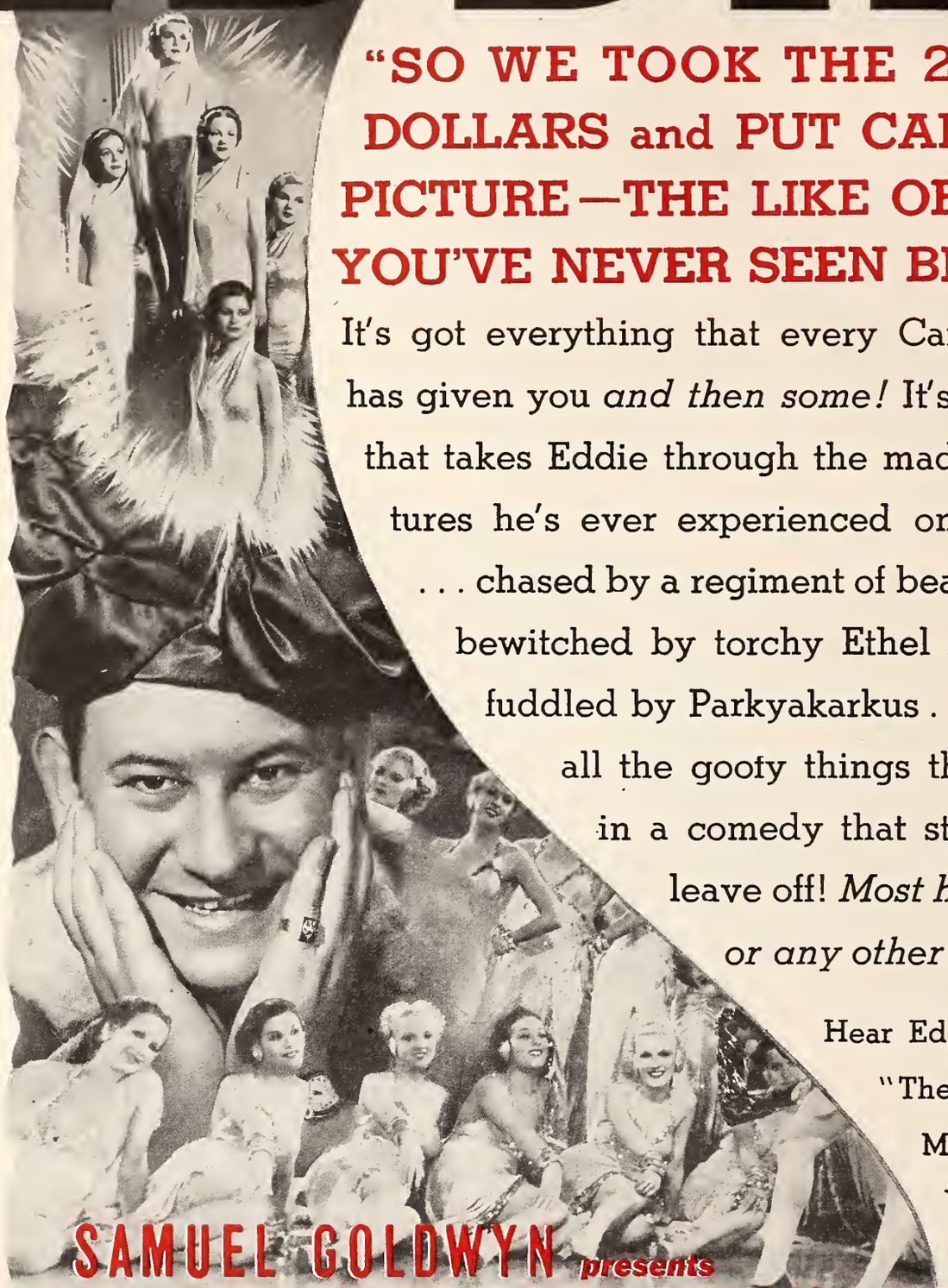
More crowds! Nothing stopped them!

UNIVERSAL'S FIRST GIFT OF 1936 TO THE WORLD'S BOX OFFICES!

NT OBSESSION

THE PICTURE WITH A HEART!

EDDIE



"SO WE TOOK THE 2 MILLION DOLLARS and PUT CANTOR in a PICTURE—THE LIKE OF WHICH YOU'VE NEVER SEEN BEFORE!"

It's got everything that every Cantor Picture has given you *and then some!* It's got a story that takes Eddie through the maddest adventures he's ever experienced on the screen . . . chased by a regiment of beautiful girls . . . bewitched by torchy Ethel Merman . . . befuddled by Parkyakarkus . . . bewildered by all the goofy things that happen to him in a comedy that starts where all other leave off! *Most hilarious comedy of t*

or any other year!

•

Hear Eddie sing "Calabash Pip "The Lady Dances." Thrill Merman's torchy renditi You Have Me High, Th Me Low!" "Shake It Off

SAMUEL GOLDWYN *presents*

STRIKE

with ETHEL MERMAN • SALLY EILERS • PA

Music and lyrics by HAROLD ARLEN *and* LEW BROWN • *Dance ensembles by*

ANTOR



Here is the greatest Eddie Cantor story ever brought to the screen . . . adapted from Clarance Budington Kelland's hilarious Saturday Evening Post serial "Dreamland."

E PINK

KARKUS • and the GORGEOUS GOLDWYN GIRLS

LTON • *Directed by* NORMAN TAUROG • *Released thru* UNITED ARTISTS

1935 Gain in Film Stocks $162,862,375

(*Continued from page* 1)

line on the plus side was Loew's, Inc., common, with a gain for 1935 over 1934 of $23,625,000. Third was Warner common, which gained $18,625,000. That company's preferred showed an increased market valuation of $3,064,250.

Number of shares traded in on the Stock Exchange for the year was 9,169,000, comparing with 10,881,440 in 1934. In 1933 the total was 8,573,864; in 1932 sales bulked 9,367,262. In 1931 the tally ended at 28,462,000, in what was largely a selling market which followed in the wake of the depression of two years earlier.

On the Curb Exchange 1935 sales were 919,960 shares, a very sizable increase over the total for 1934, which was 230,100. As a matter of fact, trading activity on this exchange was the most active since 1931, when the turnover was 1,958,625 shares. Nineteen thirty-three ended with curb sales of 495,850. In 1932 they were 367,905.

The bond market last year, too, was far more active than 1934's. Sales to a value of $65,126,000 were made, comparing with $43,704,000 in 1934, with $11,172,000 in 1933, with $17,708,000 in 1932 and with $1,165,000 in 1931.

Lucky Ben

Ben Serkowich, press agent for the Capitol, checked up on domestic problems yesterday and as suddenly as all this realized his room number at the Park Central was 1936.

"Am I keeping it all of next year?", he asked before he could be asked.

"What do you think?", came his own reply.

Rites for Harry Swartz

BOSTON, Jan. 1.—Funeral services for Harry Swartz, theatre man, were held yesterday morning. Burial was at Brighton. In addition to his theatre activities Swartz was manager of the Crawford House.

Hardwicke, Ontario Censor, Is Retire

TORONTO, Jan. 1.—Censor life h stopped at 80 for J. B. Hardwick The octogenarian has retired as chai man of the Ontario board in a seco reorganization plan of the Provinci Government within a year. Har wicke, who had been a member of t board for seven years, has been su ceeded by O. J. Silverthorne who h had less than 12 months' experien Miss M. Canning is the only oth present member of the tribunal.

Hardwicke became censor chairm last spring when the new Libe Government retired J. C. Boylen aft the latter had held the office for ma years. At that time the board w reduced from six to three membe including the chairman.

9,169,000 Shares Sold Across "Big Board" in 1935

Stock and Dividends	1935 Sales	High	Date	Low	Date	Last	Net Change	1934 High	1934 Low	1933 High	1933 Low	1932 High	1932 Low	1931 High	1931 Low
Columbia Pictures, vtc. (1A)	312,700	81	July 8	34¼	Jan. 16	43½	+ 4⅝	41⅜	21½	28	6⅝	14⅞	4¼	not listed	
Columbia Pictures pfd. (2¾)	1,200	49⅞	Dec. 10	43½	Dec. 21	48½	not listed '34	not listed		not listed		not listed		not listed	
Consolidated Film	237,200	7½	Jan. 16	3¼	May 17	5¾	— ⅛	6¼	1⅝	5¾	1¾	5⅜	1	15	3¾
Consolidated Film pfd. (1½B)	296,800	22⅛	Feb. 15	14¼	May 31	18¼	— 1⅝	20¼	10⅜	14¾	5⅞	11¾	2¾	18⅞	7¾
Eastman Kodak (5c)	222,900	172¼	Nov. 18	110½	Jan. 16	156⅛	+43⅜	116½	79	89¾	46	87⅞	35¼	185¾	77
Eastman Kodak pfd. (6)	6,000	164	July 26	141	Jan. 4	160	+19	147	120	130	110	125	104¾	135	103
Keith-Albee-Orpheum pfd.	2,220	90⅛	Oct. 23	34	Mar. 7	80	+48½	37½	20	25	8	30	7	101½	10
Loew's, Inc. (2c)	1,393,000	55⅞	Nov. 25	31¼	Feb. 7	52	+17¼	37	20⅜	36½	8½	37¾	13¼	63½	23⅞
Loew's, Inc. pfd.	28,600	108¾	Oct. 18	102	Feb. 1	107	+ 2¾	105	72	78⅛	35	80	39	98	56
Paramount	1,030,750	12	Sept. 19	8	Aug. 28	10¼	not listed '34	not listed		not listed		not listed		not listed	
Paramount 1st pfd.	140,600	101¾	Sept. 19	67	Nov. 30	88	not listed '34	not listed		not listed		not listed		not listed	
Paramount 2nd pfd.	695,200	14¼	Sept. 18	9¼	Aug. 28	12	not listed '34	not listed		not listed		not listed		not listed	
Pathe Film Corp.	234,200	8⅛	Dec. 31	4⅞	Oct. 3	8	+ 6¾	not listed		not listed		not listed		not listed	
Radio-Keith-Orpheum (D)	1,509,500	6	Oct. 21	1¼	Mar. 13	4⅞	+ 2½	4¼	1½	5¾	1	7¾	1½	4	2¾
20th Century-Fox	182,800	24¾	Nov. 29	13	Aug. 28	22½	not listed '34	not listed		not listed		not listed		not listed	
20th Century-Fox pfd.	332,600	32	Nov. 29	24⅝	Oct. 3	31¾	not listed '34	not listed		not listed		not listed		not listed	
Universal Pictures pfd.	6,910	73	Nov. 25	29	Aug. 3	52	+16¾	46½	16⅞	35	10	50	10¾	57½	24
Warner Brothers	2,480,460	10¾	Dec. 10	2¼	Mar. 15	9⅞	+ 5¼	8¼	2¾	9⅛	5¼	4½	½	20⅜	2⅛
Warner Brothers pfd.	56,020	52	Dec. 9	14½	Mar. 13	51	+29¾	31⅞	15	24½	15½	20	4	40½	8½

A—Plus stock extras; B—Paid this year (dividends in arrears); C—Plus cash extras; D—Reported by Stock Exchange to be in receivership or bankruptcy under Section 77.

Curb Exchange Sales Total 919,960

Stock and Dividends	1935 Sales	High	Date	Low	Date	Last	Net Change	1934 High	1934 Low	1933 High	1933 Low	1932 High	1932 Low	1931 High	1931 Low
Columbia Pictures Common	1,960	73	Nov. 26	38	Jan. 18	42⅛	+ 7⅛	35	24½	27¼	8¼	15	4½	23	3⅛
Sentry Safety Control	33,600	⅞	Nov. 19	¼	Jan. 10	½	+1/16	½	⅛	⅝	⅛	1	⅛	3½	½
Technicolor	657,600	27	June 4	11⅝	Jan. 18	18⅝	+ 5⅜	14¾	7⅝	14	2⅝	5¼	⅝	15¼	13⅜
Trans-Lux DPS (.20A) (B)	222,800	4⅜	Nov. 12	2	Apr. 11	3½	+ 1	3⅛	1⅛	3¼	1⅛	3¼	¾	13¼	1⅜
Universal Pictures	4,000	8	Nov. 25	2	Aug. 7	6½	+ 3½	5½	3	4	1	6	1	7⅛	4

A—Paid this year; B—Listed; others unlisted.

Bond Sales for Year Reach $65,126,000

Bond and Maturity	1935 Sales	High	Date	Low	Date	Last	Net Change	1934 High	1934 Low	1933 High	1933 Low	1932 High	1932 Low	1931 High	1931 Low
General Theatre Equip. 6s '40 (A)	$29,988,000	19¾	Dec. 2	6⅛	Mar. 20	19⅜	+11	13	3⅛	9¼	1	7¾	1	74	2
General Theatre 6s '40 ctfs. (B)	9,828,000	19¼	Dec. 2	6½	Mar. 29	19	+10⅝	11¾	3	7¾	1	6	1	not listed	
Keith 6s '46	1,452,000	95¾	Dec. 26	67½	Feb. 25	95	+20¼	73½	51	61	29½	63	24	78½	35
Loew's 6s '41	1,200,000	106	Feb. 27	103⅛	Aug. 20	103¾	— 1	105¾	85	89	48	90	64	99¾	70
Paramount 6s '55	12,098,000	97⅜	Sept. 24	84¾	Nov. 29	92	not listed '34	not listed		not listed		not listed		not listed	
Paramount-Broadway 5½s '51 ctfs.	2,088,000	63	Sept. 24	54⅛	Nov. 29	56¼	+ 9⅞	47	30	38	27½	not listed		not listed	
Radio-Keith-Orpheum 6s, '41 (A)	444,000	88¾	Oct. 14	26½	Mar. 11	77⅜	+36¾	41	18¼	30	8½	19	14½	not listed	
Warner Brothers 6s '39	8,028,000	89½	Nov. 15	48½	Mar. 13	85⅞	+27⅛	67	40⅞	48	12	40	9¼	74¼	25

A—Defaulted matured bonds; trading permitted by stock exchange pending further investigation; B—Interest in default.

Comparison of Valuations of Stock Issues, 1934-1935

Stock	Approx. Shares Outstanding	Close 1934	Valuation	Close 1935	Valuation	Net Change	
Columbia Pictures vtc	145,000	38⅞	$5,636,875	40	$5,800,000	+ 1⅛	+ $163,125
Consolidated Film	530,000	5⅞	3,113,750	5¼	2,782,500	— ⅝	— 331,250
Consolidated Film pfd.	400,000	19⅞	7,950,000	17¾	7,100,000	— 1⅞	— 850,000
Eastman Kodak	2,500,000	112½	281,250,000	155½	388,750,000	+43	+ 107,500,000
Eastman Kodak pfd.	60,000	141	8,460,000	159	9,540,000	+18	+ 1,080,000
Keith-Albee-Orpheum pfd.	60,000	31½	1,890,000	80	4,800,000	+48½	+ 2,910,000
Loew's, Inc.	1,500,000	34¾	52,125,000	50½	75,750,000	+15¾	+ 23,625,000
Loew's, Inc. pfd.	150,000	104⅛	15,618,750	107	16,050,000	+ 2⅞	+ 431,250
Radio-Keith-Orpheum	2,500,000	2⅜	5,937,500	4⅞	12,187,500	+ 2½	+ 6,250,000
Universal Pictures pfd.	20,000	38¼	765,000	58	1,160,000	+19¾	+ 395,000
Warner Brothers	3,900,000	4⅝	18,037,500	9⅜	36,662,500	+ 4¾	+ 18,625,000
Warner Brothers pfd.	103,000	21¼	2,188,750	51	5,253,000	+29¾	+ 3,064,250
			$402,973,125		$565,835,500		+$162,862,375

Headlines Re-Live Story of 1935

January

Jan. 2—Code Authority's legal staff works on amendment covering selective buying contracts. Washington interests opposed to code contact members of Congress to launch investigation of voluntary agreement clause.

Jan. 3—Drastic film control bill introduced in the Albany legislature calling for censorship of scripts and classification of films for children and adults.

Jan. 4—"The Little Minister" established a house record at the Music Hall, New York, grossing $110,000.

Jan. 5—Frank C. Walker and George J. Schaefer mentioned for election to the Paramount board. President's new recovery plan held an aid in restoring lagging box-office attendance by making jobs to replace relief funds.

Jan. 6—St. Louis grand jury asks for complete records of the past four years for investigation of product situation involving Missouri and Ambassador theatres.

Jan. 7—St. Louis probe seen as test of anti-trust laws with films as experimental case. Treasury Dep't refuses to permit importation of "Ecstacy."

Jan. 9—Combining of Fox Theatres with Fox Metropolitan again urged at hearing in receivership trial of former.

Jan. 10—Indictments against major companies and individuals reported sought by the Dept. of Justice as St. Louis grand jury goes into closing phase.

Jan. 11—Motion Picture Daily exclusively reports U. S. Grand Jury is considering nation-wide series of probes centering around violation of anti-trust laws.

Jan. 12—Officers and executives of Warners, RKO and Paramount indicted by the grand jury in St. Louis, charged with "unlawfully engaging in conspiracy in restraint of trade."

Jan. 14—M.P.T.O. expected at annual convention next month to back far-reaching changes in the code. Estimated annual savings of two major New York circuits under proposed basic wage scale set up by NRA fact-finding committee put at $530,400.

Jan. 15—Millions required for reorganization of RKO and no financially responsible group has proposed plan, is statement made by Carl Newton of counsel for RKO trustees.

Jan. 16—First producer-distributor dispute to come before local Campi for settlement heard by committee comprised of Austin C. Keough, Paul Burger and Joseph Seider.

Jan. 18—Gaumont British may distribute for British International in United States.

Jan. 19—"Great confidence" in future of Paramount expressed by Percy H. Johnston of Chemical Bank & Trust Co. at hearing on reorganization.

Jan. 20—Flare-up over protection imminent in Kansas City. Independent exhibitors demanding ITO take action, protesting against Fox Midwest which they charge is favored by distributors.

Jan. 22—Representative Sirovich preparing legislation requiring filing of all patent pool and license agreements.

Jan. 23—FWC suit ended and way paved for filing of reorganization. 14,552 houses in this country operating, or gain of 816 over previous year.

Jan. 24—Los Angeles zoning plans halted when distributors refuse to accept admission prices as basis.

Jan. 25—Investigation of Erpi definitely indicated with introduction in Senate by Senator Wheeler (Montana) of resolution providing $750,000 for use by Federal Communications Commission in inquiry into A. T. & T.

Jan. 26—Independents in Kansas City determined to take local protection situation to Government on ground it is violation of anti-trust laws.

Jan. 28—Financial interests in Paramount Publix reorganization win sweeping victory in weekend meetings at which complete and presumably final makeup of initial board of directors is resolved. Two management men, Adolph Zukor and George Schaefer named.

Jan. 29—Complete elimination of Kuhn, Loeb & Co. from Paramount affairs seen as brought about by important reorganization factors.

Jan. 30—Copies of St. Louis indictments reach home offices.

Jan. 31—Committee of labor leaders appointed by Campi to discuss Sunday shows with Code Authority of legitimate theatre.

February

Feb. 1—Preliminary approval of plan for reorganization of Paramount given by Judge Coxe.

Feb. 2—Two new booth cost plans for New York submitted to NRA fact-finding committee. Actors' Guild disturbed over Academy-producer effort to agree on new standard form of contract.

Feb. 4—With Los Angeles zoning accepted by Campi, efforts get underway in other cities to set up zoning schedules for official approval. Drastically reduced rates for domestic recording of "dubbed" versions, foreign versions and trailers made by Erpi with Paramount and Warners. Negotiations with other companies to be started soon.

Feb. 5—Emanuel Cohen dropped as Paramount vice-president in charge of production. Ernst Lubitsch to be named his successor.

Feb. 6—Henry Herzbrun and Ernst Lubitsch to take over mantle of Emanuel Cohen at Paramount studios.

Feb. 7—Austin C. Keough named vice-president of Paramount's producing subsidiary.

Feb. 8—Way seen for the disposal of clearance in other spots since adoption of Los Angeles plan.

Feb. 9—Warners win coast fight on clearance. George Browne moves to overhaul Chicago operator's union.

Feb. 11—Radio may try new idea in production by turning out pictures without producer credits.

Feb. 12—Control of Chicago operators' union taken over by George Browne, president of IATSE.

Feb. 13—Warners to keep entire circuit and theatre personnel intact although district managers to be granted wider operating authority; no decentralization under way.

Feb. 14—Joseph M. Schenck negotiating as individual for Fox Metropolitan Playhouses. Sidney E. Samuelson re-elected head of Allied at the annual meeting of board in Washington.

Feb. 15—United Artists and the Music Hall reported on verge of deal whereby theatre becomes outlet of first run U. A. product.

Feb. 16—Wage and hour provisions of studio labor contracts revised in agreement reached by Pat Casey and unions.

Feb. 18—Film probe of possible violation of anti-trust laws to be undertaken as result secret meeting of ITOA in New York.

Feb. 19—U. S. Supreme Court dismisses appeal of Fox Film from decision of Minnesota Supreme Court holding standard contract to be illegal.

Feb. 20—Reorganization of Allied Owners, large Paramount Publix creditor, given preliminary approval in New York Federal court.

Feb. 21—President Roosevelt urges Congress to extend NRA for two more years.

Feb. 23—Joseph M. Schenck and Fox Theatres Corp. each acquire 50 percent of new stock of reorganized Fox Metropolitan Playhouses. Schenck becomes president of latter.

Feb. 25—Ed Kuykendall to be reelected president of M.P.T.O.A. at convention in New Orleans.

Feb. 26.—Coupled with anti-trust suit, I.T.O. of Kansas prepares to seek probe of local trade practices. Ed Kuykendall reelected at M.P.T.O. convention in New Orleans. Loew's completing plans for invasion of Chicago with 10 houses in answer to alleged refusal of Essaness and Schoenstadt circuits to purchase M-G-M product except on a flat basis with no preferred time designated.

Feb. 27—Reports persist deal is on for purchase of controlling interest in Universal; Carl Laemmle denies.

Feb. 28—Threats of state investigation made by Ohio Governor Davey at annual banquet of I.T.O. M.P.T.O.A. code discussion seen as strategic move for revision or elimination of objectionable clauses.

Feb. 28—"It Happened One Night" awarded five of the Academy honors.

March

March 1—Revamping of Campi to be asked M.P.T.O.A. convention decides. F.W.C. petition delays reorganization for two weeks.

March 2—Morris Ernst opposes approval of Paramount setup.

March 4—Chill reported on J. M. Schenck's Fox Met deal. Campi awaits direct forms of criticism prior to revision of code.

March 5—U. S. Supreme Court voids William Fox's Tri-Ergon patents. Pathe's plan for new setup gets approval.

March 6—William Fox has one more chance to apply for patent rehearing.

March 7—Possible abandonment of NRA now envisioned.

March 8—Paramount setup gets general creditor aid. Washington says NRA codes will stay. William Fox may ask for a rehearing on his patent cases.

March 9—Pettengill anti-block booking seen as Allied sponsored. John Maxwell of B. I. P. says he will acquire more theatres.

March 11—Fox Met offer is 75c on the dollar for bonds.

March 13—Universal not sold not even to Huey Long, Father Coughlin and General Johnson, says Carl Laemmle.

March 14—Loew aims at 20 houses in Chicago move. W. Ray Johnston again elected to head Monogram.

March 15—Saul E. Rogers' Fox Met bid to await the Schenck plan. High rentals stir agitation in Great Britain.

March 16—Louis B. Mayer says industry will quit coast to avoid taxes.

March 18—Report Loew peace move from Chicago. Block booking bill hearings will be asked.

March 19—Kansas City showmen join fight on the fake claim racket.

March 20—Loew's set to launch a world-wide theatre building program.

March 21—Harry Brandt of I.T.O.A. moves to end duals and raise prices in New York. Pennsylvania legislature passes 10 percent tax bill.

March 22—Loew's to aid in move for dual stoppage in New York.

March 23—Loew's to get three Allied owner houses. The Missouri two percent tax passage seems likely.

March 25—Robert Lynch to set Loew Chicago deals. Start of Lent cuts takes in leading key cities.

March 27—Will H. Hays predicts more classics will appear on screen. Canadian music fee increase stirs uproar. Early trial of Government's monopoly suit against Ascap sought.

March 28—Skouras expected to buy into Fox Met.

March 29—William Fox wavering on his Tri-Ergon court appeal. Majors agree to duals in Kansas City houses.

March 30—William Fox petitions for rehearing in Tri-Ergon case. Bill introduced in Senate calling for extension of NRA for two years.

Events are listed in the order in which they appeared in MOTION PICTURE DAILY and not always in their chronological sequence.

April

April 1—George J. Schaefer again boomed as new Paramount head.

April 2—Fox loses his last move on Tri-Ergon.

April 3—Allied talks fight on Loew's Chicago theatre move.

April 4—Confirmations of Paramount plan expected.

April 5—New Paramount setup approved; court supervision ends.

April 6—Early call to be issued for Paramount elections. See code's fate hanging upon Schechter poultry test case.

April 8—Pools in offing for all sections; revival set for beginning of new season.

April 9—Loew's seen developing a national radio network.

April 10—United Artists theatre expansion in England seen. Erpi to reach a decision soon on general theatre servicing.

April 11—Dove of peace seen soaring over K-A-O. California's footage tax meets defeat.

April 12—Cancellation increases to be fought by majors.

April 13—British producers to receive production code data.

April 15—Cancellation uppage to be pushed by Ed. Kuykendall for M.P.T.O. M.P.T.O.A. sees restriction on music fees.

April 16—Stuart W. Webb resigns from post as Pathe head. K-A-O will bid for Fox Met, court is told.

April 17—Popular Pictures, new firm, to produce 18.

April 18—Giveaways in New York stir protest.

April 19—General Hugh S. Johnson defends working of code. Darryl F. Zanuck would end B films and halve output.

April 20—Michael Balcon feels British and American entente has begun. Si Fabian's buying of Fox Met's notes is heard in court.

April 22—Future of NRA seen drifting toward rocks.

April 23—Producers and exhibitors out of the code seen as possible.

April 24—Atlas Corp. to make offer for all of new Paramount issue. California's corporation tax advanced.

April 25—Stanley Bergerman out at Universal; unit system adopted. Paramount's board accepts Atlas' finance offer.

April 26—Say Missouri can prosecute Bank Night. K-A-O's share of Fox Met to be about 25 percent.

April 27—Paramount disclosed as a possible Fox Met bidder. Senate moves to hold the NRA until March 1.

April 29—Post office stops ads on Bank Night. Paramount after new stock in Famous Players Canadian. B. P. Schulberg and Ralph Kohn join Columbia as executives.

April 30—William Fox linked with unnamed banker in new Fox Met offer.

May

May 1—New 1 per cent gross tax up in California.

May 2—A dicker on for Republic and Mascot merger.

May 3—Paramount creditor groups favor Zukor regime. Theatre profits for '33 put at $6,639,000.

May 4—M-G-M expected to hold to 52 features again. Time is extended on submitting of Fox Met offers.

May 6—Dual billing clauses hang on U.S. court appeal. Last of F.W.C. units taken out of bankruptcy.

May 7—Paramount to make bid of four million for Fox Met.

May 8—Ascap offers present pacts to end of year. Carl Milliken and Martin Quigley begin London production code talks.

May 9—Missouri to act on sales tax dispute. Canadian ticket tax raised unexpectedly.

May 10—Joseph M. Schenck's Fox Met plan given approval of court.

May 11—Frank F. Kolbe says Pathe will continue support of First Division.

May 13—Loew's talking partnerships in Chicago territory.

May 14—Dr. Herbert T. Kalmus is busy on European deals for Technicolor.

May 15—New move afoot to settle booth costs in New York. Pennsylvania has a new plan for Sunday shows.

May 16—Will H. Hays signs a new five-year contract as MPPDA president, Motion Picture Daily reports.

Highlights: End of NRA, St. Louis

May 20—Paris facing shutdown in tax fight. Marked gains shown in theatre field. Allied convenes in Atlanta; code and block booking to be taken up.
May 21—Sol. A. Rosenblatt says he will quit his NRA post in month. Allied will concentrate fire on M-G-M's building program. Legal ban on Loew Chicago move sought.
May 22—Local 306 men ask for extended I.A.T.S.E. supervision.
May 23—Allied votes to seek W. H. Hays' aid to end theatre "aggressions."
May 24—Allied drops Hays' aid idea and will try litigation. Plans revived for pooling in New York.
May 27—Allied moves to fight RKO in Northwest.
May 28—Joseph M. Schenck quits United Artists to take Twentieth Century over to Fox. NRA declared unconstitutional.
May 29—Washington in turmoil as NRA is no more; Campi suspends all work.
May 31—Sales heads for keeping present code contracts. Industry has eyes on Washington for guidance. Voluntary codes seen as a stop gap.

June

June 1—Joseph M. Schenck says he will be Fox studio "coordinator." John Hamrick and FWC pool Seattle and Portland holdings.
June 4—United Artists heads divided on Al Lichtman; Douglas Fairbanks mentioned as Schenck's successor.
June 5—John E. Otterson quits Erpi to head Paramount; George J. Schaefer stays as vice-president.
June 6—Edgar S. Bloom will head Erpi as president. Darryl F. Zanuck to be one of the Big 3 in Twentieth Century-Fox.
June 7—"Universal still owns itself—body, soul and breeches."—R. H. Cochrane. Code revival held possible in Washington.
June 8—Retention of NRA standards predicted.
June 10—End of the NRA seen as brake on mergers.
June 11—M-G-M peace pact foreseen in Chicago.
June 12—Voluntary code delayed by trade's legal doubts.
June 13—Al Lichtman to be the new United Artists head.
June 14—Allied heads talk to W. H. Hays on theatre "aggressions."
June 15—Ernst Lubitsch to stay on at Paramount with Henry Herzbrun as studio associate. Skourases sign contract with National Theatres.
June 17—New Federal film probes stirring. Loew decides on giveaways; RKO shies off.
June 18—Receiver's move in Pathe ended. Otterson lauds Paramount men; promises no change.
June 19—David O. Selznick to quit M-G-M to join United Artists. SEC is studying workings of Paramount setup.
June 21—Fox name is to be kept, says Schenck.
June 22—Film leaders mourn the loss of Lee Ochs.
June 24—Films escape California's legal upheaval.
June 25—London hails move for New York production code service. Atlas reported as having given up its survey of RKO.
June 26—Arthur and David Loew resign from Loew directorate.
June 28—Fox Met's plan given full sanction of court.
June 29—R. E. Anderson, formerly with Erpi, goes to Paramount. N. B. C. to build new radio station in Hollywood.

July

July 1—Paramount finally free of court rule. Aug. 15 looms as the date for the St. Louis trial.
July 2—M-G-M battle in Chicago subsiding.
July 3—Industry seen facing Government probe and perhaps Federal control.
July 5—Resignation of Arthur and David Loew accepted. New York City moves to get sales tax on film rentals.
July 6—Paramount counsel fees jump to $3,222,226.
July 8—RKO theatres to shy clear of premiums. Bank Nights stir problems on percentage engagements.
July 10—Fox Theatres urged to buy half of Fox Met. M. Neville Kearney of the English Film Group says British require a Hays organization.
July 11—Theatres hit hard by floods upstate New York.
July 12—John Hertz denies Lehman Bros. seeks merger of Paramount and RKO.
July 13—Government's case in St. Louis holds over until fall.
July 15—Joe Brandt coming back; seen in First Division.
July 16—Allied and Hays issues seen close to solution.
July 17—Circuits seek contract ban on duals, cut rates. Senate Committee may probe the Paramount fee claims.
July 18—Winfield Sheehan leaves Fox; Darryl F. Zanuck to succeed. Court paring of Paramount fees looked for.
July 19—Twentieth Century-Fox to be the new name of the merged companies.
July 20—"Guild Shop" is objective of screen writers.
July 22—Distributors shy clear on duals and giveaways contract move.
July 23—The RKO policy of week stands in New York starts in fall.
July 24—Code affairs end July 31: refunds due. Swift spread of giveaways hits industry.
July 25—One-tenth of preferred and one-half of all Fox common goes to Twentieth Century in merger.
July 26—Tax jumps in sight on film profits.
July 27—Joseph M. Schenck may get minority of the Fox Met stock. New group to study British quota seen.
July 29—Revival of Film Boards seen due in fall.
July 30—Move begun to probe Twentieth Century-Fox merger; stockholders' committee to seek aid of the attorney general.
July 31—Sidney R. Kent declares Fox is proud of its merger; will meet any stockholders on issue, he says.

August

Aug. 1—New York Independents join to fight major circuits and form 72 theatre chain. Sixty other operators to study project.
Aug. 2—Stockholders' committee asks Fox "B" shares get same exchange value as "A"; change sought in merger terms.
Aug. 3—New Local 306 wage scale to be completed next week. Circuit heads are for 2,000 foot reel.
Aug. 5—Weekly film payment plan is gaining headway here.
Aug. 6—Bronx police close down on giveaways on reported order issued by Commissioner of Licenses Moss.
Aug. 7—New York legitimate actors want double pay for Sunday performances.
Aug. 8—William Fox sues Fox Film, Fox Theatres, G. T. E. and Chase for $20,958,333 charging agreements of original sale had been violated.
Aug. 9—Last minute compromise on operators' strike situation seen. St. Louis court refuses quick hearing on Government case.
Aug. 10—Dept. of Labor steps into operators' situation in New York.
Aug. 11—Booth scale meetings resumed. Temporary truce declared and strike delayed.
Aug. 12—Ascap to keep its present fees for another year. Fox and RKO may arbitrate product buys in New York.
Aug. 13—Local 306 resumes picketing as talks are resumed. Circuits make charges of discrimination.
Aug. 14—Loew's drops chance games in eight houses; action taken to ward off police.
Aug. 15—Fox ready for merger, but pending suits may delay approval.
Aug. 16—Twentieth Century-Fox merger overwhelmingly approved. Opposition is spirited, but represents only 2,000 shares.
Aug. 17—Will Rogers and Wiley Post killed in airplane crash in Alaska.
Aug. 19—Hollywood flies flags at half mast as it mourns Rogers. Merger nears between the Allied M. P. Operators and Empire.
Aug. 20—M-G-M not yet set on producing in Europe, says J. Robert Rubin on return.
Aug. 21—Warners selling to independents in New York. Century circuit gets first contract following Warner break with RKO.
Aug. 22—Mourning for Will Rogers assumes national proportions.
Aug. 23—Last rites for Will Rogers viewed by over 100,000 people.
Aug. 24—David O. Selznick to start campaign of "raids" without heed to talent pacts. Considers all talent whose contracts are about to expire as "property of the field."
Aug. 26—Allied hits at Columbia's sales plans socking at percentages and quality. Winfield Sheehan will get $375,000 under contract settlement with Fox.
Aug. 27—New stay aimed at the Fox merger.
Aug. 28—Film bills forgotten as the 74th Congress adjourns.
Aug. 29—Warner circuit votes thumbs down on Columbia due to percentage terms. Paramount theatre partnerships to be renewed.
Aug. 30—Ascap begins move to fight Georgia taxes; regarded as start of national battle. Operator wage scale talks resumed.
Aug. 31—RKO follows Loew's in dual billing in New York.

September

Sept. 3—Warners and RKO get together on film buys. Deal national in scope. ITO and Allied look for showdown on Columbia. They oppose sales policy and seek action.
Sept. 4—New season starts with rush. Box-office takes up. Attendance hits 1929 peak.
Sept. 5—Competitive practices in exhibition stir moves for control. Complaints and pleas pour in: chance games and duals are big problem.
Sept. 6—Alexander Korda named fifth producer-owner in United Artists and elected to board. "Top Hat" at $131,200 establishes new high for Radio City Music Hall.
Sept. 7—New York circuits back to chance games. Loew's and Consolidated plan resumption. In Washington George Browne refuses to end Local 306 strike ban.
Sept. 9—Warners charge Fanchon and Marco seek control in St. Louis.
Sept. 10—Indicted film heads face anti-trust trial suit in St. Louis. Preliminary battle aims to prevent an injunction.
Sept. 11—Trial in St. Louis postponed until Oct. 1. Moves begun for merging Local 306 with Allied. New York picketing ends pending further negotiations.
Sept. 12—Atlas is again eyeing RKO. Representative Pettengill says new block booking bill will be pressed at next Congress.
Sept. 13—George Skouras sues Fox and RKO on New York zoning. The 81st St. and the Riverside involved. "Top Hat" hits roof at Radio City Music Hall with $244,700 in two weeks. Russell Hardy, special assistant district attorney files particulars in Government's case in St. Louis; details charges against RKO and Ned E. Depinet.
Sept. 16—Paramount theatre partnerships to be kept. Renewals scheduled after Sept. 28. B. & K. start moves to alter clearance in Chicago.
Sept. 17—Major and independent pools set for the new season. Several operating deals end but Fox theatres lead with new pacts.
Sept. 18—Irving Thalberg scotches reports of new M-G-M pact. British exhibitors study KRS opposition to booking combines.
Sept. 19—Circuits chafing over booth scale delays.
Sept. 20—Circuits and union set up $1.86 per hour wage scale for circuits or a cut of 26 cents an hour. Government seeking $3,566,583 in income tax from William Fox.
Sept. 21—Palace, New York, one time goal of all vaudeville players soon goes to all-film policy. U. S. Department of Justice studying single bill contract requirements.
Sept. 23—Status of chance games goes before New York courts on Oct. 17. Clearance in Kansas City remains in dark; details lacking on Fox Mid-West deals.
Sept. 24—M. P. T. O. A. warns unrestrained competition is proving ruinous and finds standards are succumbing.
Sept. 25.—Paramount to sign new theatre partnershios 90 days.
Sept. 26—New York I. T. O. A. moves to sue over film delays, charging 1934-35 features being held up. Industry turns out at Ampa luncheon to pay tribute to Martin Quigley on his 20th anniversary as publisher.
Sept. 27—Seven different groups reported after the Roxy. Paramount renews theatre partnerships with Wilby and Kincey and Lucas and Jenkins.
Sept. 28—Mickey Mouse celebrates his seventh birthday today. In Washington little chance seen for voluntary industry code; collective bargaining clause held a bar.
Sept. 30—Film leaders in Government's anti-trust trial in St. Louis for trial. M-G-M product deal with Essaness brings Loew's theatre invasion talk to close.

October

Oct. 1—Music licensing agreements between exhibitors and Ascap expire. Ascap says none are cancelled and all that lapsed hold unless voided.
Oct. 2—St. Louis trial off for one day. Fox Met fees totaling $876,011 go before the court today.
Oct. 3—Only 12 of 1,749 films seen by New York censors banned. Jury picked at St. Louis. Slight hope held for new industry code; M. P. T. O. A. sentiment veers to regional control.
Oct. 4—St. Louis denies plea for mistrial.
Oct. 5—Testimony of Harry C. Arthur opens Russell Hardy's attack in St. Louis. Arthur is first Government witness.
Oct. 7—Verbal clash of opposing attorneys marks day in St. Louis; defense lawyer Leisure voices dislike of Hardy's procedure; Arthur testifies of meetings with RKO officials.
Oct. 8—Fanchon and Marco in St. Louis fights against call for records. British Gerrard Industries, Ltd., reveals stock buy in Technicolor.
Oct. 9—Al Lichtman to quit post with United Artists as president. In tiff with Samuel Goldwyn. Defense attorneys score a point at St. Louis trial.
Oct. 10—"A Midsummer Night's Dream" opens simultaneously in New York and London. Frederick H. Wood of Warner legal battery grills Harry C. Arthur in cross-examination at St. Louis. Defense charges Arthur sought a monopoly.
Oct. 11—Arthur W. Kelly and Harry D. Buckley moved up to fill Lichtman spot at U. A. David L. Loew quits his Loew's post to become vice-president with Hal Roach.
Oct. 14—Quick revamping of RKO seen with M. H. Aylesworth at the top. Atlas and Lehman purchase 50 per cent of RCA interest, including management and two year option on remainder.
Oct. 15—In St. Louis, RKO attorney George S. Leisure makes new move for dismissal. Mary Pickford named president of United Artists.
Oct. 16—Representative Sirovich launches fishing expedition into patents in New York. MOTION PICTURE DAILY points out David G. Berger, committee's counsel, is also counsel in six damage suits against A. T. and T. totaling $27,000,000.
Oct. 17—Patent probe in a stew on lawyer status. Russell Hardy attacks Herman Starr's part in St. Louis theatre deals.
Oct. 18—Floyd B. Odlum names Peter N. Rathvon to revamp RKO. In St. Louis, Ex-Senator Reed charges John S. Leahy with coercing Ned Depinet.
Oct. 19—The Sirovich patent probings come to an unexpected halt.
Oct. 21—Government winding up case at St. Louis. Defense will ask court for acquittal. Reorganization methods of circuits to get study of Sabath committee.
Oct. 22—Hardy delays closing St. Louis case. Both sides score. Trial enters 15th day.
Oct. 23—Prosecution closes case in St. Louis. England is contender for Hollywood honors, says Winfield Sheehan.
Oct. 24—Al Lichtman gets a high M-G-M post. Duties undefined but expected to to concern special sales. Government resumes case in St. Louis for two hours.
Oct. 25—Clayton P. Sheehan quits foreign sales post at Fox. Frederick H. Wood, Warner counsel asks a verdict for the defense in St. Louis.
Oct. 26—B. & K. reported dropping fight for greater clearance until next year.
Oct. 28—Court to rule today on the plea for acquittal. Defense is ready to start if St. Louis plea denied.
Oct. 29—Court denies defense plea for dismissal. Ed Kuykendall sees danger of Federal rule.
Oct. 30—Warners win point in St. Louis: testimony in suits by Harry Koplar admitted. The industry honors David L. Loew at dinner marking retirement from Loew's.
Oct. 31—George J. Schaefer may take Paramount theatre post; angling for Minnesota Amusement Co. Hays office places ban on "G Men" films.

Year Brought Shifts and Changes

November

Nov. 1—Herman Starr at St. Louis, denies charges of threats made by witnesses. Warner official supported in his stand by Gradwell Sears. Paramount renews theatre contract with George W. Trendle for Detroit.

Nov. 2—Universal gives option to buy in financing deal with Standard Capital and C. R. Rogers. Option date to run out Feb. 1. Warners and Paramount finish their defense in St. Louis.

Nov. 4—St. Louis jury may get case within 10 days. Defense ends with RKO tomorrow.

Nov. 5—New England exhibitors file 10 new anti-trust suits. Morse and Rothenberg circuit asks $1,000,000 from major companies.

Nov. 6—Defense rests in St. Louis as Ned Depinet and C. E. Smith testify. Philadelphia leads the way in voting for Sunday films in Pennsylvania.

Nov. 7—C. R. Rogers not to join Universal unless option is exercised. Report that Standard Capital has already acted is denied.

Nov. 8—Leo Spitz, Chicago lawyer and former power in Paramount, elected president of RKO; M. H. Aylesworth becomes board chairman as David Sarnoff resigns.

Nov. 9—Summations in the St. Louis case finished. Jury to be charged Monday and verdict expected then. In New York, United Artists finishes arguments on city sales tax.

Nov. 11—Standard Capital not to develop film interests now beyond possible Universal buy but may do so later, says J. Cheever Cowdin.

Nov. 12—St. Louis jury acquits defendants in anti-trust case. H. M. Warner, Gradwell Sears, Herman Starr, Ned E. Depinet, George J. Schaefer and Warners, Paramount and RKO freed after the jury deliberates 34 minutes.

Nov. 13—Defeat at St. Louis stirs Government to new study; begins survey of other cases to make them impregnable. In St. Louis defense seeks to disqualify Judge Moore and seeks to hold injunction hearing in equity case before another judge.

Nov. 14—Philadelphia argues about value of Sunday shows. Small spots uncertain; circuits are pleased. Expected in St. Louis Judge Moore will accept substitution.

Nov. 15—Joseph M. Schenck now controls new Fox Met. Through United Artists Theatre Circuit he buys remaining 50 per cent. Leo Spitz formally succeeds M. H. Aylesworth as RKO president. Aylesworth now chairman of board.

Nov. 16—Paul M. Lazur and Herbert Bayard Swope resign from the RKO board. Further shifts seen. Justice Dep't sees no halt in equity case in St. Louis. Will proceed despite loss of anti-trust case.

Nov. 18—New York City seeking a levy upon all film rentals. Skouras pool with Loew talked for Astoria and upper Broadway.

Nov. 19—Philadelphia jubilant over Sunday shows. Despite storm, over 200,000 attend first showings.

Nov. 20—Karl Hoblitzelle's operating agreement with Paramount extended to year's end. Distributors approve 2,000 foot reel except Universal. Effective date, April 1.

Nov. 21—Governor Davey assures Ohio I. T. O. three per cent tax will stay. This dispels fear of return of 12 per cent levy. New General Theatre Equipment plan gets court approval.

Nov. 22—Government marking time; eyeing equity case. The Department of Justice's future film course hinges on outcome in St. Louis. Warner-Ascap break seen as imminent.

Nov. 23—Warners will seek new deal or break with Ascap. Pittsburgh starts Sunday shows tomorrow.

Nov. 25—Balabans get seven year pact with Paramount. Operating deal includes percentages. Warners on black side of ledger. Net for fiscal year is $674,158.

Nov. 26—Allied's plan to produce far from set.

Nov. 27—George J. Schaefer resigns at Paramount. Neil F. Agnew named successor. Schaefer's plans not set; theatre deal is off. Warners quit Ascap to deal independently. Will withdraw its 11 music subsidiaries Dec. 31.

Nov. 29—Neil F. Agnew to keep his sales post in his new position as Paramount vice-president. Board vacancy to be kept open. New drive on chance games in New York starts soon.

Nov. 30—I. A. T. S. E. puts ban on work with the IBEW; refuses to allow rival union in theatres. No action on Universal sale seen for month.

December

Dec. 2—Jurisdictional Union fight threatens national theatre strike of operators. Chicago theatres close and reopen.

Dec. 3—I.A.T.S.E. ends strike moves pending an industry parley. It holds off until George Browne airs situation with company heads.

Dec. 4—I.A.T.S.E. seeks assurance on its men's status; wants protection against any discrimination in studios. Paramount to make 65 next year, says J. E. Otterson.

Dec. 5—M-G-M signs Felix F. Feist to new contract. He stays as general sales head. Legion of Decency films to be listed in one national list out of New York.

Dec. 6—Government said to have frowned on Atlas-Lehman move to buy Chase Bank's Twentieth Century-Fox holdings. Foreign plans of M-G-M not ready, says Arthur Loew. Production abroad stays as in the past, he says.

Dec. 7—Pathe's name may replace First Division. William Fox to face contempt of court charges on Dec. 13.

Dec. 9—RKO may take two Radio City houses again. Move part of the settlement of the Rockefeller claim. About 90 percent of New York theatres using chance games, including major and independent circuits.

Dec. 10—I.A.T.S.E. given closed shop and studio jurisdiction again. Strike averted. Ed Kuykendall, MPTOA head, demands cut in Ascap tax.

Dec. 11—Studio labor pact for five years signed. All crafts must have their I.A.T.S.E. cards by Jan. 1; I.B.E.W. influence wanes. Radio ban on Warner music studied. George Ormsby and W. A. Parker join Loew board.

Dec. 12—Exhibitors for new 2,000-foot reel. Theatre grosses hit new high in 30 key spots. Total, $1,766,910 for 30 cities.

Dec. 13—Sydney S. Cohen, former nationally known exhibitor association leader, succumbs to heart attack. Quick action sought in St. Louis. Government presses for early hearing on equity case.

Dec. 14—Watterson R. Rothacker made head of Paramount studio. Ernst Lubitsch and Henry Herzbrun are associates. Equity case in St. Louis set for Jan. 6.

Dec. 16—I.A.T.S.E. seeks closed shop in east. Laboratory and studio control is aim.

Dec. 17—Exchanges ask for new hearings on city sales tax.

Dec. 18—Film company changes draw study of Sabath committee. Walter J. Hutchinson made foreign head for Fox; fills C. P. Sheehan's vacancy.

Dec. 19.—Radio men get warning upon use of music; flare-back of Warner-Ascap row. No I.B.E.W. men to be hired in new circuit theatres.

Dec. 20—Sam Briskin goes to Radio as head of production; Spitz to be president of picture company and J. R. MacDonough, vice-president. Optimism is keynote at annual Ampa Christmas party given for *The Film Daily's* Relief Fund at Astor. Ascap rates stay as is; publishers renew membership for five years. Distributors not to quit Mexico.

Dec. 21—Government vs. Ascap trial taken off the calendar. Future moves indefinite. Joseph D. Basson's election to Local 306 presidency said to be pushing union merger.

Dec. 23—Department of Justice says dropping of Ascap case is merely postponement. Legal battle on merger of New York unions seen.

Dec. 24—Expansion by the Minnesota Amusement Co., Paramount northwest subsidiary, planned. 20th Century-Fox closing with Chase for latter's stock in National Theatres and will become 100 per cent owner.

Dec. 26—RKO creditor claims cut to $2,618,198. Stipulations are subject to approval of court. Defense will ask for dismissal in St. Louis.

Dec. 27—Walter Vincent, exhibitor, made board chairman of Republic. John Golden named to Paramount directorate.

Dec. 28—Shirley Temple, box-office ace, independent exhibitors of America vote in *Motion Picture Herald's* ballot. Lenox Riley Lohr succeds M. H. Aylesworth as head of NBC; Aylesworth becomes vice-chairman of board. Budd Rogers and Jack Fier to divide Republic sales.

Dec. 30—Government bulwarking its equity counsel for St. Louis; to have staff of eight. Exhibitors' national emergency committee to meet and take stand on music tax situation. J. P. Kennedy in RCA reorganization picture only as temporary assignment, he asserts.

Dec. 31—Warner music firms launch negotiations for individual deals with radio stations on use of their catalogue. Plans for theatres not yet completed. Karl Hoblitzelle's pact as Paramount theatre partner continues; parent company not exercising buy-back privilege. Louis M. Sagal, Poli circuit executive, dies. Pope Pius felicitates American bishops on progress in film betterment through Legion of Decency.

Judge Bondy Signs RKO-RCA-M.H.Pact

(*Continued from page* 1)

participation of $1,050,000 then is payable to Rockefeller Center, after which a second joint payment of $36,000 per year is made to RKO and RCA to be applied to retirement of RCA's advances of working capital for the Music Hall during 1933 when it was still being operated by RKO. Thereafter, Rockefeller Center is entitled to an additional $150,000 as rent and if funds then remain over operating costs a first $300,000 is divided on the basis of 60 per cent to Rockefeller Center and 40 per cent to RKO and RCA, and a second $300,000 would be divided 50 per cent to Rockefeller Center and 50 per cent to RKO and RCA.

The terms of the extension are 50 per cent more than those of the original agreement which was made for one year. No split-up of Music Hall receipts was made at the end of the first year of the agreement despite the fact that earnings were more than sufficient to pay Rockefeller Center its initial $700,000 rent participation. Without a split-up and with the extension of the agreement for a total of an additional six months, all participation terms were automatically increased by one-half.

No split-up can be made now until Feb. 29 at the earliest. Indications are that none will be made until a settlement of Rockefeller Center's $8,207,000 claim against RKO has been agreed upon, at which time RKO's accrued participation in the Music Hall earnings would probably be applied as a discount against the claim. In the event RKO made new leases on the Music Hall and Center the claim could also be reduced by approximately $6,000,000.

Under the second agreement RKO Service Corp. received approximately $1,500 per month for its management services for the Music Hall. The fee is based on a percentage of the average weekly gross receipts of the house.

Sales Tax Added To Rentals Here

(*Continued from page* 1)

forts are being made by the city to assess the exchanges on the full amount of their film rental receipts from that date forward. As a result, it was said, the eight major exchanges here are incurring a possible liability to the city of approximately $16,000 a week.

New Jersey exhibitors and others outside the city limits are preparing an independent protest against the assessment based on the grounds that they are obliged to receive their film from the New York exchanges because it is the only film service center in their territory. They will claim that this circumstance, entirely outside their control, should not make them liable for a purely local tax levied by the city of New York.

The eight major exchanges here are continuing their fight against the application of the city sales tax to film rentals by uniting in opposition to the assessment already levied by the city against the United Artists' exchange revenue. This assessment, the only one made so far by the city, is being made a test case. Arguments against the application of the tax to film revenue have already been made by the exchanges before representatives of the city finance department, and a new hearing, based on additional arguments, has been set for Jan. 10. If the city continues to hold film rentals to be subject to the tax following this hearing appeals will be taken to the state courts.

Meanwhile, all exhibitors serviced out of New York exchanges will have the two per cent tax added to their film bills from Jan. 1 on.

"Boulder" New Title

HOLLYWOOD, Jan. 1.—"Boulder Dam" has been picked as the new name for Warners' "Backfire."

"Informer" Top on N. Y. Critics' List

(*Continued from page* 1)

"39 Steps" and "The Man Who Knew Too Much."

At the request of Covici, Friede the critics recommended "The Scoundrel" as the most readable script, an original by Ben Hecht and Charles MacArthur.

Those voting were: Regina Crewe—*American;* Bland Johaneson—*Mirror;* Kate Cameron—*News;* Richard Watts—*Herald-Tribune;* Leo Mishkin—*Morning Telegraph;* Andre Senwald—*Times;* Thornton Delehanty—*Post;* Rose Pelswick—*Journal;* William Boehnel—*World-Telegram;* Martin Dickstein—*Brooklyn Eagle;* Seymour Roman — *Brooklyn Times-Union.*

Eileen Creelman of *The Sun* refused to participate, she said, "because of the statement, constantly reiterated, that the group had been formed because of 'dissatisfaction with the Academy awards'.

"Neither I nor *The Sun* have any quarrel with the Academy," she said, "and I see no purpose in an attempt, however obviously futile, to 'oust' it."

Florida Theatre Burns

MADISON, Fla., Jan. 1.—The Ritz was destroyed by fire Dec. 28.

The Red Meat of Screen Entertainment

Eleanor Smith's Epic of the Circus!

CHARLES BICKFORD
RAQUEL TORRES
in
"Red Wagon"

DIRECTION · PAUL L. STEIN

with

GRETA · NISSEN
DON · ALVARADO
ANTHONY · BUSHELL

The thrill-packed liv
of the men an
women who mak
YOUR THRILL!



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All the glamour and excitement of the Big Top in a powerful drama of untamed passions!

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MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 2 NEW YORK, FRIDAY, JANUARY 3, 1936 TEN CENTS

Films Target Of Many Bills In Washington

...ntrol Drives Impend At New Session

By CLARENCE LINZ

WASHINGTON, Jan. 2.—New control rives against the industry will feature ıe session of Congress opening riday.

Invalidation of the recovery code is xpected to be seized upon by pro-onents of film legislation as the basis or new demands for anti-block-ooking legislation and the creation f a Federal motion picture commis-ion. Concentration of holdings of atents important to the industry in ıe hands of a few strong organiza-ons will be the foundation for legis-ation designed to make the use of atents available to all on a royalty asis, without discrimination.

New copyright legislation is antici-ated as a result of the split in ıscap, and it is believed the bill assed last session by the Senate and ow pending before the House of tepresentatives will be enacted.

A survey of Senate and House alendars shows that a number of pic-ure bills are pending, some with trong backing. Little was done with espect to film legislation at the last ession because of the pressure of ther business. During the term about o open, however, it is expected little egislation will be demanded by the

(Continued on page 16)

Tax Saving to Aid Players in England

As the result of an arrangement de-eloped by him with three leading ondon income tax firms, American layers and technicians, working in ngland, will save substantially on ıe income taxes due the English overnment on their earnings there, ccording to Major Roger Marchetti, oast attorney and representative of roducers and stars. Marchetti re-urned Tuesday after two weeks in ondon. The savings on the tax,

(Continued on page 11)

Wisconsin Circuit Fixes Goal at 100

MILWAUKEE, Jan. 2.—Forty-five the-tres strong now, Wisconsin Amuse-ıent Enterprises, a Fox subsidiary, is ıapping plans for expansion keyed to round 100 houses. Harold J. Fitz-erald will be at the helm.

Not So, Says Spitz

Hollywood, Jan. 2.—Leo Spitz, president of RKO, stated today there was "not a chance" of B. P. Schulberg and Emanuel Cohen joining the company as unit producers, as reported reliably in New York.

He also hit at published reports Pandro S. Berman would leave. Spitz declared the latter remains with Radio in his current status as an associate producer.

Jersey Allied To Protest on Sale Tax Levy

Protests against the collection of the two per cent city sales tax on film rentals from exhibitors will be made at a meeting of Allied of New Jersey on Tuesday at the Lincoln Hotel, where the subject is scheduled for discussion, Lee Newberry, president of the Allied unit, said yesterday.

Indications are that the organization will formulate its policy of opposition to payment of the tax at the time of the meeting. The sentiment of exhibitors whose theatres are located outside the New York city limits is that the levying of a city sales tax is unfair to them because they cannot obtain their film supply any place but at the New York exchanges, although

(Continued on page 12)

K. C. Studies Shift In Xmas Week Trend

KANSAS CITY, Jan. 2.—Checking to learn a cause for low Chistmas week grosses, both in first run and subsequent run houses, which were lower than even bad weather should have made them, the 10-year development of a trend toward increasing grosses the week preceding and decreasing grosses the week succeeding Christmas was discovered in Kansas City and its territory.

In spite of Christmas shopping, bus-

(Continued on page 12)

Skouras-Fox Action Is Again Postponed

Trial of the Skouras Theatres breach of contract action against RKO 81st St. and Twentieth Century-Fox, which was scheduled for Jan. 13, was postponed yesterday to March 2 by agreement of both sides. Meanwhile, an examination before trial of the de-

(Continued on page 2)

HOLIDAY GROSSES UP, CIRCUITS SAY

Wisconsin's Gains Start New Theatres

This is the first of a series of surveys on the outlook in the field for 1936. Others will follow in succeeding issues.

MILWAUKEE, Jan. 2.—Reports of improved business here and throughout Wisconsin during the past year are reflected in a revival in theatre construction with at least eight new houses completed or started for opening early in 1936. In addition, there was hundreds of thousands of dollars spent in remodeling and renovation of older theatres.

Milwaukee saw the opening in 1935 of the Times and Sherman, new neighborhood houses, while new state theatres included those in Dodgeville, Newald, Omro, Ripon, with houses still under construction in Beloit and Cedarburg.

General opinion among exhibitors is that if payroll and job indices continue to climb as they have during 1935, the next 12 months will show continued improvement.

In Milwaukee, employment for 1935 was at the highest point since early in 1930. The local employment index for November, latest month for which statistics have been compiled, stood at 96.2, according to the Wisconsin Industrial Commission, or only 3.8 points below the 1925-27 average which is used as a base.

The payroll index in Milwaukee stood at 84.8 for November, the best

(Continued on page 11)

Bernstein Cuts His Loew Stock Holdings

WASHINGTON, Jan. 2.—Reduction of the holdings of Loew's, Inc., common stock by David Bernstein, to 1,890 shares during November through the making of a gift of 10,000 shares is shown in the semi-monthly report of the Securities and Exchange Commission.

The report also shows that J. Robert Rubin, also a director, disposed of 1,000 shares of Loew's common during the month and acquired 1,500 shares, making a new increase in his holdings of 500 shares. At the end of the month he held 2,500 shares. Rubin

(Continued on page 11)

Loew's Gains 28% Over Last Year; Others' Increases Vary

National circuit operators smilingly reported Christmas-New Year's week business and grosses rolled up on the final day of the year were substantially ahead of the comparable week and day in 1934, thereby lending further strength to the widespread acknowledgment that conditions had improved and theatre receipts with them.

The Loew theatres out of New York, according to Joe Vogel, reflected a 28 per cent increase for the week as compared with last year. In virtually all situations out of New York, the attraction was "A Tale of Two Cities"; last year it was "Forsaking All Others." The new Harlow film, "Riffraff," opened the day before New Year's in 36 towns to "terrific" business, the circuit executive added. In the 70-odd units of the circuit in Greater New York and environs, New Year's Eve grosses ran to extremely heavy figures.

The week ran considerably ahead of last year's in the Paramount houses computed at large throughout the nation, it was reported in that direction early last evening. The South was hurt somewhat by a heavy storm

(Continued on page 11)

Warner Signs with 24 More Stations

An additional 24 independent radio stations yesterday signified a definite intention of accepting the revised music licensing contract offered them by Warners, according to a statement from that company. An additional 69 stations "were heard from by telegram or telephone to the general effect that they desire to accept the proposed contract provided details can be worked out," the Warner statement said.

Previously, 143 independent stations had notified Warners of their intention

(Continued on page 11)

Para. Asks Quashing Of St. Louis Case

ST. LOUIS, Jan. 2.—Following the same general arguments pursued by Warners and RKO, Paramount has filed a petition in Federal court here seeking a dismissal of the Government's application for a preliminary

(Continued on page 11)

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IATSE Studio Deal Effective Yesterday

HOLLYWOOD, Jan. 2.—The I. A. T. S. E. studio agreement became effective here today, with hundreds who left their jobs two years ago during the strike returning to their posts. I. A. officials said the reinstatement of their members was proceeding smoothly.

George Browne, I. A. president, and John P. Nick, vice-president, will remain here until Jan. 10, then proceed to the I. A. meeting in Miami. Pat Casey, studio labor representative, arrived here yesterday to work with officials on the reinstatement. He said it was taking effect in an orderly manner.

Guthrie in King's List

LONDON, Jan. 2.—Sir Connop Guthrie is promoted to a baronetcy in the King's New Year list. He represented British shipping in the United States during the war. Currently, he is associated with the Prudential Life Assurance Co. and is a director of United Artists (British and American) as well as of London Films.

John Fellony to Marry

BOSTON, Jan. 2.—John Fellony, booker for Twentieth Century-Fox, will be married Feb. 22 to Evelyn Kelly of M. & P. Theatres Corp.

Joseph Burke, auditor of the same exchange, and Evelyn Fitzgerald of the office staff have just announced their engagement.

Purely Personal

HARRY MOSKOWITZ will sail from Buenos Aires Jan. 16 and is due here about the 30th. He has been away for months arranging construction of new Loew theatres in various South American capitals.

•

JOHN NOLAN, borrowed from Twentieth Century-Fox by FRANK C. WALKER, who is again running the Comerford circuit, probably will spend most of his time in Scranton, circuit headquarters.

•

GLADYS SWARTHOUT leaves Hollywood today and after concert and radio engagements in Chicago and Columbus en route is scheduled to arrive here next Wednesday.

•

ALICE WHITE is due in town shortly on her way to England to make a picture for G. B. Major ROGER MARCHETTI closed the deal recently while in England.

•

JACK MERSEREAU of G. B., who has been spending the holidays here, will return to England next Wednesday on the *Aquitania*.

•

MEL HEYMANN of the M-G-M publicity department and his wife leave for Havana and Nassau in a couple of days.

•

NATE MANHEIM's stay abroad is taking on the aspects of an extended affair. His family is on the way over to join him.

•

SYLVIA SIDNEY is slated to appear on the Lux Radio Theatre program next Monday playing in "The Third Degree."

•

NATHAN LIEBESKIND, in charge for Warners in Brazil, reached New York yesterday on the *Pan America*.

•

JOHN D. CLARK leaves for Miami's shores tomorrow, there to be a house guest of M. B. SHANBERG.

•

JOSEPH CALLEIA is coming east as soon as he finishes work in "Tough Guy" for M-G-M.

•

ANTONIO MORENO will be among the passengers on the *Bremen* when it sails tonight.

•

EDDIE HALPERIN and the missus are in town from Hollywood. At the Barbizon Plaza.

•

MILTON C. WEISMAN is due back from a lengthy Hollywood visit on Monday.

•

SAM SONIN is having difficulty navigating these days. Trouble with his hip.

•

EDDIE CANTOR and all of the daughters arrived from Hollywood yesterday.

•

ERROL FLYNN and LILY DAMITA (Mrs. Flynn) have left for the coast.

•

FLORINNE MCKINNEY is in from the coast. At the Warwick.

•

SAM JAFFE, coast agent, is in town.

•

DAVID LOEW leaves for Hollywood today to resume duties with the Hal Roach organization which he recently joined as a vice-president.

•

. . . Portland

J. J. PARKER and TED GAMBLE of the J. J. Parker Theatres, went to Hollywood to arrange for the opening at the Mayfair, Jan. 17, of "A Midsummer Night's Dream."

BOB WHITE opened his new Alameda with a trade showing of "Captain Blood."

IKE GELLER also mine host at the reopening of his renovated Walnut Park.

Virginia MPTO Meet Is Set for January 14

RICHMOND, Jan. 2.—The annual meeting of the M.P.T.O. of Virginia will be held at the John Marshall, Jan. 14, according to Elmer H. Brient, president.

Legislative problems will be discussed. A two-men-in-a-booth bill is expected to appear in the Legislature which convenes Wednesday, and there also has been some talk of a ticket tax.

Services for Klebanow

Funeral services were held at the Park West Memorial Chapel yesterday for Leo Klebanow, president of Knickerbocker Press, who died at his home in the Bronx New Year's Day from a heart ailment.

Klebanow was well known in local film circles, his establishment serving as printer for pressbooks for a number of film companies including United Artists. He was a charter member of the old Motion Picture Club and only recently had been decorated by the Government with a Distinguished Service Cross and Oak Leaf Cluster for valor under fire during the World War.

He was 40 years old and is survived by his widow and three children, Norman, Isabel and Adeline, as well as his mother, two brothers, Isadore and Joseph, and a sister, Mrs. Rose Horowitz.

Among those at the services were Harold Rodner, Joe Hornstein, Herbert R. Ebenstein, Harry D. Buckley, Hal Horne, Joseph Bernat, Emil Jensen, Max Stuart, Jack Alicoate, Marvin Kirsch, Paul Benjamin, Herbert Berg and Ed McNamee. Approximately 600 attended.

Huber's Mother Dies

HOLLYWOOD, Jan. 2.—Hugh Huber, auditor at the Roach studios, flew to Versailles, O., to attend his mother's funeral.

Mrs. C. A. Hahn Buried

CHICAGO, Jan. 2.—Funeral services were held yesterday for Mrs. C. A. Hahn, wife of C. A. Hahn, general manager of the McAuley Mfg. Co., who died last week after a long illness.

Draper Injures Hip

HOLLYWOOD, Jan. 2.—Paul Draper slipped during a scene of "Colleen" in which he was dancing with Ruby Keeler and sustained a hip injury. It is not serious, although production is being slightly delayed.

Blow Brockton Safe

Brockton, Jan. 2.—The Colonial here, a link in the Interstate circuit, was the scene of a safeblowing. Cracksmen tied up the porters and used five charges of nitroglycerine on the door of the theatre's safe. After they left, investigation revealed that all they got was $50, overlooking another $2,000 in a rear compartment.

Skouras-Fox Action Is Again Postponed

(*Continued from page* 1)

fendants which was to have been begun several days ago has been postponed to Feb. 4.

In its action, which was brought in state supreme court here, Skouras alleged that the terms of its franchise with Fox had been breached when latter closed a deal with the RKO 81st St. which permitted the house to play Twentieth Century-Fox product day and date with three Skouras houses in the same neighborhood. The complaint alleged that the operators of the 81st St. were aware that the terms of the franchise held by Skouras gave the company's houses one week's protection in the neighborhood when they induced Fox to make the deal with the 81st St.

Efforts to settle the litigation out of court were begun some time ago and are still under way. Meanwhile, an injunction obtained by Skouras is in force.

Chesterfield Films To F. D. in Boston

BOSTON, Jan. 2.—First Division today began to take over Chesterfield product from the American Film Exchange, acting for Pathe, which won a recent litigation. It is said 18 features are involved. Gene Gross, F. D. office manager, today was making a record of Chesterfield bookings at American. Harry Segal, F. D. New England manager, retains a financial interest in American, with which he was associated before joining F. D. Officials of American say the action will not effect the operation of the exchange.

Charter of Boston Friars Is Voided

BOSTON, Jan. 2.—The charter of the Boston Friars' Club, a social and charity group formed Dec. 11, 1934, by local film men, has been declared void by Frederic W. Cook, Secretary of the Commonwealth.

The reasons for Cook's action included a notice from the Police Commissioner "that a person has been convicted of illegal gambling on the premises." The club changed its quarters from the Touraine to the Statler without obtaining written permission from the Police Commissioner, according to Cook.

Re-Sign Anne Shirley

HOLLYWOOD, Jan. 2.—Anne Shirley who has just completed "Chatterbox" for Radio has been signed to a new contract.

THE KEYSTONE OF YOUR FUTURE*



"STAR-BRIGHT!" is the only way to describe the 20th Century-Fox 1936 product. Typical are the pictures announced on the next 7 pages . . . all released within the next 3 months. It's a story that will make your eyes pop!

*AND YOUR FUTURE BEGINS TODAY.

ALREADY YOU KNOW HOW TRUE THIS IS!

• The records now being made by "The Littlest Rebel" are the proof of a promise fulfilled. And as you play the pictures outlined on the following six pages, the promise *they* hold for your future will also be demonstrated in terms of outstanding grosses at your box office!

Shirley
TEMPLE
in
THE LITTLEST REBEL
with
JOHN BOLES · JACK HOLT
KAREN MORLEY · BILL ROBINSON

Associate Producer: B. G. DeSylva

Directed by David Butler · Screen play by Edwin Burke · From the play by Edward Peple

A FOX PICTURE

Darryl F. Zanuck in Charge of Production



20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

20th Century-Fox holds the spotlight of the industry!

THE KING OF CASTS IN THE KING OF SHOWS

to start your New Year with a resounding smash!

• The show that's happier than a drama...more dramatic than a comedy...funnier than a girl show...peppier than a spectacle...more spectacular than a musical. A new and different entertainment thrill from 20th Century-Fox!



KING OF BURLESQUE

with

WARNER BAXTER
ALICE FAYE
JACK OAKIE
ARLINE JUDGE
MONA BARRIE
GREGORY RATOFF
DIXIE DUNBAR
FATS WALLER
NICK LONG, JR.
KENNY BAKER

Associate Producer: Kenneth Macgowan
Directed by Sidney Lanfield
From the story by Vina Delmar
A FOX PICTURE
Darryl F. Zanuck in Charge of Production

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Always a jump ahead of the crowd . . . that's 20th Century-Fox

TIMELY AS A RADIO FLASH!

• The star of "What Price Glory". . . the sensation of "David Copperfield". . . the author of "Lady for a Day" . . . the director of "China Seas"... united in a rollicking and uproarious adventure drama as palpitating as a machine gun's staccato . . . human as a big brother's love!

Victor McLAGLEN
Freddie BARTHOLOMEW

in

"PROFESSIONAL SOLDIER"

with

GLORIA STUART
CONSTANCE COLLIER
MICHAEL WHALEN
C. HENRY GORDON

a **DARRYL F. ZANUCK**
20th CENTURY PRODUCTION

Presented by Joseph M. Schenck
Associate Producer: Raymond Griffith

Directed by Tay Garnett. Screen play by Gene Fowler and Howard Ellis Smith. Based on a story by Damon Runyon



20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Trust 20th Century-Fox to pep up the industry!

INSPIRED SHOWMANSHIP BRINGS THESE TWO TOGETHER!

• George Raft...satin-suave, dangerous as dynamite. Rosalind Russell . . . breath-lessly gowned, out-sparkling her brilliance in "China Seas" and "Rendezvous." A new star team double-charged with romantic appeal . . . in a crackling modern drama with a load of fun on the side.

George Raft • *Rosalind Russell*

in

"IT HAD TO HAPPEN"

with

LEO CARRILLO
ARLINE JUDGE
ALAN DINEHART
ASTRID ALLWYN

a

DARRYL F. ZANUCK
20th CENTURY PRODUCTION

Presented by Joseph M. Schenck
Associate Producer: Raymond Griffith

Directed by Roy Del Ruth. Screen play by Howard Ellis Smith and Kathryn Scola. Based on the story "Canavan" by **Rupert Hughes**



20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

20th Century-Fox . . . your box-office's best friend!

ADVENTURE THAT THRILLS..STARS THAT PULL!

• With a title that's a household word to hundreds of millions... this blazing drama of heroism and love is thrillingly enacted by a triple-starred cast!

Wallace Barbara

BEERY · STANWYCK

in

"A MESSAGE TO GARCIA"

with

JOHN BOLES
ALAN HALE
MONA BARRIE
HERBERT MUNDIN

a

DARRYL F. ZANUCK
20th CENTURY PRODUCTION
Presented by Joseph M. Schenck
Associate Producer: Raymond Griffith
Directed by George Marshall. Screen play by W. P. Lipscomb and Gene Fowler.



20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

"A natural for pictures!"... but 20th Century-Fox thought of it first!

SHIRLEY, AHOY!

• "The Little Colonel"..."The Littlest Rebel"...both deeply-loved American classics given the breath of life by Shirley... now topped as she brings out the tenderness, the courage, the childish heartache and the laughter of "Captain January"... another classic ...as only she can do it.

Shirley TEMPLE in CAPTAIN JANUARY

with

GUY KIBBEE
SLIM SUMMERVILLE
June Lang • Buddy Ebsen
Sara Haden • Jane Darwell

Associate Producer: B. G. DeSylva

Directed by David Butler • Screen play by Sam Hellman, Gladys Lehman and Harry Tugend • Based on a story by Laura E. Richards

A FOX PICTURE

Darryl F. Zanuck in Charge of Production

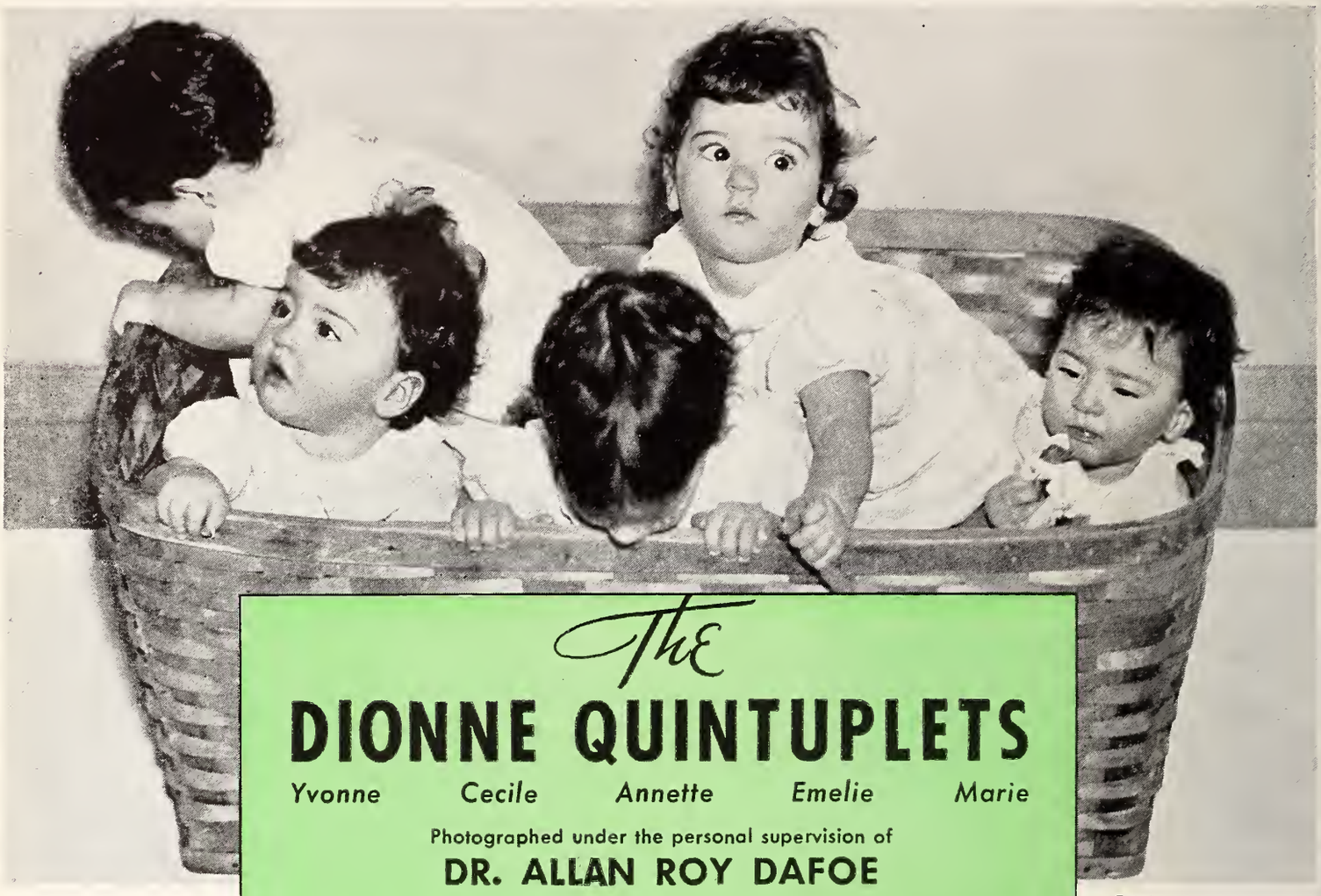


20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Bask in the 'star' light . . . with 20th Century-Fox releases!

THE GREATEST YOUNGSTERS IN THE WORLD BRING YOU THE GREATEST BOX OFFICE ATTRACTION YOU EVER SAW!



©NEA

The DIONNE QUINTUPLETS

Yvonne Cecile Annette Emelie Marie

Photographed under the personal supervision of

DR. ALLAN ROY DAFOE

in

THE COUNTRY DOCTOR

with

JEAN HERSHOLT • DOROTHY PETERSON
LEWIS STONE

Associate Producer: Nunnally Johnson

Directed by Henry King. Screen Play by Charles Blake and Sonya Levien

A FOX PICTURE

Darryl F. Zanuck in Charge of Production

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

DON'T ENVY 20th CENTURY-FOX EXHIBITORS...BE ONE!

Wisconsin's Gains Start New Theatres

(Continued from page 1)

since May, 1930, when it was 90.7. Average weekly earnings of factory workers in Milwaukee in November came to $23.57, best for that month since 1930, when the average earnings amounted to $23.87. In November, 1929, the figure was $28.40.

On a yearly basis the employment index for Milwaukee for the first 11 months of 1935 was 92.3, against 80.6 for all of 1934, 67.4 for 1933 and 59.0 for 1932. Pay rolls for 11 months of 1935 stood at 77.6, compared with 59.8 for the entire year 1934, 43.0 for 1933 and 37.0 for 1932. The weekly earnings average in 1935 was $22.60, against $20.03 in 1934, $17.30 in 1933 and $16.97 in 1932.

For Wisconsin at large the index for November was 88.2, a slight decline from the 89.1 the month before and from the year's peak of 92.3 in July, but the best November since 1929, when the index was 98.6, and far above the depression low of 57.3 reached in January, 1933.

Average per capita weekly earnings in the entire state in November totaled $21.68, against $21.79 the month before and $22.01 two months previous.

Retail sales in the Milwaukee retail area during 1935 were the largest since 1931. This increase in buying is reflected also by expansion in number of credit reports furnished retail stores during the last year. The credit bureau of the Milwaukee Ass'n of Commerce furnished 114,141 reports in 1935, compared with 104,596 reports for 1934, a gain of 9,545, or nine per cent.

Bank clearings, considered a good barometer of business conditions, reached the highest level in four years in Milwaukee during 1935. The year's total, according to Milwaukee Clearing House figures, with the last seven business days of December estimated, was $831,965,002.

While, because of the diversified nature of Milwaukee's industry, recovery for the city has not been uniform, there is practically no line that has not extended to some extent the gains of 1934.

Harrisburg on Upgrade

HARRISBURG, Jan. 2.—Business is definitely on the upgrade here in the opinion of the city's two leading theatre men, C. Floyd Hopkins, Harrisburg representative for Wilmer & Vincent's three houses, the Colonial, State and Victory, and Sam Gilman, Loew's Regent manager.

"Since conditions are improving in other lines I am certain they will improve in our lines as well," says Hopkins. "Money is much freer now, which means it is going to be spent for amusements as well as other things. Another important reason why I anticipate better business is the fact that superior pictures are being released."

Gilman is even more optimistic. He predicts business will be the best since 1929.

"People are spending more money," he states. "They spent so freely over Christmas that I am convinced they are going to have enough for entertainment. Department and other store sales were much greater than they were a year ago. And pictures are coming this season that are better than any ever produced before."

Baltimore Off to a Roaring Start; Talk of Bonanza Year

Baltimore, Jan. 2.—The New Year got away to such a walloping business in the downtown houses that managers can't restrain their enthusiasm. They're talking about a bonanza year.

After two and a half big weeks with "The Littlest Rebel" at the New, Morris A. Mechanic switched to "King of Burlesque" for the midnight show and packed 'em in. The grosses were so much better than the closing weeks of 1934 that he says better times are already here.

J. Lawrence Schanberger at Keith's didn't wind up his New Year show until seven o'clock in the morning. He says that it was like the good old days.

Tax Saving to Aid Players in England

(Continued from page 1)

which normally runs approximately 25 per cent, are seen as opening the way to an increase in the number of American players willing to accept contracts with English companies.

Marchetti plans to negotiate a number of distribution deals here for English product, representing a group of English producers. He will also arrange for the interchange of talent, and has opened an office in London. He foresees an extremely good year in England, with gains in attendance and production activity. He has placed under contract Diana Ward, young singing and dancing actress playing in the London stage production of "Anything Goes," and Lady Queensbury, an artist, whom he hopes to place with a coast studio. He is representing Herbert Wilcox Prod., B. & D., B. I. P., British Lion, C. M. Woolf of General Film, Percy Raphael of Helgal Films, Max Schanck of Capitol, Garrett and Klement, Julius Hagen and Monty Banks.

Marchetti plans to leave for the coast on Saturday.

Bernstein Cuts His Loew Stock Holdings

(Continued from page 1)

also reported that his holding company at the end of November held 350 shares of $6.50 cumulative preferred stock.

A report for June was filed with the commission by Jack Cohn, showing the acquisition of seven shares of common stock in Columbia, bringing his holdings to 321 shares; the acquisition of 611 shares of common through voting trust certificates and the disposition by gift of 600 shares, a new increase of 11 shares, bringing his holdings to 25,089 shares. Cohn's report also showed that he held 55 shares of convertible preferred stock.

Cincy Theatre Damaged

CINCINNATI, Jan. 2.—Damage of $100 was caused to the Dixie Theatre building, a subsequent run house in the downtown district, by a fire resulting from an overheated gas heater in the sign room on the third floor. The theatre was unoccupied at the time.

Warner Signs with 24 More Stations

(Continued from page 1)

of accepting the contract. Assuming that the 69 in the "doubtful" list become licensed, a total of 216 independent stations, of the 563 in this country, would be in the Warner fold at the outset of its independent licensing policy. This number may be increased in advance of the legal deadline, Warners having given eastern stations until Jan. 5 and western stations until Jan. 10 to accept the company's revised music licensing agreement.

Para. Asks Quashing Of St. Louis Case

(Continued from page 1)

injunction based on the charge the company has refused to service the F. & M. houses here.

Louis Phillips and his assistant, Irving Cohen, left for St. Louis yesterday for preliminary conferences with Paramount's local attorneys, Samuel W. Fordyce and William R. Gentry. The equity case is slated to come to trial Monday.

Revelation May Try Making Films Here

Revelation Films, Ltd., of London, producer of industrial pictures for the British market, may produce advertising reels in this country, according to Stanley Neal, head of the company, who described his current visit here as being in that connection.

Neal said that Revelation would offer 27 industrial films next season. Six of these will be cartoons made here by Celebrity Prod. He said that the advertising reel was an accepted business factor in exhibition abroad and that royalties paid to exhibitors by his company last year approximated $750,000.

Salesmen's Party a Wow

Everybody's happy among members of the Motion Picture Salesmen, Inc. The New Year's party at the Plaza came up to expectations in every way, they say, and the association's charity fund was helped in a big way. It was the 16th annual affair.

Townsend, Portland Hit

PORTLAND, Jan. 2.—Townsendites turned out in force for the opening of Episode No. 9 of March of time, in which the Dr. Townsend and his associates are shown.

Holiday Takes Show a Jump, Circuits Say

(Continued from page 1)

which cut into theatre business in Atlanta and other cities and towns in the southeast, but not alarmingly. New Orleans was deluged with a four-inch rainfall which doused grosses at the same time.

RKO, according to Nathaniel Jerome Blumberg, general operator of that circuit, did well during the holiday week with grosses running in advance of the same period in 1934. The pre-Christmas week, however, was not as substantial as the preceding year.

The Warner circuit reported an identical experience. While refusing to comment on the percentage of increase, it was pointed out that, on a national basis, the circuit was comfortably ahead of last year during the holiday week.

The U. S. Department of Commerce estimates that the film industry will spend $110,000,000 for advertising throughout the world during 1936, most of it in newspapers and magazines. Approximately $77,000,000 of the total will be spent in this country, the department estimates, $60,500,000 of which will be for newspaper and magazine space, $8,250,000 on billboards and the remainder on incidental media.

Paramount opened its new advertising campaign yesterday with large display space in daily newspapers. The campaign involves the expenditure of $500,000 for newspaper advertising during the first three months of the year.

Art Directors Ask Award Rule Change

HOLLYWOOD, Jan. 2.—A committee representing the art directors' section of the Academy has submitted to the awards committee revisions in the rules for nominations up for the annual art award.

Under the new setup, the committee recommended that each ballot must contain at least one nomination of a picture for which another art director is responsible. All ballots not containing this nomination shall be disqualified. Whether or not the art director submits one of his own pictures for consideration is optional.

It was also recommended that, in cases of joint credit in which more than one art director submits the same picture, these nominations shall be combined and counted as one vote.

Start First Production

HOLLYWOOD, Jan. 2.—The initial production of the newly formed Pickford-Lasky company went before the cameras here yesterday. The film is "One Rainy Afternoon." Francis Lederer and Ida Lupino are starred.

To Raze Opera House

BOSTON, Jan. 2.—The Grand Opera House on Washington St. is to be torn down. This 2,600-seat theatre, built in 1888, is one of the oldest in the city.

Jersey Allied To Protest on Sale Tax Levy

(*Continued from page* 1)

their own places of business are not located within the city. They contend that it would be injurious to their business to attempt to pass on to their patrons in New Jersey and up-state New York a tax designed solely for local relief within New York City.

The city finance department ruled several weeks ago that the tax would apply to all revenues of the New York exchanges, regardless of whether they originated with theatres located outside the city limits. Early this week the exchanges notified all exhibitor accounts that the two per cent sales tax would be added to film rentals beginning Jan. 1. The exchanges pointed out that if the city was successful in its efforts to prove the tax was applicable to film rentals, although distributors are contending that it is not, they would be liable for a tax of almost $900,000 for the 13 months the sales tax has been in effect. The exchanges asserted that in adding the tax to the film rentals now they were doing so as a protective measure and the money collected would be returned to exhibitors if their efforts to prove that the tax could not be applied to film rentals were successful.

The next hearing on the distributors' protests against the tax is scheduled for Jan. 10. It is believed that exhibitors with theatres outside the city will now organize their own opposition to the levy.

K. C. Studies Shift In Xmas Week Trend

(*Continued from page* 1)

iness the week preceding Christmas was better for all Kansas City theatres—and is reported so for theatres in the territory—than the week immediately following, which in former years furnished the best takes of any week in the year.

Observers assign several reasons for the trend. For one thing, people are shopping a little earlier each year. This was particularly noticeable in Kansas City this year. People go downtown the last week before the holiday now, apparently, only to pick up a few last minute things, and have time to go to a show.

During Christmas week itself, people apparently are doing more visiting, attending private parties, etc. Repeal may have had something to do with this.

At any rate, box-office records, it is reported, bear testimony to a decreasing Christmas business, and a slightly better pre-Christmas-week business.

M-G-M Signs Fodor

Hollywood, Jan. 2.—M-G-M has signed Ladislaus Fodor for four originals. The playwright, who lives in Budapest, will do the writing job at home. He wrote "The Church Mouse," "I Loved An Actress" and "The Kiss Before the Mirror" among other plays.

Looking 'Em Over

"Sylvia Scarlett"

(*Radio*)

These are the ingredients: Katharine Hepburn as star; Brian Aherne, Cary Grant and Edmund Gwenn in the support; Pandro S. Berman, the white-haired boy among Radio's producing forces, and George Cukor, the man who directed "David Copperfield." There is also to consider a story in which this array of talent would find something to do. Yet, assuming the story was not the strongest or the best knit, the chances are the results, drawn from histrionics and from direction, would be pretty good. "Sylvia Scarlett," however, is hardly that. It is a diffused and rambling assortment of scenes which have some bearing on each other, but not much.

Probably it was because the producer saw in "Early Life and Adventures of Sylvia Scarlett," by Compton MacKenzie, an opportunity for Miss Hepburn to play a boy most of the way that decision was reached to produce the novel. The story tells of her devotion to her father, Edmund Gwenn, a worthless, absconding Englishman who is forced to flee France and the star's decision to travel with him as a boy in the belief the pair will attract less attention. They join Cary Grant, a cheap crook, and embark on a career of petty larceny until Miss Hepburn hits on the idea of organizing a theatrical company on a tour of the English countryside. There is nothing, meanwhile, to indicate any of the three had had experience or the talent to so perform.

Gwenn meets Dennie Moore, a servant girl, and marries her. Cross-conflict develops as he thinks his young wife unfaithful and results in Gwenn's suicide. In the meantime Miss Hepburn runs across Brian Aherne, a sterling actor singularly uninspired here, and falls in love. The love counterpoint is provided by Natalie Paley, who eventually runs off with Grant, leaving the road clear for the clinch between Miss Hepburn and Aherne.

The dialogue stresses the British accent. The comedy, including chases up and down stairs and drunk scenes, are in the same mood and amazingly unfunny. There are sequences, separated by long stretches of celluloid, which are charming and sincere. They, however, happen along too infrequently to relieve the general dullness of the production as it now stands.

Production Code Seal No. 1,697. Running time, 96 minutes. "G."

K.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Leavenworth Case"

(*Republic*)

Hollywood, Jan. 2.—A murder mystery, interpolated by comedy characterizations, and not anything resembling a prison story is the theme of this feature. Differently contrived so that the mystery motive is made evident in the first sequence, the yarn's dramatic suspense and romantic contrast are held together by menace of what the murderer may do next and how the smart detective and his comedy partner will trap him in the act.

Erin O'Brien-Moore, wife of Financial Tycoon Frank Sheridan, conspires with Doctor Donald Cook to kill her husband before he can change his will and cut her off with a meager inheritance. Cook has trained a monkey so that when he whistles "Old Black Joe" the monkey climbs up on a fixture and turns on the gas. Sheridan is killed in this manner and his death is made to appear accidental or suicidal.

Detective Norman Foster and his dumb, funny partner, Warren Hymer, assigned to investigate the case, sense something more vicious than suicide. Much of the ensuing action, following the everyone-a-suspect line, builds to where Miss O'Brien-Moore and Cook want to get rid of Aunt Maude Eburne, who, with Hymer, has carried the show's comedy content. She, suspicious of Cook and Miss O'Brien-Moore, confides her fears to Foster. A trap is set and Cook falls into it. On a promise of justice being done, Foster wins Jean Rouveral.

Of average entertainment value and providing little that is new, the picture is benefited by good names. Featured players, Cook, Rouveral, Foster, O'Brien-Moore, Sheridan, Eburne and Hymer turn in acceptable performances. Based on the novel by Anna Katherine Green, the screen play is by Albert Demond and Sidney Sutherland, directed by Lewis D. Collins.

Production Code Seal No. 1,834. Running time, 65 minutes. "G."

Flag Bill In

Boston, Jan. 2.—Display of the American flag in theatres is demanded in a bill filed with the clerk of the House of Representative by Representative Thomas E. Barry of East Boston and Lawrence P. McHugh of Jamaica Plain.

Rivkin Going West

Joe Rivkin, talent scout for the Roach studio in the east, goes west tomorrow on a new assignment.

Hollywood, Jan. 2.—Joe Rivkin is being considered for the post of casting director at the Roach studio, but Henry Ginsberg, vice-president and general manager, declares no decision has been made.

Wall Street

Universal High Gain on Stocks

	High	Low	Close	Net Change
Columbia	44½	43⅝	43¾	+ ¼
Consolidated	5¾	5⅜	5⅜	— ⅜
Consolidated, pfd.	18¼	18	18¼	.....
Eastman Kodak .158	156½	156¾	157¾	+1⅝
Loew's, Inc.	52¾	52⅛	52½	+ ½
Paramount	10¾	10	10⅜	+ ⅜
Paramount 1 pfd.	81½	79¼	80	+2
Paramount 2 pfd.	12⅝	11⅞	12½	+ ½
Pathe Film	8	7⅞	7⅞	— ⅛
RKO	5¼	5	5⅛	+ ⅛
20th Century-Fox.	23⅝	22⅝	23¼	+ ¾
20th Century, pfd.	32	31⅞	32	.....
Universal, pfd	55	54	55	+3
Warner Bros.	10	9¾	10	+ ⅛
Warner, pfd	50	50	50	—1

Sentry Lone Curb Gain

	High	Low	Close	Net Change
Sentry Safety	⅝	⅝	⅝	+ ⅛
Sonotone	2	2	2	.....
Technicolor	18¾	18¼	18¼	— ⅜
Trans-Lux	3½	3½	3½	.....

Bonds Gain Steadily

	High	Low	Close	Net Change
General Theatre 6s '40	20½	19	20½	+1⅜
General Theatre 6s '40 ctf.	20¼	19	20¼	+1¼
Keith B. F. 6s '46	94	94	94	—1
Paramount B'way 3s '55	57¾	57¼	57¾	+1½
Paramount Pict. 6s '55	93½	92	93½	+1½
RKO 6s '41 pp.	77	76⅞	77	— ⅜
Warner Bros. 6s '39 wd	86½	86	86½	+ ⅝

(Quotations at close of Jan. 2)

Stricken from List

The following stocks were removed from the trading list of the N. Y. Stock Exchange during 1935:

Columbia, v.t.c. old which reached their high of 81 on July 8. Total sales, 290,600.

Fox Film A with a high of 17¾ reached on July 15. Total sales, 639,000.

Metro-Goldwyn preferred. High, 28¼ on Jan. 3. Sales, 9,300.

Paramount Publix certificates. High, 5⅝ on Aug. 7. Sales, 1,447,300.

Pathe Exchange. High, 1½ on Jan. 2. Sales, 255,100.

Pathe Exchange A. High, 17¼ on Jan. 2. Sales, 255,100.

Bonds removed from the list follow:

Paramount Broadway, 5½s, 1951. High, 64½ on Aug. 27. Sales, $625,000.

Paramount Broadway, 5½s 1951 certificates. High, 64½ on Aug. 21. Sales, $603,000.

Paramount Publix, 5½s 1950, filed. High, 108 on Sept. 3. Sales, $4,933,000.

Paramount Publix, 5½s 1950, asst. High, 60 on June 25. Sales, $21,000.

Paramount Publix, 5½s 1950 certificates. High, 107¾ on April 26. Sales, $2,411,000.

Paramount Famous Lasky, 6s 1947, filed. High, 106 on Sept. 3. Sales, $1,170,000.

Paramount Famous Lasky, 6s 1947, certificates. High, 106 on Sept. 3. Sales, $2,380,000.

Pathe Exchange, 7 1937. High, 104 on March 1. Sales, $347,000.

ASK RADIO CITY MUSIC HALL ABOUT THE FIRST FOUR DAYS' CLEAN-UP ON UNIVERSAL'S "MAGNIFICENT OBSESSION"!



The Whole Trade is Talking About It!



"Bette Davis...once again gives startling evidence of being one of the most talented actresses on the Warner lot, if not in all Hollywood... Genuine, moving drama...There are few words in which to describe the bitter intensity that Miss Davis puts into that part...A solo performance of first rank importance ...eminently worth seeing."
—*Morning Telegraph*



..Keep Your Fingers Crossed, Girls!-That

It's Bette on the manhunt again—and this time she really turns on the power—throws the switch to the last notch, as the glamorous star of Broadway who became the evil star of men.

BETTE

stops pulling her punches, shows 'em

A DRAMA TO WRITE HO

Her performances with Paul Muni in "Bord Brent in "Front Page Woman"—were only a

DANG

The story of "the wo

FRANCH

No Wonder It's Held for a Se

WARNER BROS.' 3rd HOLDO



Look whom Bette's teamed with for the first time—

When these two start playing with fire you can bet your sound equipment you've got

A BOLT OF DRAMA THAT WILL BLOW THE FUSES!

"Bette Davis superb...Keeps Rivoli audiences in suspense. Her work is par excellent...even better than in 'Of Human Bondage'".
—*Eve. Post*

"Bette Davis triumphs in 'Dangerous'. Her outstanding performance... dominates the screen."
—*Daily News*



"Bette Davis scores again ...magnificent...tops her previous performance in 'Of Human Bondage'. A dazzling role...she plays it supremely!"
—*Daily Mirror*

"A characterization...comparable to her superlative portrayal in 'Of Human Bondage'."—*N.Y. American*

n's Back in Town!

DAVIS

, lets go with all she's got, in

)UT *** WITH ASTERISKS!

e Howard in "Of Human Bondage"—George
eat she really is with the heat turned on...in

ROUS

always come back to!"

T TONE



When the hard-boiled critics of famous *Variety Daily* get hysterical and label this opera "a duel of souls and senses...played with a courage which gives her distinction," they're merely saying in ten-dollar words that

BETTE SMACKS 'EM WHERE IT HURTS!

Veek at the N. Y. Rivoli!

ON BROADWAY NOW!

With Margaret Lindsay
Alison Skipworth
John Eldredge • Dick Foran
Directed by Alfred E. Green

Year's Close Discloses Big Theatre Gains

Nineteen thirty-five closed with more activity in the theatre construction and renovation field than during any 12-month period in the last five years. Construction, which has been on the increase for months, attained a new momentum with the Warner announcement that six new neighborhood houses are planned in Washington to take care of the increasing population there.

F. W. C., now National Theatres, has resumed expansion moves with a number of new alignments in the northwest, and in the southwest Interstate, Paramount affiliate, is expanding.

Long delayed renovation and modernization are also picking up speed.

Form United Amusement

DOVER, Del., Jan. 2.—United Amusement Co. has been formed here by George W. Lilly, Elizabeth A. Lilly and Helen Sokol.

Close Rivoli at Bantam

BANTAM, Conn., Jan. 2.—Herman Foster has closed the Rivoli for the winter after a short-lived attempt to keep the house going one night a week.

Rebuild Cleveland Grand

CLEVELAND, Jan. 2.—Frank Gross is rebuilding the Grand Theatre. The alterations include a new lobby. Approximately 280 seats will be added.

Takes Over Denver Sun

DENVER, Jan. 2.—Roy Wennberg, Denver restaurant man, has taken over the Sun, a 420-seat house here, and is operating it with giveaways.

Oppose Sunday Opening

ANNISTON, Ala., Jan. 2.—Sunday movies have been voted down by 703 to 623, with more than half the city's electors staying away from the polls.

Charter Asheville Firm

ASHEVILLE, N. C., Jan. 2.—Cardinal Amusement Co. of Asheville has been incorporated by C. R. Bamford, Charles G. Lee and H. Kenneth Lee, all of this city.

Build at Prentiss, Miss.

PRENTISS, Miss., Jan. 2.—A modern theatre is being erected here by B. C. Griffith, merchant. He has not announced plans for operation of the new house.

C. H. Kaimann to Build

ST. LOUIS, Jan. 2.—Clarence H. Kaimann, operator of a circuit of neighborhood houses here, intends to build a 700-seat house on Florissant Ave. to cost about $75,000.

To Open at Bazine, Kan.

KANSAS CITY, Jan. 2.—Ralph Larned, who operates the Paramount at La Crosse, Kan., will open the Jewel in Bazine, Kan., which never before has had a film house.

Saengers Buy Land

PENSACOLA, Fla., Jan. 2.—The Saenger Corp. of New Orleans, operators of the Saenger and Isis here, has purchased the property on the northeast corner of Palafox and Garden Sts., now occupied by the Isis. N. L. Carter, secretary of the corporation, confirmed the sale but refused to comment on future plans for the property.

N. E. Changes Continue

BOSTON, Jan. 2.—Theatre changes continue in New England. The Park at Woonsocket, R. I., has been opened by Bernard Levy, who operates the Central in Manville.

Louis Angler and Joseph Walsh have darkened the recently reopened Metropolitan in Providence. A new 400-seater, the Princess in Rockville, has been put into lights by F. Mann.

The State, Portland, M. & P. house, is back on double features after a fling at singles.

Start New Detroit House

DETROIT, Jan. 2.—Ground has been broken for a new 1,500-seat theatre for United Detroit Theatres Corp., at Grand River Ave. and Archdale. S. Sloan & Co. is building the house from plans prepared by H. A. Payne, architect. This house is understood to be the first of five which will be added to the United Detroit management within the next year.

Kerrville to Get Two

KERRVILLE, Tex., Jan. 2. — The Kerrville Amusement Co., owner of the Arcadia, will rebuild completely the old Dixie, dark for the past six years.

Another new theatre, adjoining the Dixie, will be opened by W. H. Hall, who is moving here from San Antonio. It will be known as the Rialto.

Seek New Hamden Site

NEW HAVEN, Jan. 2. — Adolph Johnson and Al Robbins, present operators of the Strand, Hamden, are negotiating for a site directly across the street for the construction of a new 1,000-seat house, to be equipped for vaudeville.

To Remodel at Akron

AKRON, Jan. 2.—The Allan, 15-year-old downtown house, is to be remodeled by the Cleveland & Akron Theatre Co.

Schine will remodel the Athena at Athens, O., by installing a balcony with 400 seats.

Theatre Firm Formed

WASHINGTON, Conn., Jan. 2.—The Washington Theatre Corp. has been formed here with Joseph F. Reed as president and Marie J. Reed as secretary and treasurer. Both reside in Washington Depot.

Form Miami Playhouse

MIAMI, Jan. 2.—Miami Playhouse, Inc., with capital of 100 shares, par $100 each, has been chartered to conduct amusements. Incorporators are: J. J. Southerland, F. E. Drews and H. M. Hicks.

Form Southeastern, Inc.

JACKSONVILLE, Jan. 2.—Southeastern Theatres, Inc., with authorized capital of 50 shares, no par, has been formed. R. E. Gibbon, V. Gibbon and P. H. Crossman are the incorporators.

Plan Burlesque House

KANSAS CITY, Jan. 2. — M. L. Hanover and George J. Katz of New York have leased the Empress, which has been dark several years, and will open it as a burlesque house.

Films Target Of Many Bills In Washington

(*Continued from page 1*)

Administration and members of Congress will have time free for the consideration of other matters—particularly of types which may be valuable aids in the coming campaign.

Control measures designed to carry on in a modified way the work of the defunct NRA are pending in Congress and are expected to be urged by President Roosevelt in one of the several messages which he will write during the session. These bills provide for the adoption of the 30-hour week by all industry and the acquisition of Federal licenses by all corporations engaged in interstate business. Concerns engaged solely in intrastate business will not be affected by this legislation, but a movement is on foot to compel them to comply with the 30-hour week measure and with any labor provisions which may be incorporated in the licensing bill by denying the use of the mails to those who do not conform.

Strong pressure will be brought to bear during the next few months for the consideration of one of the several bills pending which would prohibit block and blind booking and discrimination in favor of distributor-owned houses. An energetic effort also will be made to secure action on bills providing for the creation of a Federal motion picture commission which would, in effect, enjoy all the privileges of censorship despite the soft-pedaling which has been applied to that phase.

No New Taxes Loom

Little is to be expected in the way of tax legislation. The Administration is anxious to keep taxes out of the picture until after the presidential campaign. If re-elected, President Roosevelt is expected to slap a heavy tax bill on in the 1937 session.

Of the considerable number of picture bills pending, few other than those which have been referred to are expected to secure any consideration. Representative Sirovich of New York, too well known to the industry to need introduction, has a few bills which he will talk about, but aside from patent legislation, they will not be considered seriously. He is sponsoring, among his many other activities, an investigation of the "silent and sonant" picture industry and the establishment of a Department of Science, Art and Literature as part of the Federal establishment.

Bills pending in Congress affecting the industry are as follows:

H.R. 142, Representative Celler of New York: To prohibit block booking and discrimination in distribution.

H.R. 143, Representative Celler: To repeal the fight film ban.

H.J.Res. 220, Representative Sirovich of New York: To establish a Department of Science, Art and Literature.

H.Res. 339, Representative Sirovich: To investigate "business irregularities and illegal actions" in the motion and sound picture industry.

S. 2224, Senator Duffy of Wisconsin: To make it unlawful for jurors who have served in criminal trials to give public performances for profit involving the giving of information as to what transpired at such trial.

S. 2285, by Senator Barbour of New Jersey: To remove the ban on fight films.

H.R. 2999, by Representative Culkin of New York: To create a Federal Motion Picture Commission, to protect the industry against unfair trade practices and monopoly, to provide just settlement of complaints of unfair dealings, and to provide for the production of wholesome pictures.

S. 3012, Senator Neely of West Virginia: To prohibit block and blind booking.

H.R. 4523, Representative Sirovich: Providing for recording of patent pooling agreements with the Commissioner of Patents.

H.R. 4757, Representative Culkin: Prohibiting block and blind booking and making the Clayton Act applicable to film license agreements and leases.

H.R. 6472, Representative Pettengill of Indiana: To prohibit block and blind booking.

H.R. 6507, Representative Quinn of Pennsylvania: To remove the ban on fight films.

H.R. 6536, Representative Quinn: Removing fight film ban.

H.R. 8877, Representative Celler: Prohibiting block and blind booking and discrimination.

Wometco Managers Shift

MIAMI, Jan. 2.—Wometco Theatres have made 10 changes in personnel. Sonny Shepherd, who has been in charge of the Mayfair, now is manager of the new Lincoln, Miami Beach. Stanley Stern, formerly of the Capitol, is assistant manager.

Mark Chartrand, Jr., formerly manager of the Tower, succeeds Shepherd at the Mayfair, and Earl Potter, former chief of staff for the theatre, is assistant to Chartrand.

Ira McKinney, formerly assistant at the Capitol, was transferred to the Grove, as manager, succeeding Burton Clark, who becomes manager of the Rosetta, Little River.

Thaxton Hammock, formerly assistant manager of the Mayfair, has been promoted to assistant manager of the Capitol. Ray Toemmes, formerly assistant to Chartrand at the Tower, is now manager of that house, with Charles Salzer, formerly of the Mayfair, as assistant manager. Graham Turbiville is at the new Lincoln.

Shannon Is Promoted

PITTSBURGH, Jan. 2.—Charles Shannon, two-time winner of the Quigley Plaque for exploitation, has been promoted to the managership of the Belmar by Warners. He replaces William C. Powelson, who has been transferred to Tarentum, Pa.

Shannon started as a showman four years ago as an usher at the Stanley and was subsequently an assistant at the Manor, South Hills and Hollywood theatres.

Retitle "Apple Sauce"

HOLLYWOOD, Jan. 2.—Warners once more have changed the title of the play "Apple Sauce" which they are filming with Ross Alexander and Anita Louise in top roles. Now it is "Brides Are Like That."

Harding Film Retitled

HOLLYWOOD, Jan. 2.—The next Ann Harding picture will be released by Radio as "The Lady Consents," instead of as "The Indestructible Mrs. Talbot."



Together as the immortal lovers of Murger's "La Vie de Boheme."

•

Gay Bohemian Paris! The spectacular Artists' ball! Music by the world famous Puccini!



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AN ALLIANCE FILM

FIRST DIVISION

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"Mutiny" Goes Big in Frisco; Gets $9,000

SAN FRANCISCO, Jan. 2.—"Mutiny on the Bounty" was the only attraction in town to make much of a showing during the Christmas slump. It reached $9,000, up by $2,000, at the St. Francis.

"Littlest Rebel" was $1,500 to the good on a take of $22,500 at the Warfield. "Mr. Hobo" and "Man of Aran" just managed to get into the profit column at the Embassy on a take of $3,750, and the Fox reached par, $6,000, with a combination of "Kind Lady," "Nevada" and the Louis-Uzcudun fight pictures for two days. Other houses were in a bad way.

Total first run business was $68,750. Average is $71,600.

Estimated takings:

Week Ending Dec. 24:

"MR. HOBO" (G. B.)
"MAN OF ARAN" (G. B.)
EMBASSY — (1,400), 15c-25c-35c, 7 days. **Gross:** $3,750. (Average, $3,600)

"SEVEN KEYS TO BALDPATE" (Radio)
"MARCH OF TIME" (Radio)
GOLDEN GATE—(2,850), 25c-35c-40c, 7 days. Stage: Band. **Gross:** $13,000. (Average, $14,500)

"CHARLIE CHAN'S SECRET (20th-Fox)
"MORALS OF MARCUS" (G. B.)
PARAMOUNT — (2,740), 25c-35c-40c, 6 days. **Gross:** $9,500. (Average, $11,500)

"MIMI" (First Division)
UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 6 days. **Gross:** $2,500. (Average, $9,000)

Week Ending Dec. 26:

"KIND LADY" (M-G-M)
"NEVADA" (Para.)
LOUIS-UZCUDUN FIGHT (2 days)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $6,000. (Average, $6,000)

"MUTINY ON THE BOUNTY" (M-G-M)
ST. FRANCIS — (1,470), 15c-30c-40c, 7 days. **Gross:** $9,000. (Average, 7,000)

"LITTLEST REBEL" (20th-Fox)
WARFIELD — (2,680), 25c-35c-40c-50c, 7 days. Stage: Band. **Gross:** $22,500. (Average, $21,000)

Week Ending Dec. 27:

"PEASANTS" (Amkino)
CLAY—(1,200), 15c-25c-35c-40c-55c, 6 days. **Gross:** $2,500. (Average, $9,000)

"Three Kids" Dual $8,500 in Buffalo

BUFFALO, Jan. 2.—The Lafayette's dual, "Three Kids and a Queen" and "East of Java," was the only first run house to stand up under a severe pre-holiday slump. It grossed $8,500, topping par by $2,500 in a week of cold and snowy weather.

"In Person" was $300 to the good at the Great Lakes with a gross of $7,600.

Total first run business was $35,000. Average is $38,400.

Estimated takings for the week ending Dec. 23:

"WHIPSAW" (M-G-M)
BUFFALO — (3,000), 30c-50c, 7 days. **Gross:** $9,500. (Average, $12,000)

"THE PERFECT GENTLEMAN" (M-G-M)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $4,000. (Average, $7,300)

"IN PERSON" (Radio)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $7,599. (Average, $7,300)

"THE PAYOFF" (W. B.)
"MOONLIGHT ON THE PRAIRIE" (W. B.)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,100. (Average, $5,800)

"THREE KIDS AND A QUEEN" (Univ.)
"EAST OF JAVA" (Univ.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $8,500. (Average, $6,000)

"Rebel" with Show $22,000 Boston Draw

BOSTON, Jan. 2.—Shirley Temple demonstrated that she has what it takes to beat out a Christmas slump accompanied by zero weather. The gross at the Metropolitan, with a stage show, was $24,000, which is $2,000 over par.

"Whipsaw" and "The Perfect Gentleman" also made a good showing at Loew's Orpheum on a gross of $14,000 and at Loew's State with $13,500, but all other houses hoped for better days—and nights.

Total first run business was $74,500. Average is $80,500.

Estimated takings for the week ending Dec. 27:

"MILLIONS IN THE AIR" (Para.)
SCROOGE" (Para.)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $4,000. (Average, $4,500)

"CRIME AND PUNISHMENT" (Col.)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $8,000. (Average, $12,000)

"WHIPSAW" (M-G-M)
"THE PERFECT GENTLEMAN" (M-G-M)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $14,000. (Average, $12,000)

"WHIPSAW" (M-G-M)
"THE PERFECT GENTLEMAN" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $13,500. (Average, $12,000)

"THE LITTLEST REBEL" (20th-Fox)
METROPOLITAN — (4,332), 35c-65c, 8 days. Stage: "Santas on Parade," Fabien Sevitzky, Elida Ballet, Nelson Dancing Elephants, etc. **Gross:** $24,000. (Average, $22,000)

"MILLIONS IN THE AIR" (Para.)
"SCROOGE" (Para.)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $6,000. (Average, $7,000)

"FRECKLES" (Radio)
"EAST OF JAVA" (Univ.)
RKO BOSTON—(3,246), 25c-50c, 7 days. **Gross:** $5,000. (Average, $11,000)

"Rebel" at $4,500 Indianapolis Lead

INDIANAPOLIS, Jan. 2. — Christmas holidays hit local theatres with the result that only two houses did a normal week's business. "Littlest Rebel" at the Apollo did $4,500 and "Broadway Hostess" on the screen, with Henry Armetta on the stage, did $7,000 for the Lyric.

Twin bills at the Circle and at Loew's were down.

Total first run business was $22,000. Average is $26,000.

Estimated takings for the week ending Dec. 28:

"LITTLEST REBEL" (20th-Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,500)

"SEVEN KEYS TO BALDPATE" (Radio)
"SCROOGE" (Para.)
CIRCLE—(2,600), 25c-40c, 6 days. **Gross:** $3,000. (Average, $4,000)

"BRIDE COMES HOME" (Para.)
INDIANA—(3,100), 25c-40c, 7 days. **Gross:** $4,500. (Average, $6,000)

"HE COULDN'T TAKE IT" (Col.)
"CRIME AND PUNISHMENT" (Col.)
LOEWS—(3,000), 25c-40c, 7 days. **Gross:** $3,000. (Average, $4,500)

"BROADWAY HOSTESS" (W.B.)
LYRIC—(2,000), 25c-40c. Stage: Vaudeville, 7 days. **Gross:** $7,000. (Average, $7,600)

Holquist Joins Red Devil

CHICAGO, Jan. 2.—Harry Holquist, formerly associated with Quigley Publications, has accepted a position with the Red Devil Products Co. He is a member of the sales staff.

Takes No Chances

Terre Haute, Jan. 2.—Benny Van Borsum, owner of the Savoy, remembered the local fire department Christmas by sending a check to the fireman's pension fund.

Van Borsum never fails to contribute to this fund at Christmas time. Some years ago the old Crescent, owned by Van Borsum, was destroyed by fire.

"Rebel" Atop Dual Hit in Kansas City

KANSAS CITY, Jan. 2.—Christmas shopping before the holiday, and zero weather and snow on and after it, darkened the Christmas cheering of first run managers.

Even so, two bills did a holiday job: "The Littlest Rebel" and "Your Uncle Dudley" at the Uptown, and "The Bride Comes Home" at the Newman. Both were held. The Uptown take was $7,400 in nine days, compared with an average for that period of $4,200. The Newman took $10,500 with "Bride," which is $3,500 over par.

The Tower take dropped $700 below average of $7,000 with "The Calling of Dan Matthews" and a stage show.

"It's In the Air" at Loew's Midland grossed $7,000 in six days, compared with an average of $10,200 for the period. "Seven Keys to Baldpate" took $2,900 at the Mainstreet in seven days. Average is $8,000.

Total first run business was $34,100. Average is $36,400.

Estimated takings:

Week Ending Dec. 24:

"IT'S IN THE AIR" (M-G-M)
MIDLAND — (4,000), 25c-40c, 6 days. **Gross:** $7,000. (Average, 6 days, $10,200)

"SEVEN KEYS TO BALDPATE" (Radio)
MAINSTREET—(3,100), 25c-40c, 7 days. **Gross:** $2,900. (Average, $8,000)

Week Ending Dec. 26:

"THE BRIDE COMES HOME" (Para.)
NEWMAN — (1,900), 25c-40c, 7 days. **Gross:** $10,500. (Average, $7,000)

"THE CALLING OF DAN MATTHEWS" (Col.)
TOWER—(2,200), 25c-35c, 7 days. Stage: Joe Kelso & Co., Heller & Riley, Powell & Nedra, Kiddie Revue. **Gross:** $6,300. (Average, $7,000)

Week Ending Dec. 27:

"THE LITTLEST REBEL" (20th-Fox)
"YOUR UNCLE DUDLEY" (20th-Fox)
UPTOWN—(2,000). 25c-40c, 9 days. **Gross:** $7,400. (Average, 9 days, $4,200)

Kalver Gets B. & K. Leave

CHICAGO, Jan. 2.—Roy Kalver of the Roosevelt has secured a leave of absence from B. & K. and will go to Decatur, Ind., to help his father, I. A. Kalver, operate his houses there. He plans to be away at least six months.

Columbus Majestic Open

COLUMBUS, Jan. 2. — The RKO Majestic, which closed as a first run house concurrently with opening of the new RKO Grand early in October, reopened Christmas Day as a second run stand, playing a split week policy.

Temple Film In Cleveland Hits $8,000

CLEVELAND, Jan. 2.—"The Littlest Rebel" was the big hit of the week, going $5,000 over the $8,000 average at Warners' Hippodrome to a $13,000 gross against heavy weather odds and the pre-Christmas shopping competition.

"Miss Pacific Fleet" at the RKO Palace, the only other seven-day picture of the week, made a fair showing at $13,000 with the "Hollywood Cabaret" Revue as the stage attraction. "Rendezvous" took $6,500, a non-profit figure at Loew's State.

"The Virginia Judge" at Loew's Stillman stood up as well as could be expected at this season.

Total first run business was $37,000. Average is $42,000.

Estimated takings for the week ending Dec. 27:

"ESCAPE FROM DEVIL'S ISLAND" (Col.)
ALLEN — (3,300), 30c-35c-42c, 4 days. **Gross:** $2,750. (Average, $3,000)

"RENDEZVOUS" (M-G-M)
LOEW'S STATE—(3,400), 30c-35c-42c, 5 days. **Gross:** $6,500. (Average, $10,000)

"THE VIRGINIA JUDGE" (Para.)
LOEW'S STILLMAN—(1,900), 25c-35c, 5 days. **Gross:** $2,500. (Average, $4,000)

"MISS PACIFIC FLEET" (W. B.)
RKO PALACE — (3,100), 30c-42c-60c, 7 days. Stage: "Hollywood Cabaret" Revue. **Gross:** $12,000. (Average, $15,000)

"THE LITTLEST REBEL" (20th-Fox)
WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $13,000. (Average, $8,000)

"Two-Fisted" Top In Montreal Pickup

MONTREAL, Jan. 2. — Holiday receipts more than made up for the pre-Christmas lull. Loew's stepped up to $12,500 with a mixed bill topped by "Two-Fisted." The Palace touched the same mark on "Metropolitan" and "Your Uncle Dudley."

"Peter Ibbetson," first feature at the Capitol, drew $11,000, well above par. The Princess played a dual headed by "Remember Last Night?" for three days only and a take of $3,000 to get a fresh start on Christmas Day with a new attraction. Hockey matches formed the chief opposition for the week, the legitimate theatres being closed.

Total first run business was $44,000. Average is $41,500.

Estimated takings for the week ending Dec. 28:

"PETER IBBETSON" (Para.)
"MILLIONS IN THE AIR" (Para.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $11,000. (Average, $9,500)

"FORBIDDEN HEAVEN" (Republic)
"MARIE DES ANGOISSES" (French)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. Stage: "Melody in Madness." **Gross:** $5,000. (Average, $3,500)

"TWO FISTED" (Para.)
"THE VIRGINIA JUDGE" (Para.)
LOEW'S — (3,115), 30c-34c-40c-50c-60c, 7 days. Stage: "Joy Bells" vaudeville unit. **Gross:** $12,500. (Average, $10,500)

"METROPOLITAN" (20th-Fox)
"YOUR UNCLE DUDLEY" (20th-Fox)
PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $12,500. (Average, $11,000)

"REMEMBER LAST NIGHT?" (Univ.)
"EAST OF JAVA" (Univ.)
PRINCESS — (2,272), 30c-35c-50c-65c. 3 days. **Gross:** $3,000. (Average, for 7 days, $7,000)

Out today

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By

TERRY RAMSAYE

In

MOTION PICTURE HERALD

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—Sennwald, Times

BREATH-TAKING!

"One of the finest pictures of this or any year! Colman is undeniably at his best. It is in every respect a superb production!"
—Pelswick, Journal

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—Johaneson, Mirror

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Once seen, the picture will be long remembered. Neither scene nor players may be forgotten . . . Colman's best contribution to filmdom!"
—Crewe, American

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"**Strikes a new high in impassioned drama . . .**"
—Delehanty, Post

THE TOPS!

"'Copperfield' and 'Tale of Two Cities' are among the tops in pictures. A deeply moving, thoroughly absorbing picture, acted by an inspired cast!"
—Cameron, News

"A TALE OF TWO CITIES"

Another Metro-Goldwyn-Mayer Hit!

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BROADWAY at 51st STREET
Major Edward Bowes, Mng. Dir.
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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 3 NEW YORK, SATURDAY, JANUARY 4, 1936 TEN CENTS

Batcheller's Hope Is for Indie Support

Sees Independent Films' Quality Improving

BY GEORGE R. BATCHELLER
President, Chesterfield

The New Year has in store for us only as much as we put into the New Year.



There is no factor in the industry deserving of more encouragement and support than independent production and distribution.

We, who have been striving for proper recognition in the independent field, are most gratified with the reception that we are receiving from exhibitors throughout the entire world.

There is no question that pictures released by independents are constantly improving in quality and that independents are constantly striving to create pictures with the box-office as their objective.

"Two Cities" Hits $71,000, Capitol

"A Tale of Two Cities" garnered a fine take at the Capitol last week, $71,000, indicating a minimum of three weeks for the picture. Plans for reinstating vaudeville with "Riffraff" have been dropped for the time being. The Roxy on nine days with "If You Could Only Cook" and Paul Ash on the stage ended with $62,000.

The Music Hall, with "The Littlest Rebel," got $60,000 in the last four

(*Continued on page 2*)

Editor Says Spain Likes Film Cleanup

WASHINGTON, Jan. 3.—Improvement in films reaching Spain since the Legion of Decency drive has pleased the public in that country, according to a letter received by William F. Montavan, director of the legal department of the National Catholic Welfare Council, from Jose Torre de Rodas, editor of *Filmor*.

Filmor is the official film paper of

(*Continued on page 4*)

RKO Claims Cut Nearly 22 Million

Additional Reductions by Court Expected

Creditors' claims which were filed against RKO in the company's reorganization proceedings have been reduced by approximately $21,750,000, it was disclosed in a computation completed yesterday.

The total claims against the company amounted to $55,104,721. Thus, this amount has been reduced now to less than $34,000,000 and additional reductions in large amounts are more or less certain to be effected. The largest reductions made up to date resulted from the amending of claims filed. Reductions of this kind totaled $15,720,125. Claims amounting to $4,641,386 were withdrawn and stipulations on 17 claims totaling $3,212,283 were recently made, effecting a reduction of approximately $600,000 on that amount. Other reductions have been made through payments toward the retirement of the RKO six per cent

(*Continued on page 4*)

Census Amusement Canvass Is Begun

WASHINGTON, Jan. 3.—Canvassers of the U. S. Census Bureau yesterday began their task of surveying theatres and other places of amusement throughout the country for the 1935 census of business, initial reports on which are expected to be made available sometime next summer.

Mindful of the inadequacies of a similar census taken two years ago, officials of the bureau are making every effort to assure complete coverage of the amusement industries.

The survey will show the number of theatres in each state by types of

(*Continued on page 2*)

Final Voting Nears For Quigley Awards

As soon as judges for December have completed their voting in a day or two, arrangements are to be made for the selection of the two 1935 winners of the Grand Awards in the exploitation contests conducted by the Managers' Round Table Club of *Motion Picture Herald*.

As was done last year a representative committee taken from the lists of the 1935 judges will decide upon the two theatremen to be given the

(*Continued on page 4*)

IATSE Pact

Hollywood, Jan. 3.—Optimism reigned among film crafts here today following the successful negotiation by George Browne of the IATSE five-year agreement. Bert Offord of wardrobe men's group claimed close to 100% representation in all companies with only M-G-M still to be heard from before the Saturday midnight deadline. Mr. Browne will meet with cinematographers on Sunday.

Omaha Views Outlook with Cheerful Air

Second instalment of a field survey on the outlook for 1936.

OMAHA, Jan. 3.—New Year prophecies here vary from extreme conservatism to frank assertions that new records are in prospect. They all have one thing in common, however—an absence of the pessimism that has been apparent for three years or more.

Omaha is a trade center for three states. It is a barometer for a far-flung territory. Roger Babson has already made the assertion that it has been only a little behind the rest of the country in rate of recovery.

The city is the center of 10 rail lines, it is the world's greatest butter producer and a trucking center. Big things in 1936 were predicted generally by business leaders when interviewed by the local press.

Some statistics made public at that time indicated that the 1935 improvement in new car sales had been 116

(*Continued on page 2*)

Strike in Mexico Seen Ending Soon

By JAMES LOCKHART

MEXICO CITY, Jan. 3.—A settlement of the strike of employees against eight major American distributors, which has lasted since last September, is expected shortly by the Federal Labor Department, following the resumption of conversations between employers and employees.

Some department officials have indicated that the strike may be settled next week, which would mean the immediate release of the major company films, withheld from this market since the strike began.

No Tax Stand Of President Held Keynote

Expect Congress to Bar Thorny Problems

By BERTRAM F. LINZ

WASHINGTON, Jan. 3.—President Roosevelt's statement to Congress tonight that he does not consider new taxes "necessary or desirable" at this time is held by observers to be a keynote for this session.

With a Presidential campaign in prospect and his party in control of both branches, it is believed that as many controversial subjects as possible, including films, will be avoided.

The President's decision to deliver his address in the evening, when, incidentally, more people were at home to listen to it over the radio, set a peace-time precedent. The only previous night delivery that can be recalled was President Wilson's call for war with Germany in 1917.

Legislation dealing with the film industry is not expected to be brought up for several weeks, until after Congress has settled down and more

(*Continued on page 4*)

Lawyers, Film Men Meet at St. Louis

ST. LOUIS, Jan. 3.—Counsel for the Government, Warners and Paramount have arrived from Washington and New York for preliminary preparations for the equity hearing on Monday before Federal Judge Joseph West Molyneaux. RKO attorneys are due from New York Sunday night.

Russell Hardy, Walter Rice and William R. Benham, representing the Government, arrived from the Capitol Thursday, the same day Robert W. Perkins and I. Levinson of the Warner legal staff came on from

(*Continued on page 2*)

See Wage Increase Demand in Chicago

CHICAGO, Jan. 3.—Prospects of a demand for a 20 per cent wage increase for operators when existing contracts with local theatres expire Jan. 11 are seen here.

Theatre operators oppose an increase and some observers see a dispute of serious proportions in prospect. The first negotiations between the union and the exhibitors will be held early next week.

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Michael Fox Passes

HOT SPRINGS, ARK., Jan. 3. — Michael Fox, father of William Fox, died at his home here yesterday. He was 80 years old. He had resided here for 11 years and had been ill for some time. Burial will be at Flushing, L. I.

In addition to William, Fox is survived by his widow, Mrs. Rose Fox, two other sons, Aaron and Maurice, and three daughters, Mrs. Herman Livingstone and Mrs. Billie Fried of New York, and Mrs. Henry Dunn of Los Angeles.

Laird Wins Coast Trip

DALLAS, Jan. 3.—T. E. Laird, manager of the Sack Amusement Enterprises Dallas office, was the winner of an all-expense trip to Pasadena to see the New Year football game. The drive began early in December.

Fairbanks Due

Douglas Fairbanks will arrive on the *Aquitania* on Tuesday. He will fly directly to Hollywood, and put "Marco Polo" into work immediately.

Hays, Jr., a Speaker

HOLLYWOOD, Jan. 3.—Will H. Hays, Jr., is a member of the Wabash College Speakers' Bureau, and is delivering talks on Hollywood.

Shirley Grey Married

LONDON, Jan. 3.—Shirley Grey was married today to Arthur Margetson, English actor.

Purely Personal

KING CHARNEY, NAT SALAND, DAVE BADER, HAL HORNE, AL KRELLBERG, JAMES A. FITZPATRICK, JACK TROP, TRUMAN H. TALLEY, ED THORGESON, HARRY LAWRENSON, LEW LEHR, NEIL F. AGNEW, JOE UNGER, MILT KUSELL, CHARLIE REAGAN, CHESTER ERSKINE, CHARLES B. PAINE, and RALPH POUCHER glimpsed at The Tavern yesterday.

•

HENRY FONDA, who arrived here Monday for a vacation, had to fly back to the coast to start work on a new WALTER WANGER production for Paramount, "The Moon's Our Home."

•

GEORGE W. WEEKS and ARTHUR A. LEE of G. B. left last night for Buffalo. They are on a "good will" tour and their itinerary includes Cleveland, Cincinnati, Pittsburg and Philadelphia.

•

OSCAR SERLIN, recently named to a Paramount production post in the east, leaves today with MRS. SERLIN for a vacation in Mexico City.

•

ARTHUR M. LOEW, JOE BERNHARD and SIGMUND ROMBERG lunched at the Astor yesterday, but not alone, you understand.

•

CHARLES CABALLERO of the Plymouth, Worcester, and Art, Springfield, Mass., was in town yesterday.

•

HARRY EGERT of Progressive Poster and Rex Premiums has returned from a vacation in Miami.

•

OLGA BACLANOVA has completed work on a musical Vitaphone short at the Brooklyn plant.

•

WILLIAM ROWLAND and ROBERT RITCHIE sail for London on the *Champlain* today.

•

RUBINOFF—without his violin—ambling down Sixth Ave. yesterday afternoon, unnoticed.

•

BEL VILLAR, Paramount manager for Chile, is here for a visit at the home office.

•

HARRY M. and ALBERT WARNER are basking under the Miami sun these days.

Bronx Theatre Fined

Bernard Zimmetbaum of the Tremont, Bronx, yesterday was fined $250, or 20 days in jail, in Special Sessions for featuring a game in the theatre. The case will be appealed.

Zimmetbaum held that about 250 theatres in the borough play games and he was being made "the goat." District Attorney Foley contended the exhibitor ignored repeated warnings to discontinue the practice.

To Extend WPA Shows

Although appropriations now on hand are sufficient to carry the WPA theatre project up to June only, plans are now being made to assure its continuance thereafter, Hallie Flanagan, national director of the project, told an Actors' Equity meeting yesterday. The project definitely will not be discontinued in June, she said.

New Midwest Buying Group Picks a Name

OMAHA, Jan. 3.—Plans for the buying combine in this territory have progressed to the point where a name for the new group—NIDEA—Nebraska, Iowa and Dakota Exhibitors' Ass'n., has been selected and officers have been named.

A contract form is to be drawn up for presentation to distributors, but its details are being withheld until the executive board gets its policies set.

Charles E. Williams, who also is president of the M. P. T. O. unit, is business manager of the new organization. He says this fact does not mean that NIDEA has any connection with the M. P. T. O. His selection, he says, is due to the fact that he happens to be located in the trade center of the territory.

H. S. Tammen, Yankton, S. D., exhibitor, is chairman of the executive board, which also includes Dale Goldie, Cherokee, Ia.; Jennie Wickman, Tekamah, Neb.; R. F. Kehrberg, Sheldon, Ia.; H. F. Kennedy, Broken Bow, Neb.; Mone Thompson, St. Paul, Neb., and O. C. Johnson, Falls City, Neb.

At present there are 22 members in the organization. All new members come in only on a three-fourths vote of the total membership.

"Two Cities" Garners $71,000 at Capitol

(*Continued from page* 1)

days of an 11-day run. The first seven days were good for $86,000. "Magnificent Obsession," which succeeded Shirley Temple, chalked up a gross of $62,000 in the first four days, the opening day getting $13,000. "The Perfect Gentleman" at the Center was mild at $6,000 and the first week of "Ah Wilderness" brought jubilant smiles to the management with $32,000.

"The Bride Comes Home" and Glenn Gray and the Casa Loma Orchestra at the Paramount tallied $50,000 for the first week. "Fang and Claw" at the Rialto for the first week took in around $12,000, while the Palace with "I Dream Too Much" and "Another Face" ended with about $8,000. The first week of "Captain Blood" at the Strand ended with approximately $40,000 and the initial seven days of "Dangerous" at the Rivoli tallied around $26,000.

All Broadway houses jumped admissions for New Year's Eve.

Roslyn House Loses In Equipment Case

A judgment for $4,537 was filed yesterday in the N. Y. Supreme Court in favor of General Talking Pictures Corp. against Emil T. Rinas, who formerly operated the Tower in Roslyn, L. I. The judgment was for rental of equipment.

The defendant set forth that the theatre was destroyed by fire on March 18, 1931. The plaintiff contended that the apparatus was undamaged and offered to install the same apparatus in another theatre so that Rinas could continue the contract. The court refused to absolve Rinas from the contract, since the apparatus remained intact and said there was no provision in the contract as to possible destruction of the theatre by fire. Rinas was held to the terms of the agreement.

Omaha Views Outlook with Cheerful Air

(*Continued from page* 1)

per cent in Nebraska over 1933. Electricity consumption had increased five million kilowatts; dividends of over $1,000,000 were paid by seven building and loan associations; Omaha newspapers reported a gain of 1,000,000 lines; construction of homes nearly doubled during 1935; the population of 214,006 was nearly 10,000 above the 1930 census figure.

Charles E. Williams, president of the M.P.T.O. of Nebraska and Western Iowa, is one of the conservatives among the prophets.

"I can see nothing at all that will prevent 1936 from being as good as 1935," Williams said. "At the present moment, exhibitors are confronted with changing weather conditions—always a bane to showmen in the prairie states."

Lawyers, Film Men Meet at St. Louis

(*Continued from page* 1)

New York. Louis Phillips and Irving Cohen of Paramount arrived today. William Mallard, chief counsel for RKO Radio Pictures, and Gordon E. Youngman are due from New York by plane late Sunday evening. Pressure of business is keeping Mallard in the east, while Youngman, who has been vacationing in Miami, returned to his headquarters late today.

A. C. Thomas, general counsel of Warners, flew in from South America. He is the first out-of-town witness subpoenaed by the Government to arrive. Gradwell Sears is en route from New York and is making a few stopovers on the way. Cresson Smith, RKO western and southern division sales manager, arrives Sunday. Jules Levy also is expected to leave New York tomorrow. Harry C. Arthur, Irving Lesser and Jack Partington are slated to arrive Sunday afternoon from New York, while Milton B. Arthur is due from the coast the same day.

Neil F. Agnew is expected to plane in from the east Sunday night. Major Isaac E. Lambert, general counsel for KAO, is expected to attend the last few days of the hearings.

Census Amusement Canvass Is Begun

(*Continued from page* 1)

shows. box-office receipts, number of employes, wages paid and other valuable information. Its outline will be based upon that of the 1934 survey, covering the business of the preceding year, so that comparisons may be made showing the extent of recovery in the past two years.

The current census, like the first taken, is purely experimental but if it proves feasible it is probable an effort will be made to secure legislation for the making of such surveys at stated periods.

COMPLETE

UNPARALLELED photographic quality . . . speed . . . fine grain . . . Eastman Super X has them all. It is the complete modern negative film. Agreeing that it leaves nothing to be desired, cameramen and producers are using it in the bulk of today's feature productions. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

No Tax Stand Of President Held Keynote

(*Continued from page* 1)

or less mapped out a program. Insiders declare that the threat of adverse legislation is very faint. They base their belief on the fact that this is election year and the services of the industry will be sought by the Administration.

In discussing taxes the President said: "Restoration of national income, which shows continuing gains for the third successive year supports the normal and logical policies under which agriculture and industry are returning to full activity. Under these policies we approach a balance of the national budget. National income increases; tax receipts, based on that income, increase without the levying of new taxes. That is why I am able to say to this, the second session of the 74th Congress, that based on existing laws it is my belief that no new taxes, over and above the present taxes, are advisable or necessary."

Devoting himself chiefly to a discussion of war thoughts abroad and to a challenge to those whom he declared would undo all that has been accomplished by the Administration in the past three years, the President divulged little of his plans for legislation.

Few Bills Thus Far in Mass.

BOSTON, Jan. 3.—Film bills have been scarce among the batch of 295 measures handed in to the clerks of the Senate and House which got underway yesterday. Some perennials are expected, among them censorship and admission of minors. Arthur K. Howard of Allied and Joseph Brennan of the M.P.T.O. are watching the situation.

World's Fair Bills at Albany

ALBANY, Jan. 3.—Creation of a state commission to tie in the state with the progress of the New York World's Fair of 1939, and authorization of a $5,100,000 bond issue by the city of New York for such purpose are the subjects of two bills introduced in the legislature at Albany.

Editor Says Spain Likes Film Cleanup

(*Continued from page* 1)

the Catholic Parents' Assn. in Spain.

The letter follows:

"We congratulate you most heartily on the news reports that you have sent us which are evidence that there has been noticeable improvement in the morality of pictures that are being publicly exhibited in your country.

"We are happy also to report that here in Spain we, too, have noticed that in all motion picture productions coming from the United States there is a marked improvement."

Karen Morley Recovering

HOLLYWOOD, Jan. 3.—Karen Morley is recovering in a hospital here from an emergency operation for appendicitis. She was stricken yesterday while working on a picture at the Los Angeles airport.

Looking 'Em Over

"Rose of the Rancho"

(*Paramount*)

"Rose of the Rancho" is unique—it is the first western with a Metropolitan Opera star and the first one to have thieving outlaws of the Gold Rush days stop their raiding long enough to sing in chorus formations, with the beer spigots opened in time to the music, the glasses raised with flourishes and the gunmen embroidering beer mugs on the wall with their six-shooters.

Miss Swarthout calls her vigilantes with songs and they answer in massed choruses. John Boles strides up to the bar of a frontier saloon whistling and the faro and roulette players join in melodiously. Even Charles Bickford joins in a full-throated duet with Boles after inviting him to join his gang of night-raiders. This may explain why cowboys wear high heels and fancy handkerchiefs—just a charming old Spanish custom.

Between raids there is a fiesta, during which Miss Swarthout sings and dances and just before the final big raid on Don Pascual Castro's ranch there is another party with music. It's full of music.

The story is based on David Belasco's play and is set in the days after the Mexican War when the Spanish landholders were the victims of American adventurers, who were stealing their lands because the proud Spaniards refused to register them. Bickford is the leader of the American adventurers, Miss Swarthout is Rosita Castro, daughter of Don Pascual Castro (H. B. Warner) in the day time and Don Carlos, leader of the vigilantes, at night. Boles is a G-Man of the 1852 vintage. He foils the bandits and wins the girl in a final duet.

Willie Howard, as a Jewish-Mexican caballero, and Herb Williams as the first insurance agent on the coast, furnish all of the laughs.

Don Alvarado, Harry Woods, Grace Bradley, Charlotte Granville, Minor Watson, Pedro de Cordoba, Russell Powell and others are in the cast. It is a strong assemblage of talent—strong enough, in fact, to support a good story if there were one.

The photography is excellent, the direction by Marion Gering is better than in most westerns, and the cutter did a good job in preventing the action from interfering with the music.

Production Code Seal No. 1,463. Running time, 82 minutes. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Man Hunt"

(*Warners*)

HOLLYWOOD, Jan. 3.—A comedy, this satirizes G-Men and big shot newspaper reporters, and evidently was produced for the small town, giving that patronage opportunity to laugh at the "wise" city folks. It has been smartly conceived and intelligently directed and acted. Romance, drama and suspense are given a hokum twist, with action.

Marguerite Churchill, teacher, is in love with William Gargan, small town reporter. She admires the bad men of history, with "Chic" Sale, old gunfighter, amusingly aiding that admiration. Ricardo Cortez, gangster, breaks jail, and is pursued by a trainload of G-Men and star reporters. Miss Churchill, succumbing to his sentimental pleas, hides him. Gargan is made to appear a fool to the pursuers, but overhears Cortez and his gang plan the robbery of a local bank. Unable to convince Russell Simpson, sheriff, or G-Man chief Addison Richards, Gargan and Miss Churchill start a run on the bank. The gang finds it empty, and the law arrives for the capture after Sale blows their tires with his quick shooting. Gargan, with his big scoop, is offered big city jobs but decides to stay home with Miss Churchill.

The two leading players are capable, with Sale and Maude Eburne supplying lively comedy. Cortez is good as the gangster. William Clemons' direction portrays the small towner as smarter than the city man. Roy Chanslor's screen play from Earl Baldwin's story is clever. The folks who are heroized in it should like the film.

Production Code Seal No. 1,783. Running time, 65 minutes. "G."

Report Virginia Deal

RICHMOND, Jan. 3.—Reports are current here that the Dominion Amusement Corp., headed by Elmer H. Brient, is negotiating for four houses in Petersburg and Richmond.

Fifth Week for "King"

"The Making of a King" with Emil Jannings being held for a fifth and final week at Krellberg's Bijou. General Foreign Sales Corp. is the distributor here.

RKO Claims Cut Nearly 22 Million

(*Continued from page* 1)

secured notes held by Consolidated Film Industries.

The secured debt of RKO is $13,968,500 and approximately $19,500,000 of other claims probably will be ultimately allowed by the court subject to further reduction. Many of the claims in the latter classification can be offset by provisions for their allowance at reduced amounts in a plan of reorganization. Among the most important of such claims is that of Rockefeller Center, amounting to $8,207,000. Provisions for this claim could be made in a plan of reorganization which would reduce it by from $4,000,000 to $6,000,000. From this unofficial estimates are made that RKO could reorganize with a capitalization of approximately $27,500,000.

The capitalization of Paramount outstanding upon the consummation of the company's reorganization was $61,441,806 and 1,610,452 shares of common stock, by comparison.

Final Voting Nears For Quigley Awards

(*Continued from page* 1)

free air trips to Hollywood via TWA where the Grand Awards are to be presented, some time in February or March.

It is expected that ranking production executives, stars and directors will attend the award ceremonies. An entertainment program for the visiting theatremen during their Hollywood stay is also being formulated.

Wall Street

Stock Gains Continue

	High	Low	Close	Net Change
Columbia	44⅛	43⅜	44⅛	+ ⅜
Consolidated	5⅞	5⅝	5¾	+ ⅜
Consolidated, pfd.	18½	18	18⅜	+ ⅛
Eastman Kodak	160	159	160	+2¼
Loew's, Inc.	54⅜	52¾	53⅞	+1⅜
Paramount	10¼	10⅜	10¾	+ ⅛
Paramount 1 pfd.	81¾	80	81¾	+1¾
Paramount 2 pfd.	12¾	12¼	12⅝	+ ⅛
Pathe Exchange	8	7⅝	7¾	— ⅛
RKO	5¾	5¼	5⅝	+ ½
20th Century-Fox.	23¾	23½	23¾	+ ½
20th Century, pfd.	32⅝	32	32½	+ ½
Universal, pfd	55	55	55	.....
Warner Bros.	10½	10	10⅜	+ ⅜
Warner, pfd.	52¼	50⅛	52¾	+2¼

No Change on Curb

	High	Low	Close	Net Change
Sentry Safety	⅝	⅝	⅝	.....
Sonotone	2	2	2	.....
Technicolor	18⅜	18⅛	18¼	.....
Trans-Lux	3⅝	3½	3½	.....

Bonds Maintain Upswing

	High	Low	Close	Net Change
General Theatre 6s '40	22½	21	21¼	+ ¾
General Theatre 6s '40 ctf	21¾	20½	20¾	+ ½
Loew's 6s '41 ww deb rights	103⅞	103¾	103⅞	+ ⅛
Paramount B'way 3s '55	58⅛	58	58⅛	+ ⅜
Paramount Pict. 6s '55	93⅞	93	93⅞	+ ⅜
RKO 6s '41 pp	77	77	77	.....
Warner Bros. 6s '39 wd	87½	87	87⅛	+ ⅝

(Quotations at close of Jan. 3)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 4 NEW YORK, MONDAY, JANUARY 6, 1936 TEN CENTS

Philadelphia Agrees 1936 Outlook Good

Steady Pickup, Gain in Employment Cited

Third instalment of a survey on the outlook in the field for 1936.

PHILADELPHIA, Jan. 5.—Encouraged by the revival of attendance in 1935 and the Sunday show vote, exhibitors here are almost unanimous in predicting that 1936 will be the brightest year since 1930.

"New year forecasts," one exhibitor put it, "are usually 90 per cent wishfulfillment and plain optimism, but right now we have more than airy promise to go on. The year just ended showed a steady pickup and the outburst of holiday trade in the department stores, which averaged 10 to 20 per cent better than 1934, plus the most extravagant New Year's Eve celebration in the theatres and night clubs that Philadelphia has seen since pre-prohibition days, are sure indications that there is more money to be spent by the amusement loving portion of the public."

A. R. Boyd and Frank W. Buhler

(*Continued on page 8*)

Introduces Alien Bill in Congress

WASHINGTON, Jan. 5.—The only measure directly affecting the industry introduced into Congress at the opening session was a resolution, submitted by Representative Dickstein of New York, to regulate the entry of alien musicians and actors.

The resolution requires that all such persons, unless of conspicuous ability or engaged for positions of superior talent, before embarking, obtain per-

(*Continued on page 6*)

Hutchinson Cheerful On the 1936 Outlook

Walter J. Hutchinson, recently appointed general foreign manager of Twentieth Century-Fox, reflects optimism for the new year. He sees this in store:

"The general business recovery which started in 1934 should continue throughout the world in 1936; in this general world recovery the motion picture business should get its share.

"Pictures of truly international appeal will reap the greatest benefit. America, of course, has the international pictures and the machinery for turning them out."

Coast Guilds In Drive for Closed Shop

Reported Move Aftermath Of IATSE Deal

HOLLYWOOD, Jan. 5.—The Screen Actors' and Writers' Guilds here are said to be setting the stage for a concerted drive for the closed shop, which would replace the present Academy-producer pacts, if successful, following the feverish drive of all film crafts to gain producer recognition and establish 100 per cent closed shop in the studios, as the result of the I. A. T. S. E. five-year agreement with studios.

Bert Offord of the wardrobe men's group said the basic closed shop agreement does not affect wages. Wage problems probably will be adjusted at a series of meetings scheduled by unrecognized groups during February in New York. This is the first time the wardrobe group has ever approached a closed shop agreement in the studios.

It is understood the assistant directors have revived their A. F. of L. affiliation in a step toward the closed shop. Painters, makeup artists and laborers are taking action similar to that of the guilds. It is understood George Browne, I. A. president, has closed the doors of his organization to first cameramen, who are all A. S. C. members. It is reported, however, that the cameramen are bending every effort to obtain I. A. cards.

Wisconsin Has 399 Open, Report Shows

MILWAUKEE, Jan. 5.—There are 399 theatres open in the Wisconsin territory, representing a total seating capacity of 242,471, according to the 1936 annual guide for Wisconsin and Upper Michigan issued from the local Film Board of Trade. This figure was the same at the start of 1935.

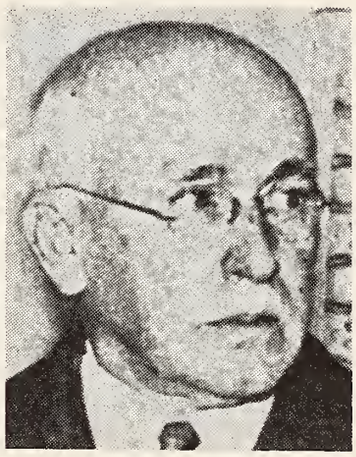
The guide shows 62 affiliated houses in the territory and 444 independent, of which 399 are in Wisconsin.

Schaefer About Set On New Connection

George J. Schaefer, who recently resigned as vice-president in charge of sales at Paramount, is expected to announce his new affiliation during the week.

Schaefer, it is understood, has not been subpoenaed for the St. Louis equity action which starts today before Federal Judge Joseph W. Molyneaux.

On the Bench



ST. LOUIS, Jan. 5.—Judge Joseph W. Molyneaux, who will preside at the equity hearing here on a preliminary injunction against Warner, RKO and Paramount for alleged refusal to sell film to F. & M. houses, is from Minneapolis. Born at Bellevue, Ky., Dec. 12, 1862, he studied at Miami University, Oxford, O., and graduated from the University of Cincinnati law school in 1882. He started practicing in Minneapolis in 1884. He served for 12 years, from 1913, as a judge in the district court of Minneapolis. In 1925 he was named to the U. S. District court there, serving in that court since.

957,000,000 Total British Attendance

LONDON, Jan. 5.—Attendance at the 4,305 theatres in Great Britain during 1935 reached 957,000,000, an average of 18,500,000 weekly, the total admission expenditure for the year reaching £40,950,000 (approximately $200,000,000), according to the report of an industry survey given by Simon Rowson before the Royal Statistical Society here.

Nearly £7,000,000 went to the Government as entertainment tax. The average number of seats per theatre is 900, according to the report. In London there is one seat for every 14 of population. Rowson declared the danger of overseating is serious,

(*Continued on page 6*)

Say Detroit United After More Houses

DETROIT, Jan. 5.—United Detroit Theatres are reported seeking more neighborhood theatres, some of them probably in competition with the Schreiber, Smilay and London circuit. United, through George Trendle, on Jan. 1 took over the Regent and Rosedale which formerly had been operated by Mrs. Ida Katz.

Defense Move Argued First At St. Louis

Dismissal Motions Come Before Judge Today

ST. LOUIS, Jan. 5.—Preliminary to hearing the Government's application for a temporary injunction against Warners, RKO and Paramount for assertedly refusing to sell their product to F. & M., Federal Judge Joseph West Molyneaux of Minneapolis on Monday will hear arguments by counsel for the three distributors to dismiss the equity proceedings. Countering these pleas will be argument by Russell Hardy, representing the Government.

Attorneys for Warners, Paramount and RKO will contend, as they did in separate petitions filed within the last two weeks in Federal Court here, that the phases covered in the civil action were disposed of on Nov. 11 when a jury unanimously acquitted Harry M. Warner, Herman Starr, Gradwell

(*Continued on page 6*)

Hardy Refuses to Agree to a Delay

ST. LOUIS, Jan. 5.—Russell Hardy, Government attorney, has refused to join with Cravath, de Gersdorff, Swaine & Wood in a move for a postponement of the civil action against Warners, Paramount and RKO, scheduled for hearing on Monday in Federal Court before Judge Joseph W. Molyneaux. The delay was sought because Frederick H. Wood is in bed with the grippe in New York.

Wood was co-counsel with ex-Senator James A. Reed in representing Warners in the criminal action last

(*Continued on page 6*)

Goldwyn Plans Eight Costing $10,000,000

HOLLYWOOD, Jan. 5.—Samuel Goldwyn will spend more than $10,000,000 on eight pictures this year, said to be his biggest as an independent producer. His first will be Sinclair Lewis' "Dodsworth," bought for $160,000.

The rest of the program includes Edna Ferber's "Come and Get It," "Hurricane," to be filmed in the South Seas; "Perfectly Good Women," to Star Miriam Hopkins, Billie Burke and David Niven; Eddie Cantor in "Pony Boy," a Merle Oberon starring vehicle and two stories to be selected.

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No Change Planned For Camera Awards

HOLLYWOOD, Jan. 5.—There will be no changes in the rules for nomination for the cinematography award this year, according to John Arnold, chairman of the photographic section of the Academy Technicians' Branch.

The rules provide that each cameraman in the industry will be invited to submit for consideration the names of his two best productions during the year. From this list a committee consisting of laboratory and camera department heads will choose the three productions to be nominated for the award. In choosing the three nominees, the committee will probably project the top 25 or 30 productions, without sound, to give complete concentration on photographic values, as was done last year.

Nomination ballots will be distributed within the next week.

Milwaukee Club to Move

MILWAUKEE, Jan. 5.—Variety Club is taking new and larger quarters on the 18th floor of the Schroeder Hotel here, which it expects to occupy about Feb. 15. The local chapter has been located for the past year in the Plankinton hotel. It is planned to hold a dinner dance some time in February at the Schroeder.

Tom Mix in Mexico

MEXICO CITY, Jan. 5.—Tom Mix was a sensation here on his visit as honor guest of the Mexican Cowboys' Ass'n. Rouben Mamoulian is here also.

Purely Personal

J. J. UNGER and MILT KUSELL leave tomorrow for Albany and Buffalo. KUSELL will return to New York after a visit to the Paramount Buffalo exchange while UNGER will continue to cover all eastern and southern branches.

•

HARRY BRANDT has called a special session of the I. T. O. A. for Wednesday to discuss the organization's ball to be held at the Astor on Jan. 11. About 1,000 are expected to attend.

•

CHARLES REAGAN leaves today for a swing of Paramount western exchanges under his supervision.

•

BEULAH LIVINGSTONE, despite an injured arm, is attending to her duties as usual at Universal.

•

HERMAN WEINBERG arrives today from Baltimore to look over the foreign film situation.

•

DAVE BADER leaves for Hollywood in a couple of weeks; then back to London.

•

NELL and LYNN FARNOL sail on a four weeks' cruise along the Spanish Main in a few days.

•

SPYROS SKOURAS left by plane for St. Louis yesterday.

•

MILTON B. ARTHUR arrives in St. Louis today by plane from the coast.

•

ERIC LINDEN due in from the coast shortly.

•

. . . Chicago

MARION HEPBURN, sister of KATHARINE, is spending two months in social service work at the Hull House.

WILLIAM K. HOLLANDER and MRS. HOLLANDER have left for Mexico City for a three-week vacation and pleasure trip.

SAM CLARK is handling the campaign for the opening of "A Midsummer Night's Dream" in downstate houses.

EVELYN EHRENBORG, PBX-pert at Universal, leaves this week for Hollywood to spend the winter. She plans to return in May.

JEAN GOLDFARB of the Fox exchange is enroute to California by way of the Panama Canal.

JOHN KNEEBONE, sales manager of Wilding Pictures closed several deals for features in St. Louis. The company will move to the old Essanay studios this month.

•

. . . London

ALEXANDER KORDA, RENE CLAIR, ROBERT DONAT, SIR CONNOP GUTHRIE and C. M. WOOLF presented to QUEEN MARY at the Leicester Square charity premiere of "The Ghost Goes West."

ROBB LAWSON, late publicity chief of United Artists, free-lancing, and handling press work for the Lumière anniversary celebration at Polytechnic, Feb. 20.

GEOFFREY BARKAS and GEORGE BUSBY of Gaumont British off to Canada and Hollywood for location shots and casting deals for the MAUREEN O'SULLIVAN and RICHARD ARLEN vehicle, "The Barrier."

Showmen Optimistic At Kansas City Meet

KANSAS CITY, Jan. 5.—Improved business and optimistic prospects was the theme of the five-day convention of the Heart of America Showmen's Club at the Coates House here.

The circus and carnival men elected John R. Castle, Shreveport, La., president; John R. Francis, East St. Louis, Ill., first vice-president; George Howk, Kansas City, second vice-president; David Stevens, Kansas City, third vice-president; Harry Altshuler, Kansas City, treasurer, and G. C. McGinnis, secretary.

The ladies' auxiliary of the club elected Mrs. Juanita Strassburg, Kansas City, president; Mrs. Gertrude Allen, Leavenworth, Kans., Mrs. Mary Francis, St. Louis, and Mrs. Viola Fairley, Houston, vice-presidents; Mrs. Etta Smith, secretary, and Mrs. Helen B. Smith, treasurer.

Chapters from other cities represented at the convention were Los Angeles, Mrs. A. K. Kline; Chicago, Mrs. John R. Castle, and St. Louis, Mrs. Catherine Oliver.

Relief Theatre in K. C. Gets $15,000

KANSAS CITY, Jan. 5.—The Works Progress Administration has allotted $15,000 for the relief of unemployed actors, actresses, and stage hands in Jackson County (Kansas City, Mo., and environs).

Under William B. Stone, assistant WPA director, approximately 31 persons connected with the stage now out of unemployment began Jan. 3 to receive salaries ranging from $58 to $79 a month for rehearsing and presenting plays at such public institutions as the County Poor Farm, charity hospitals and public gatherings. The employment will last about six months, and will benefit actors, stagehands, an electrician, carpenter, property man and wardrobe mistress.

RKO Men End Confabs

Traveling representatives of the RKO Distributing Corp. home office concluded their annual round-table discussions here on Saturday. Attending the sessions were A. A. Schubart, contract department manager; J. P. Skelly, in charge of branch operations; M. G. Poller, in charge of the play date department, and the following traveling representatives: William McShea, Elmer Sedin, Ned Clarke, Emmett Chasman, Ray O'Brien, J. J. Schnitzer and R. E. Helms.

Cites Tax Increase

ROCHESTER, Jan. 5. — Frank W. Lovejoy, president of Eastman Kodak, declared here that the taxes of the company in 1936 will amount to more than $600,000 over 1935, and "for several years more our taxes will steadily increase even under existing laws." He pointed out that unless business increases the added cost will have to be borne by employes and stockholders eventually.

Warners Buy in Florida

MIAMI BEACH, Jan. 5.—It has been reported here that Harry and Albert Warner have purchased ocean front property for the purpose of erecting residences. It is understood approximately $200,000 was paid for 400 feet of beach frontage.

Split Ruling Made On Reliance-Schin

BUFFALO, Jan. 5.—Federal Judg John Knight has handed down a sp decision in a move to amend the b of complaint in a case involving t Reliance Theatre, Inc., Lockpo against Schine Theatres, Inc., Glover ville, and most of the larger distribu ing companies. The suit is f $300,000 damages, allegedly receiv from a conspiracy in restraint of tra and in violation of the anti-trust law

In his decision, Judge Knight grant the plea of the defendants, who argu their case early in December, th paragraphs one to 25 of both the ori inal bill of complaint and a previous amended bill be stricken out. The paragraphs attack the defendants violators of the NRA code, since t suit was started before that body e pired, and also allege that defendan tried to deprive Reliance of lease property by conspiring with lessees

In the latter case, Judge Knight d cided that insufficient evidence ha been produced to sustain any charg He rejected a plea to strike out th rest of the bill of complaint, dealin with a conspiracy to violate anti-tru laws, but set no future date for hearin the case.

The complete list of defendants in cludes, besides the Schine Theatre Inc., Dominion Operating Co. Inc Schine Theatrical Co., Inc., J. Mye Schine, Louis W. Schine, Vitagrapl Inc., First National Pictures Dis Corp., MGM Distributing Corp., Fo Film Corp., Paramount Pictures Dis Corp., United Artists Corp., Columbi Pictures Corp., Universal Film Ex change, Inc., and RKO Corp.

Kusell Closes First Local Circuit Dea

The first of three local independen circuit deals has been closed by Mil Kusell, New York state district man ager of Paramount, with the signin of a two-year contract by the A. H Schwartz Century circuit. After on week of negotiation a deal was close last Friday and the first picture dated The pact provides for 100 per cen output and includes theatres poole with Century in Huntington Station Floral Park and Queens, L. I.

Discussions with George Skoura are expected to wind up today or to morrow. Kusell has had no negoti ations with Joseph Seider of the Pru dential circuit, but it is expected tha this group will close shortly after th Skouras deal.

This is the first time Paramount has closed an important independent cir cuit deal so late in the season.

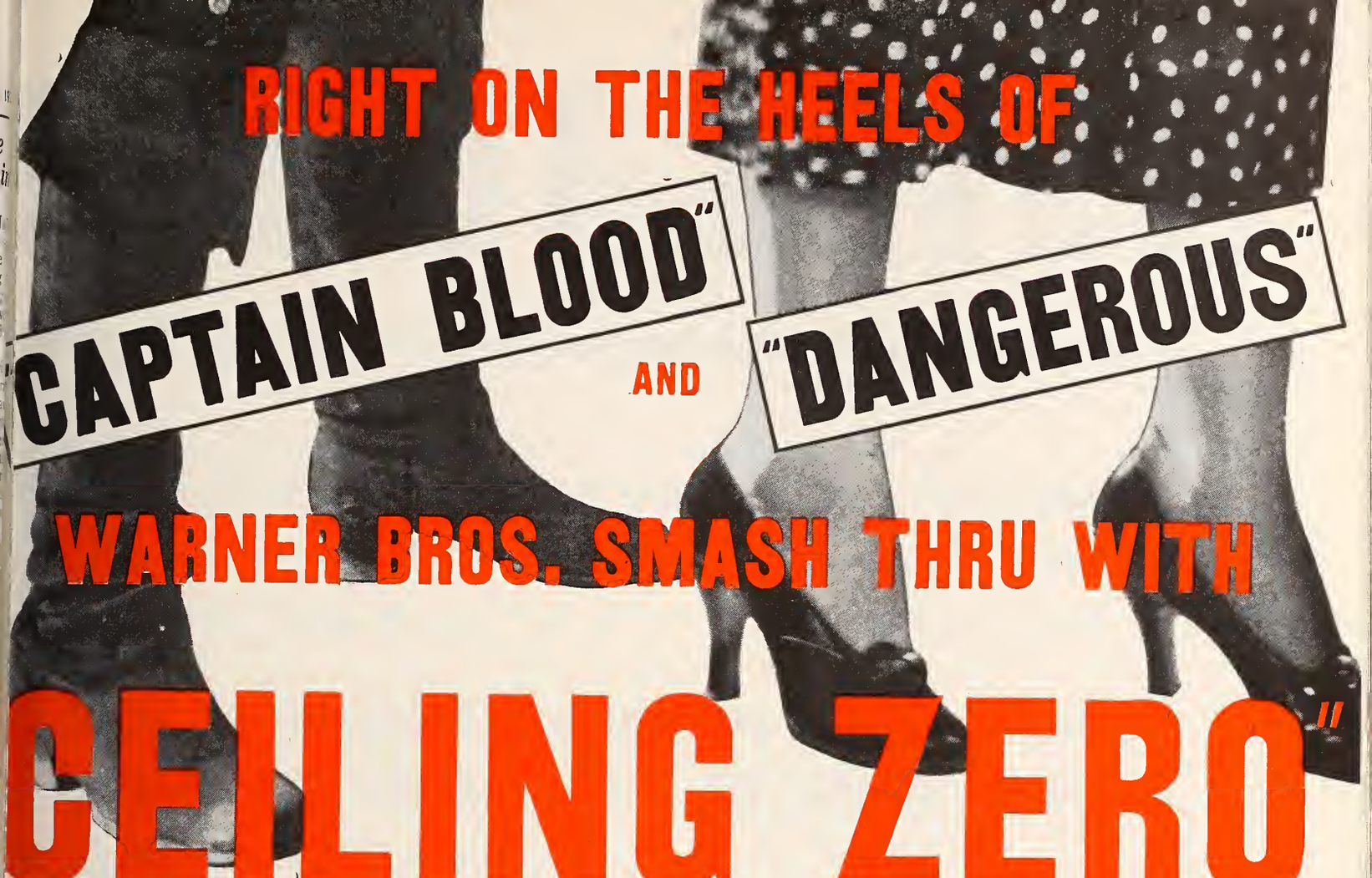
Poole Denies Deal

H. W. Poole, in a letter to MOTION PICTURE DAILY, emphatically denies he has turned over his theatres in Klamath Falls, Ore., to George Mann of San Francisco as reported on Nov. 9.

Poole operates the Liberty, Pine Tree, Chiloquin, Orpheus and Pelican in the Oregon city.

Set Short Release

Celebrated Pictures' third issue of the "New York Uncensored" short series will be ready for release Feb. 1, under the title, "Secret Operator 28 1/2."



RIGHT ON THE HEELS OF "CAPTAIN BLOOD" AND "DANGEROUS"

WARNER BROS. SMASH THRU WITH "CEILING ZERO"

Thank heaven it didn't quite leave 'Film Daily' speechless!

THE Film DAILY

A BIG PICTURE LOADED WITH SUSPENSE, ACTION AND EMOTION, WITH CAGNEY AT HIS BEST, WILL CLICK AT ANY BOX OFFICE.

Every once in a while a picture comes along that just grips and holds you; "Ceiling Zero" does that. It is one of those big pictures that lingers with you, one that you make it a point to see. When good pictures are considered, this one deserves plenty of consideration. From the motion picture palaces down to the shooting galleries it's box-office. Loaded with suspense, intense drama, sentiment, comedy, and a story that really carries a punch, it can't miss. Even though Cagney plays one of the wise guy types, his role is toned down to a more regular state. Instead there is a more serious feeling, and instead of the appeal being limited to the action houses and dates, this one can play anywhere. "Ceiling Zero" reminds one of some of the big war pictures except that the foe is weather obstacles. Cagney and O'Brien play the leading roles with a sincerity that makes for reality. Stuart Erwin carries most of the comedy. Frank Wead wrote the stage success of the same title and he also did the screenplay. The picture speaks for his work. Howard Hawks deserves the highest of praise for producing and directing a piece of work that grips one as this picture does.

Another big Cosmopolitan Production coming January 25th, starring

JAMES Cagney

PAT O'Brien

With June Travis • Stuart Erwin
Barton MacLane • Henry Wadsworth
Martha Tibbetts • Isabel Jewell
Directed by HOWARD HAWKS

A First National Picture

MULTIPLY THIS BY FIFTEEN
and you'll have a rough estimate of the amazing volume of preview cheers handed to this show! Further details soon.

LISTEN TO THE

"ONE OF THE MOST IMPORTANT PICTURE OF THE YEAR"!

. . . Motion Picture Dail

"OPENED WITH CROWDS STANDING IN LINE.. STRIKES HOME TO THE HEARTS OF PEOPLE"

. . . Eileen Creelman, N. Y. Su

"A WOMAN'S PICTURE AND A WOMAN'S PICTUR IS A BOX OFFICE PICTURE . . . WILL RATE HIGH IN FIRST TEN PICTURES OF THE YEAR"!

. . . A. C. Hayman, Lafayette Theatre, Buffal



UNIVERSAL'S

MAGNIFICENT

GRAND CHORUS!

"'MAGNIFICENT OBSESSION' SURE-FIRE BOX OFFICE PICTURE"!

. . . Hollywood Reporter

'SURE TO DELIGHT FEMININE PICTURE FANS . . . A SATISFYING EMOTIONAL EXPERIENCE . . . A FIRST RATE MOVIE"!

. . . Bland Johaneson, N. Y. Mirror

"ONE OF GRANDEST PICTURES I HAVE EVER SEEN . . . ANTICIPATE MARVELOUS BOX OFFICE"!

. . . John Hamrick, Hamrick Theatres, Seattle



OBSESSION

Defense Move Argued First At St. Louis

(Continued from page 1)

Sears, Ned E. Depinet, George J. Schaefer and the various companies with which they are identified, of indictment charges.

Summonses have been issued for approximately 50 witnesses from New York and the local area. Those who have been served will appear in court Monday. Included on the subpoena list are John E. Otterson, Leo Spitz, Austin C. Keough, A. C. Thomas, Ned E. Depinet, Neil F. Agnew, Spyros Skouras, Jules Levy, Cresson E. Smith, the Arthur Brothers, Jack Partington, Irving Lesser, Sam B. Jeffries, Herman Starr, Gradwell Sears, Thomas M. Dysart, M. A. Rosenthal, Fred Wehrenberg, John S. Leahy, David Levinson, Frederick H. Kreismann, Jacob Chasnoff, Joseph Grand, Frederick W. Strauss, Allen L. Snyder, Hall Walsh, J. M. Ulmer, Maurice Schweitzer, Clarence D. Hill, Clayton D. Lynch, Joseph Garrison, Ben B. Reingold, William Feldstein, Charles Kurtzman, Edmond T. Koeln, Harry Greenman and Dinty Moore.

The jury trial on indictment charges took six and a half weeks during which many witnesses spent considerable time in the court room without being called.

Thomas on Hand

In the criminal trial, the period covered was three years to Jan. 11, the date the indictments were handed down. The equity case extends this time to the present and, therefore, gives the Government additional latitude for introduction of new evidence and exhibits.

Although the three respondent companies have not increased their legal staffs to any extent, the Government has assigned Walter Rice, who opposed Frederick H. Wood on the Jacob Schechter-NRA poultry case, and two other Washington staff men to assist Hardy. District Attorney Harry C. Blanton, Harold Schilz and John S. Claggett will also work with Hardy. Abel Cary Thomas, general counsel for Warners, arrived the other day from South America to assist Ex-Senator James Reed, Wood, Robert W. Perkins, Jeffries and I. Levinson. RKO and Paramount have not added to their legal talent.

Harry Arthur, chief witness for the Government in the criminal proceedings, will be the first witness to be called by Hardy. Whether Dysart will follow as in the previous case had not been determined today.

Most of the out-of-town witnesses arrived this afternoon and evening.

Ohio Cuts Only 27 Of 660 Reels Seen

COLUMBUS, Jan. 5.—The Ohio censor board reviewed a total of 660 reels in December, ordering eliminations in but 27.

For the week ending Dec. 19, there was but one deletion in 136 reels.

The above compares with 20 deletions ordered in 437 reels reviewed during November.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Anything Goes"

(Paramount)

HOLLYWOOD, Jan. 5.—Hit tunes, plenty of gags and Bing Crosby's drawing power make this a potential box-office winner. It is good musical comedy with a transatlantic shipboard background. The film affords Crosby his best role to date. However, judicious cutting would speed up the action in spots.

Adapted from the well known musical comedy by Howard Lindsay and Russel Crouse, with lyrics by Cole Porter, the thread of story is the usual hokum on which are strung the plentiful laughs and vocal ensembles. Crosby, as a young broker, trails Ida Lupino aboard ship instead of continuing his work for Robert McWade, his employer, who is taking the same trip. A light triangle plot is injected by Ethel Merman, who winds up by trying to fix things with Miss Lupino for Crosby. Aboard the ship and minus money for his passage, Crosby falls in with Charles Ruggles, public enemy No. 13, who is posing as a pious clergyman. Crosby sings his way out of one mess into another, with Ruggles and Arthur Treacher providing laughs aplenty. Mixed identities are involved in the windup with Crosby winning the girl in a Paramount news truck for a novelty fadeout.

Lewis Milestone directed skillfully with tongue-in-cheek humor balanced by expert timing. The direction is the picture's high spot. Miss Merman's personality is infectious. The photography of Karl Struss is top-notch. This one should please all customers.

Production Code Seal, No. 1,754. Running time, 97 minutes. "G."

St. Louis Price War Is Denied by Arthur

ST. LOUIS, Jan. 5.—Rumblings of a price war as a result of his moving up the matinee change hour at the Ambassador, Missouri and New Grand Central from 6 P.M. to 7:30 P.M. are denied by Harry C. Arthur, who arrived today from New York to attend the equity hearings in Federal Court.

Arthur contends that last fall independent exhibitors agreed to hike admissions if the three theatres would change matinee prices at 6 P.M. The agreement was never kept, Arthur states, and hence he has returned to the old schedule of admissions.

Talks Are Held to End Mexican Strike

By JAMES LOCKHART

MEXICO CITY, Jan. 5.—The local branches of the eight major American distributors here have been consulting their home offices by telephone and telegraph concerning propositions submitted in the first of a series of conferences with employes, who have been on strike since September. A new series of conferences, looking to end the long strike, are scheduled for Tuesday.

957,000,000 Total British Attendance

(Continued from page 1)

unless "the balance can be secured by a national drive" for new patrons. Close to 1,500 films were registered during the year. Of the 667 features, 190 were British. Domestic films, Rowson reported, were in excess of the minimum required for the quota. The average number of screenings per British film was 7,420, and for foreign films 6,900. The London area has 401 theatres, he reported.

SMPE Spring Meet In Chicago April 27

The Society of M. P. Engineers will hold its spring meeting at the Edgewater Beach Hotel, Chicago, April 27-30. W. C. Kunzmann, convention vice-president, has completed arrangements and appointed local committees. Seven technical sessions are scheduled, with the semi-annual banquet set for April 29.

Committee chairmen are: C. H. Stone, local arrangements and reception; Herbert Griffin, projection; O. F. Neu, apparatus exhibit; Mrs. C. H. Stone, hostess for entertainment of women guests.

Vaudeville Back in RKO Boston Theatre

BOSTON, Jan. 5.—Vaudeville has returned to the RKO Boston, and double features have been scrapped. This puts stage shows back into two of the first run houses. The Metropolitan is the other. Rumors that Loew's Orpheum will return to the single-feature vaudeville policy it dropped a few months ago are discounted.

Smaller houses are, in some instances, using vaudeville one night a week.

Fete Charles L. Dooley

PATERSON, Jan. 5. — Charles L. Dooley, district manager of Warner theatres in Passaic, Bergen, and Morris counties, was feted here at a dinner tendered him by theatre managers. He was presented a basket of imported liquors at the conclusion of the dinner. Donald Jaycocks of Newark, general zone manager for New Jersey, was the guest speaker.

Form Vandolmar Theatre

ALBANY, Jan. 5.—Vandolmar Theatre Corp. has been incorporated here by Sidney Framer, Arnold Dumey and Herman M. Kaback.

Hardy Refuses to Agree to a Dela

(Continued from page 1)

October and November. Bruce Bron ley, an associate of Wood, arrived la today from the east to replace Woo

Samuel W. Fordyce, Paramount a torney here, is convalescing at h home from pneumonia. The defen desire for a week's postponement wi be opposed by Hardy on the groun that the defense has other competen counsel, and that the case is too in portant to be delayed, since every da means financial loss to the plaintif The first question to be disposed o is the point of *res adjudicata*, raise by the defense. Hardy said Saturda he will present court decisions to sus tain his contention that the result i the criminal case last November ha no bearing on the equity case.

Agnew on 24-Hour Call

Neil F. Agnew, vice-president i charge of Paramount sales, has bee granted permission by Hardy to re main in New York on 24 hours' cal Efforts to secure similar privilege for John E. Otterson and Austin C Keough were unavailing. It is under stood many of those subpoenaed ha asked to be excused until wanted which brought about the refusals.

Sources close to the bondholders' protective committee of the Ambassa dor, Missouri and New Grand Cen tral today revealed that the committee on Monday will seek permission o the court to intervene on behalf o the Government. It is understoo some discussions have been held i this connection and if such a mov were granted it is likely a prominen local lawyer will be retained.

It is said there are 6,000 bondhold ers financially interested in the out come of the equity case. In the even the Government is denied a temporar injunction, it is held the F. & M group will drop the three theatres In this case, the rentals will ceas unless a new operator takes over th properties.

Introduces Alien Bill in Congres

(Continued from page 1)

mission to enter from the Secretar of Labor. It also provides for re ciprocity with other nations, providin that the total number of citizens o any country who may enter during an fiscal year shall not exceed the num ber of citizens of the United State permitted to enter the foreign country in a like period.

Hearings probably will be held be fore any effort is made to bring th resolution up in the House, but n calendar has yet been prepared by th immigration committee, to which i was referred.

Seattle Paramount Cuts

SEATTLE, Jan. 5.—Admissions a the Paramount, Hamrick-Evergree first run, have been reduced. Effec tive this week, all seats are 20 cent from opening until 1 P.M., 25 cent from 1 until 5 o'clock and 30 cent thereafter. The former scale was 25 30 and 40 cents. The house will con tinue on its dual feature first ru policy, according to Manager Do Geddes.

ORK HERALD

eviewers Vote 'The Informer' Best 1935 Film

City Newspaper Critics Also Give Award to John Ford for Direction of Piece

The New York Film Critics, an organization of cinema reviewers representing virtually every daily newspaper in the city, announced yesterday their picture awards for 1935. Their selections are:

Picture of the Year—"The Informer," duced by RKO-Radio Pictures.

rection of the Year—John Ford: nformer."

THE NEW YORK TIMES,

CRITICS' FILM PRIZE GOES TO 'INFORMER'

New York Group Unanimously Votes It Best Movie of Year —Ford First as Director.

e recently organized New York Critics, representing a f the leading metropolitan pers, announced yesterday ults of their balloting on the ture, performances and di- of 1935.

nformer," made by RKO- and directed by John Ford, the unanimous choice on the irst ballot for the best picture of he year. Cliff Reid, its producer, ill receive the critics' gold medal

THE MORNING TELEGRAPH,

'THE INFORMER' WINS

New York Critics Vote It Best Film Produced in 1935.

"The Informer," an R.-K.-O. motion picture directed by John Ford, was voted the best picture of 1935 by the recently organized New York Film Critics. The gold medal award will go to Cliff Reid, the producer.

City's Film Critics Pick "The Informer"

At a recent meeting, the New York Film Critics voted the following awards for 1935:

The best picture of the year, "The Informer," produced by RKO-Radio Pictures

The best direction of the year, by John Ford, of "The Informer."

A feature of the voting was the unanimous selection on the first ballot of "The Informer" as the best picture of the year. In the case of the best feminine performance

BROOKLYN TIMES UNION

direction of "Thirty-N... a... Knew

'THE INFORMER,' ... JJ TOPS

DAILY NEWS, THURSDAY, JANUARY 2, 1936

The New York film critics, from their seats of the mighty, have pinned the blue ribbon to the best picture of 1935. It's "The Informer."

The award was made on the first ballot by unanimous vote. All the critics were of one mind about the RKO-Radio movie that starred Victor McLaglen. John Ford, who directed the picture, got the laurels for the best direction of the year. A-1 performances, in

ritics Vote 'Informer' Best of 193

-TELEGRAM.



Above, Margot Grahame and Victor McLaglen in a scene from "The Informer," the motion picture critics' choice as the finest film of the year. At the left, John Ford, director of "The Informer."

YORK 'AMERICAN

also selected as the year's best by NATIONAL BOARD OF REVIEW and LIBERTY MAGAZINE

The Informer' Year's Best Picture

By REGINA CREWE,
Motion Picture Editor, New York American.

re or less solemn conclave assembled, those members of g press known as the New York film critics voted their of the big parade of pictures which has deployed upon reens during the late unlamented year. The lads few hundreds and hundreds of movies annually to bestow tangible laurels upon the ncomiums in perishable print ing.

e the sacred circle doubts th

her th

Philadelphia Agrees 1936 Outlook Good

(Continued from page 1)

of the Fox joined in expressing cheerful hopes for the new year, basing their findings on the growth in business during the latter half of 1935. "Unquestionably more people are working than were a year ago and they are spending more money for amusement."

They both issued the warning, however, that audiences are becoming more discriminating and that 1936 would mark a new high in their selectivity.

Another exhibitor followed along the "discrimination" theory by issuing the warning that while top-rank production was increasing in worth and box-office appeal, "audiences will not pay to see a double-feature picture unless it's on a double-feature bill."

Independent exhibitors are torn in several directions regarding the new year in view of the so far fruitless attempts to weld together a 100 per cent independent organization. Elements of the I.E.P.A. and the M.P.T.O. joined in December in the Independent Motion Picture Theatre Owners, but the original M.P.T.O., headed by its president, Lewen Pizor, declared that the old organization will continue in existence. "Call me the 'Forgotten Exhibitor'," said one canny local film man, "and you can quote me as predicting about six indie organizations during 1936."

Sunday Shows a Factor

Nineteen thirty-six will be the test of the Sunday business, in the opinion of many exhibitors. That the downtown first runs will get the cream of the Sunday trade, drawing on outside territories which defeated the measure, is the general admission. Exhibitors in some neighborhood centers are less sanguine and if deals with opposition can be made, some of the smaller theatres may go back to the six-day week.

The prosperity trumpets are blowing, however, and the consensus of opinion is toward some high box-office marks in 1936. Steady recovery in many manufacturing lines, the obvious housing shortage in Philadelphia, which will have to be remedied by building operations during the year, and increased reemployment are all indices for a happy future.

Stacy B. Lloyd, president of the Philadelphia Savings Fund Society, has called attention to 1935's vast increase in bank deposits over 1934 as a sure indication of economic progress, while the Philadelphia Stock Exchange has revealed that Dec., 1935, brought a total sale of 439,137 shares as compared to the Dec., 1934, turnover of 270,956 shares.

Silverstein to Supervise

HOLLYWOOD, Jan. 5.—David Silverstein, writer, has been promoted by Nat Levine and will supervise "The Harvester" for Republic. Mrs. Wallace Reid, former story editor for Monogram and later writer at Republic, also has been promoted to the supervisorial ranks. She will be in charge of "The House of a Thousand Candles."

Three Films, Show Best Lincoln Draw

LINCOLN, Jan. 5. — International Follies, headlining Jackie Heller, and the Hilton Sisters revue, with three films, "Your Uncle Dudley," "Coronado" and "Virginian" during the week at the Orpheum made it the top money house with $3,600, which is $1,500 over the average pace. For the straight pictures, Shirley Temple proved herself queen of the holidays and garnered $3,800, $700 over normal at the Stuart.

Varsity, consistently down, was again $300 under with only $1,000 on "Calling of Dan Matthews." Lily Pons at the Lincoln in "I Dream Too Much" was a moderate success at $200 more than the average figure on a $2,400 take.

Total first run business was $11,700. Average is $9,850.

Estimated takings:

Week Ending Dec. 31:

"FANG AND CLAW" (Radio)
"EAST OF JAVA" (Univ.)
COLONIAL—(550), 10c-15c, 7 days. **Gross:** $900. (Average, $850)

"I DREAM TOO MUCH" (Radio)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,400. (Average, $2,200)

"CALLING OF DAN MATTHEWS" (Col.)
VARSITY—(1,100), 10c-15c-20c-25c, 7 days. **Gross:** $1,000. (Average, $1,300)

"CORONADO" (Para.)
"YOUR UNCLE DUDLEY" (20th-Fox)
"VIRGINIAN" (Para.)
ORPHEUM—(1,200), 10c-15c-20c-25c-40c, 7 days. Two stage shows: "International Follies" (2 days) and "Hilton Sisters Revue" (3 days). **Gross:** $3,600. (Average, $2,100)

"LITTLEST REBEL" (20th-Fox)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $3,800. (Average, $3,100)

"Fleet" Is $2,500 Oklahoma Grosser

OKLAHOMA CITY, Jan. 5.—"Miss Pacific Fleet" was the only attraction in town to beat out the Christmas shopping and show a substantial profit. It took $2,500 at the Capitol, over the line by $500.

"So Red the Rose" and "Annie Oakley" failed to get to first base, and "Three Kids and a Queen," at the Liberty for four days followed by a combination of "Seven Keys to Baldpate" and a stage show, failed to stir up much excitement.

Total first run business was $10,400. Average is $14,000.

Estimated takings for the week ending Dec. 28:

"SO RED THE ROSE" (Para.)
CRITERION — (1,700), 10c-55c, 7 days. **Gross:** $2,600. (Average, $5,000)

"ANNIE OAKLEY" (Radio)
MIDWEST — (1,500), 10c-56c, 7 days. **Gross:** $2,100. (Average, $4,000)

"MISS PACIFIC FLEET" (W. B.)
CAPITOL—(1,200), 10c-41c, 7 days. **Gross:** $2,500. (Average, $2,000)

"THREE KIDS AND A QUEEN" (Univ.)
LIBERTY—(1,500), 10c-41c, 4 days. **Gross:** $1,600.

"SEVEN KEYS TO BALDPATE" (Radio)
LIBERTY—(1,500), 10c-41c, 3 days. Stage: Harry Clark's "March of Rhythm." **Gross:** $1,600. (Average, $3,000)

Form Miami Poster Firm

MIAMI, Jan. 5. — Theatre Art & Poster Co. has been chartered here to conduct an advertising business. S. Meyer, M. Meyer and W. Wolfson are the principals.

Rob Paterson Theatre

PATERSON, Jan. 5.—Burglars broke into the Rialto on the Southside and took about $66.

"Mary Burns" $20,800 Top, Los Angeles

LOS ANGELES, Jan. 5. — "Mary Burns, Fugitive," turned in the best showing of the week here, helped by a stage show at the Paramount. The $20,800 gross was over normal by $2,800.

"Littlest Rebel" helped make the week a good one. At the Chinese it went to $13,000, up by $500, and at Loew's State it was $1,000 to the good on a take of $15,000.

"Sylvia Scarlett" turned in a splendid $6,400, over the line by $3,200 at the Pantages, but fell below $2,350 on a take of $5,650 at the Hillstreet.

Total first run business was $88,050. Average is $86,150.

Estimated takings for the week ending Jan. 1:

"LITTLEST REBEL" (20th-Fox)
CHINESE—(2,500), 30c-55c, 6 days. **Gross:** $13,000 (Average, $12,500)

"MR. HOBO" (G. B.)
4 STAR—(900), 30c-55c, 7 days. **Gross:** $4,600. (Average, $3,250)

"THE NEW GULLIVER" (Amkino)
GRAND INTERNATIONAL—(750), 35c-40c, 7 days. **Gross:** $3,200. (Average, $1,200)

"SYLVIA SCARLETT" (Radio)
HILLSTREET—(2,700), 25c-40c, 6 days. **Gross:** $5,650. (Average, $8,000)

"LITTLEST REBEL" (20th-Fox)
LOEW'S STATE—(2,500), 30c-55c, 6 days. **Gross:** $15,000. (Average, $14,000)

"SYLVIA SCARLETT" (Radio)
PANTAGES — (3,000), 25c-40c, 6 days. **Gross:** $6,400. (Average, $3,200)

"MARY BURNS, FUGITIVE" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: S.M.U. Mustang Band, F. & M. revue. **Gross:** $20,800. (Average, $18,000)

"DANGEROUS" (W. B.)
WARNER BROS. (HOLLYWOOD) — (3,000), 25c-40c, 7 days. **Gross:** $10,200. (Average, $14,000)

"DANGEROUS" (W. B.)
WARNER BROS. (DOWNTOWN) — (3,400), 25c-40c, 7 days. **Gross:** $9,200. (Average, $12,000)

Gleaves Succeeds Kay

DALLAS, Jan. 5.—Harry H. Gleaves, assistant ad sales manager of the local Paramount exchange, has succeeded Ralph Kay, resigned. Kay had been ad sales manager.

Wall Street

Stocks Show Few Gains

	High	Low	Close	Net Change
Columbia	44¼	44	44	— ⅛
Consolidated Film.	5⅞	5¾	5⅞	+ ⅛
Consolidated, pfd..	18⅜	18⅛	18⅛	— ¼
Loew's Inc.	54	53⅜	53¾	+ ⅜
Paramount	10¾	10½	10½	— ¼
Paramount 1 pfd..	82	81	81¼	— ½
Paramount 2 pfd..	12⅝	12¼	12¼	— ⅜
Pathe Film.	7⅞	7¾	7¾	.....
RKO	5⅞	5⅝	5⅝	.....
20th Century-Fox..	24	24	24	+ ¼
20th Century pfd..	32½	31¾	31¾	— ¾
Warner Bros.	10½	10¼	10¼	— ⅛

Slight Curb Activity

	High	Low	Close	Net Change
Sentry Safety	⅝	⅝	⅝	.....
Sonotone	2	2	2	.....
Technicolor	18	17¾	17¾	— ½
Trans Lux	3½	3½	3½	.....

Bonds Show Gains

	High	Low	Close	Net Change
General Theatre Equip. 6s '40....	22½	21½	21½	+ ¼
General Theatre Equip. 6s '40 ctf.	21	21	21	+ ¼
Paramount Pictures 6s '55.....	93¾	93½	93¾	— ⅛
Warner Bros. 6s '39 wd.....	87½	87⅛	87¼	+ ⅛

(Quotations at close of Jan. 4.)

RCA First with ROTARY STABILIZER

Essential for box office draw with modern film

Tremendous improvements are being made in sound recordi
Only recently there has been stupendous advance in the cording of coloratura sopran heretofore the most difficult all voices.

These new films make RC invention of the great Rota Stabilizer more important th ever. It guarantees consta speed of the film through t sound head, and also maintai the film in the focus of the lig beam within 1/1000th of an in Both are absolutely essential, the slightest variation in eit speed or focus utterly ruins most perfect modern recordi

For perfect reproduction, the RCA Photophone Sou Head with its unique RCA vention, the Rotary Stabilizer.

RCA PHOTOPHON
RCA TRANS LUX • RCA SONOTON

RCA Mfg. Co., Inc., Camden, N. J., a subs ary of the Radio Corporation of Ame

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 5 NEW YORK, TUESDAY, JANUARY 7, 1936 TEN CENTS

Weisman Says 130 Theatres Are Lined Up

ommitted for Circuit Here, He Declares

Approximately 130 theatres in the etropolitan area are definitely com- tted for the projected new independ- t circuit which is sponsored by ex- bitors affiliated with the I.T.O.A., ilton C. Weisman, attorney for the hibitor organization and one of the iginators of the plan, said yesterday. Weisman estimated that it would ke "three or four more weeks" to rfect plans for the formation of the rcuit, but stated that it was "def- itely going forward and will become fact." He said that it had been found cessary to alter the original financial rangements proposed for the circuit d the development of new plans of

(*Continued on page* 10)

Leake Resigns as Paramount Trustee

Eugene W. Leake yesterday re- gned as one of the two remaining ustees of Paramount Publix, his signation being accepted by Judge lfred C. Coxe in U. S. District Court re. Judge Coxe directed that Charles . Hilles, the remaining trustee, "shall deemed to assume charge of re- aining contracts, commitments and bligations entered into by Charles D.

(*Continued on page* 10)

Otterson to Coast For Product Talks

John E. Otterson, Paramount presi- nt, is en route to Hollywood where is scheduled to arrive on Thurs- ay for production conferences at the udio and confabs with Floyd B. dlum, Paramount director and ead of Atlas Corp., who has en on the coast for the past week specting production at both the

(*Continued on page* 10)

Appeals Permitted On Paramount Fees

Leave to appeal from Federal Judge lfred C. Coxe's order reducing or sallowing the applications for fees as granted by the U. S. Circuit ourt of Appeals yesterday to eight rticipants in the reorganization of aramount Publix. The applications

(*Continued on page* 10)

New Denver Lows

Denver, Jan. 6.—Admissions are reaching new lows here. The Rivoli, a dime grind with a stage show, is offering 15 tickets for $1, and a few doors away with each dime bag of popcorn a ticket to the Gem, also a dime house, is included.

Law Changes Behind Drive On Theatres

Byrnes MacDonald, director of the Juvenile Aid Bureau of the Police Department, told MOTION PICTURE DAILY yesterday that the serving of summonses on 115 employes of 59 film houses in the city for admitting children under 16 unaccompanied by adults, was designed primarily to bring about a change in the existing law.

"The best way I know to effect a change in an unpopular law is by strictly enforcing it," MacDonald said. The bureau director declared that he had no objection whatever to pictures for children, but on the contrary, thought them a splendid means of keeping the children off the streets. However, he said, "The children must be protected." MacDonald said he had no intention of specifying what type of pictures are suitable for children. "I do not feel myself qualified to act as a censor of pictures," he said.

He expressed himself as "heartily in favor" of the bill, sponsored by Mayor LaGuardia, which would permit unescorted children under 16 to attend film houses under proper super-

(*Continued on page* 3)

RKO-Center Pact Is Again Postponed

Attorneys for RKO and Rockefeller Center yesterday petitioned Federal Judge William Bondy for another postponement of the hearing of RKO's exceptions to Special Master Thomas D. Thacher's report recommending the Rockefeller Center claim against RKO for allowance at $8,207,000. The attorneys asked that the hearing, which was scheduled for today after several earlier postponements, be put off to a date to be set by the court between Jan. 23 and Jan. 27.

The hearing is being deferred by

(*Continued on page* 10)

Treasury Sees 25% Increase For Theatres

Estimates Returns for Year at $19,500,000

WASHINGTON, Jan. 6.—Attendance at theatres and other places of amusement during the fiscal year beginning July 1 is expected by the Government to be more than 25 per cent greater than it was during the year which ended July 1, last, it was disclosed today by the annual budget sent to Congress by President Roosevelt.

During the fiscal year covered by the budget, it was shown, the Treasury anticipates the collection of $19,500,000 in admission taxes, as compared with anticipated collections for the current fiscal year of $17,000,000, and actual receipts during the year which ended last June of $15,379,397.

Submitting the budget, the Presi-

(*Continued on page* 3)

Decision Reserved Upon Fox's Appeal

The U. S. Circuit Court of Appeals yesterday reserved decision on a motion by the Capital Co. to dismiss the petition of William Fox for leave to appeal from an order of Federal Judge William Bondy holding him in contempt of court for failure to answer to a subpoena served on him by Capital. Decision was also reserved on an alternative motion by Capital which would require Fox to post a $250,000 bond in the event he was granted leave to appeal from Judge Bondy's citation.

Judge Bondy, in his earlier decision, ruled that Fox could purge himself

(*Continued on page* 3)

Giveaways Nearing New England Tests

BOSTON, Jan. 6.—Giveaways are approaching a crucial test in three New England spots. Charles Hamilton, manager of the Hamilton in Dorchester, and Roy Heffener, distributor of Bank Night, faced the court today on charges of violating the lottery laws.

George S. Ryan, well known lawyer, is representing the defendants. Disposition of this case in the higher courts will probably settle the fate of giveaways in Massachusetts.

In the meantime the truce declared by Mayor Frederick Mansfield pend-

(*Continued on page* 3)

Judge Hears Defense Plea For Dismissal

Taken Under Advisement In St. Louis Case

By RED KANN

ST. LOUIS, Jan. 6.—Federal Judge Joseph West Molyneaux today took under advisement pleas by counsel for Warners, Paramount and RKO for a dismissal of the equity proceedings brought by the Government, which seeks a temporary injunction for allegedly refusing to serve Fanchon and Marco's three local first runs, The Ambassador, Missouri and New Grand Central.

Ex-Senator James A. Reed, special counsel for Warners; George S. Leisure and Jacob M. Lashly for RKO, and William R. Gentry for Paramount dug into legalistic precedent established by federal district courts and the United States Supreme Court to fortify their arguments for

(*Continued on page* 8)

Government Calls 36 Film Witnesses

ST. LOUIS, Jan. 6.—The Government has subpoenaed 36 film men as witnesses in the equity proceedings, argument on which occupied the first day in Federal Court for the eastern district of Missouri before Judge Joseph West Molyneaux of Minneapolis, MOTION PICTURE DAILY learned late today.

Joseph Bernhard, general manager of Warner Theatres; Harold S. Bareford, Warner attorney, and E. K. Hessberg, an assistant secretary of Warner Brothers Pictures, Inc., have been excused permanently from taking the stand as a result of an understanding reached with Warner counsel that the latter will not ques-

(*Continued on page* 3)

Mae West's $339,166 Tops Salary Report

WASHINGTON, Jan. 6.—Mae West earned $339,166 with Paramount during 1934, according to a factual report of salaries submitted to Congress by the Treasury Department, as required by the law which repealed the "pink slip" income tax publicity law. The report was sent to the House Ways and Means Committee without recommendation.

Other film salaries or incomes were: Charles Chaplin, $143,000; Mary Pick-

(*Continued on page* 3)

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Berry Calls Session Of Industry Group

WASHINGTON, Jan. 6.—George L. Berry, President Roosevelt's coordinator for industrial cooperation, today called into executive session the representatives of industry and labor who will constitute his "industrial council" to provide a substitute for the NRA.

Big business was conspicuously absent from the meeting, considerable surprise being occasioned by the attendance of Felix Jenkins of New York, counsel for Twentieth Century-Fox.

The major subjects of discussion were the maximum working week, minimum wage and child labor. With respect to the work week, all hopes of a 30-hour limit were dashed by the AAA decision and the discussions, of labor particularly, turned toward a compromise at 38 or 40 hours. Little was accomplished at today's meeting other than the appointment of committees to make further studies and submit their reports at another conference to be called by Berry at some future date.

Again Delay on Sound

HOLLYWOOD, Jan. 6.—A. P. Hill of Erpi has not yet completely recovered from his recent illness, necessitating another postponement of classes in the fundamentals of sound recording, which is being sponsored by the Research Council of the Academy. Hill is to conduct the classes.

The first meetings of the classes are now scheduled for Jan. 13 at the Hollywood High School.

Tremont, Bronx, Is Fined for Lottery

A $250 fine was imposed on the Tremont yesterday. The theatre was convicted in special sessions of a violation of the lottery laws in the operation of a cash giveaway featured as "Dough Nite." Barnard Zimmetbaum, operator of the Bronx house, was arrested on the lottery charge last Aug. 16. Melvin Albert of Weisman, Quinn, Allen and Spett, attorneys for the Tremont, said that the sentence would be appealed to the appellate division.

The Winthrop, Brooklyn, which was convicted earlier of a violation of the lottery laws, has an appeal set for hearing in the appellate division next Monday.

Loew's Adds Sereeno

NEW HAVEN, Jan. 6.—A second Loew New England theatre, the Bijou, will start Screeno tomorrow night. The other Loew house using the giveaway is the Palace, Meriden.

Winners Are Named In RKO Sales Drive

Winners have been chosen for the sales and billings contest conducted for the 11 weeks ending yesterday by the RKO Distributing Corp. staff. The winners were named by Jules Levy, vice-president and general manager.

The leaders in the billings contest were: Dallas exchange, managed by Sol Sachs; second, New York, R. S. Wolff, manager; third, Indianapolis, Roy Churchill, manager; Canadian winner, Vancouver, W. S. Jones, manager.

Highest average for sales possibilities went to Philadelphia, managed by F. L. McNamee, with Boston, R. C. Cropper, second, and New York, R. S. Wolff, third. The Canadian winner was Winnipeg, Mark Plottel.

Sid Jacobs Takes On Warner District Job

PITTSBURGH, Jan. 6.—With Marshall Taylor out west on an indefinite leave of absence, Sid Jacobs, who has been at the Harris-Memorial in McKeesport for a year, has been named acting district manager for Warners in the West Virginia territory. Harry Kalmine, the circuit's head here, made the appointment.

As a result, Lew Fordan comes on from Tarentum to succeed Jacobs at the McKeesport house and William Powelson transfers from the Belmar in Homewood to Fordan's post. For the Belmar job, Charles Shannon, twice winner of the Quigley Plaque for exploitation, has been named, being promoted from the assistant managership of the South Hills.

Paramount Sold Out

The Paramount has been completely sold out at $10 per seat by the committee of society leaders which took over the house for the opening of "Rose of the Rancho" tonight. The leaders in the movement are Mrs. Vincent Astor and Mrs. Marshall Field. The difference between the $10 scale and the regular scale of the house will go to the Musicians' Emergency Fund.

Funeral Rites Held For Dr. Hugo Lieber

Funeral services were held yesterday for Dr. Hugo Lieber, president of the Sonotone Corp., who died Friday after an illness of two months.

Born in Germany 68 years ago, Dr. Lieber came here in 1891 and started a chemical firm. A close association with the gaslight industry led him to establish a trade paper, "Light," in 1901. He founded a scientific research laboratory and was treasurer of the Radium Institute. During the war he spent two years in his native Germany aiding the starving populace. In 1922 he became interested in hearing aids for the deaf which led to his inventing the sonotone, his most important invention, which was made public in 1932, two years after he had founded the Sonotone Corp.

Dr. Lieber is survived by his widow and a sister, Matilda.

Funeral Services For Zohbel Today

LOS ANGELES, Jan. 6.—Funeral services for Herman Zohbel, RKO studio manager, who died Saturday following an appendectomy at the Queen of Angels Hospital, will be held tomorrow from Pierce Brothers Chapel. The body will arrive in New York Sunday for burial. He was 45.

Zohbel left the United States Leather Co. in 1927 to become treasurer of RKO. Eighteen months ago he went to the coast to be general manager of the studio. He is survived by his widow, Adele; two brothers, Henry and Theodore, who manages the RKO 81st Street, New York; and his parents, Mr. and Mrs. William Zohbel, who live in Woodhaven, N. Y.

Joseph Leighton Passes

NEW HAVEN, Jan. 6. — Joseph Leighton, 64, died at the New Haven Hospital after a siege of pneumonia. Burial was at Portland, Me.

Mrs. Leighton will continue the Mutual Advertising Exchange. At one time Leighton was local manager for Robertson-Cole, then for Vitagraph.

Hal Hoyt Dead

SPRINGFIELD, O., Jan. 6.—Hal Hoyt, 54, pioneer exhibitor here, is dead after a year's illness caused by a fall at Batavia, N. Y., where he formerly managed a theatre.

Academy Group Meets

HOLLYWOOD, Jan. 6.—The Academy subcommittee on release print quality improvement meets tomorrow to discuss results of recent tests and propose standard density tablets now being made.

We Take Pleasure in Announcing That
JULES BRULATOUR, JR.
Has This Day Become Vice-President of Our Organization
MITCHELL MAY, JR. COMPANY
INCORPORATED
GENERAL INSURANCE BROKERS
510 West 6th Street
Los Angeles, Cal.
75 Maiden Lane
New York, N. Y.

Cut in Film Is Urged fo South Americ

The American distribution co panies' practice of releasing their e tire output indiscriminately in Sou American countries is seen by Beni del Villar, managing director of Par mount Films, S. A., who also is leading Chilean exhibitor, as invitin the competition of other foreign pr ducers in that market.

Speaking primarily of his own te ritory—Chile—yet holding it to characteristic of all South Americ countries, del Villar said that forei product, especially German, Briti and French, has been receiving i creasing playing time in South Ame ican theatres during the past tv years. He attributes this to the Eur pean producer-distributors' care in s lecting perhaps 20 per cent of a pr duction schedule as suited for t South American market. By contra he said, the American distributor u loads everything he has on hand wit out regard for its suitability to t market. The result is, del Villar sai that South American theatres no lon ger are an exclusively Hollywo market, but they could be made again by proper regard in the selecti of production material.

Demand Good Music

South Americans, he said, dema pictures with good music, a minimu of dialogue or sub-titles, plenty action and international story value If pictures sent to South America Hollywood were made only from th recipe the American producer woul have no competition there, del Vill said. It is his opinion that supe imposed titles in any picture destine for South American release should n number more than 200. He observe however, that Hollywood frequentl sends them pictures with as many 1,800 sub-titles.

He was informed at this point b Albert Deane, publicist for Paramou International, that the forthcomin "Desire" would compare with these.

Del Villar operates the 1,700-se Real in Santiago, said to be one the most modern theatres in Sout America, and recently opened t newly built Santiago, a 2,000-seater the same city. He also has in co struction at Valparaiso a new theatr to replace his Real there. He is he on a month's visit to the Paramou home offices, his first New York tri in four years.

MITCHELL MAY, Jr. COMPANY
INC.
SPECIALISTS IN
FILM and THEATRE
INSURANCE
75 Maiden Lane
New York
Los Angeles
510 W. 6th Street
Cal.

Treasury Sees 25% Increase For Theatres

(Continued from page 1)

nt again stressed that no new taxes e now contemplated, but warned at "if the Congress enacts legisla- on at the coming session which will pose additional charges upon the reasury for which provision is not ready made in this budget, I strong- urge that additional taxes be pro- ded to cover such charges. It is portant as we emerge from the pression that no new activities be ded to the Government unless pro- sion is made for additional revenue meet their cost."

The whole situation, however, was ndered uncertain by the Supreme ourt decision holding the Agricul- ral Adjustment Act invalid. Nearly billion dollars has been collected processing taxes under the act clared unconstitutional.

Large Appropriation for AAA

Declaring that the AAA and the vilian Conservation Corps had met ch "success" as to justify their ing made a part of the Federal tablishment, the President provided r an appropriation for the former slightly less than a half-billion llars, and depended upon anticipated ceipts of $547,300,000 from process- g taxes to carry the activity.

The decision rendered today by the preme Court was held in some arters to be so far-reaching as to ake practically impossible the enact- ent of substitute legislation, but the ll effect could not be calculated nding a thorough study of the inion.

The usual appropriation of $85,000 r use by the Navy Department for e purchase and rental of films is pro- ded in the budget.

The fund for the Specialties and otion Picture Division of the De- rtment of Commerce is increased ightly from $28,141 to $28,451, but details are given as to the use to made of the additional money. The epartment of Agriculture is to be ven $79,000, the same as for the rrent year. For its motion picture tivities, it is provided that $70,360 to be for production and $8,640 for stribution. An increase of $5,000, $20,000, is given the office of educa- on in the Interior Department for e purpose of films and other educa- onal material and for travel expense.

RKO Dines Writers

RKO Export, in conjunction with s preview showing of "Sylvia Scar- tt" at the Music Hall projection om, on Saturday held a party in e Village for press representatives om most of the countries of Europe, sia and South America. Phil Reis- an received an autographed testi- onial.

Pioneer Signs John Ford

HOLLYWOOD, Jan. 6.—John Ford to- ay signed with Pioneer to direct a eries of color pictures. These prob- bly will total four. The contract llows Ford to do outside pictures. His first assignment will be the sec- nd film on the Pioneer series for this eason. It has not been titled.

Giveaways Nearing New England Test

(Continued from page 1)

ing a decision has been called off. James Wall of the Felsway, Medford, has been fined $200 in Malden District Court. He has taken an appeal, but pending disposition of the case Bank Night is out of Medford.

In New Hampshire a test case is expected to reach the Supreme Court this week, with Jack Eames, exhibitor, the defendant. In Maine a test case has been heard by the high court, and a decision is expected shortly.

Hartford Eyes Giveaways

HARTFORD, Jan. 6.—Trouble is brewing in city hall for theatres using Bank Night and similar stunts. No action has been taken against the Cameo and Princess for running Bank Nights, but the corporation counsel says he is studying the law to determine on what grounds the plan might be banned.

Trouble due to overcrowding and blocking traffic has been experienced.

Legal Lottery Move in Mass.

BOSTON, Jan. 6.—The Massachusetts Council for Legalizing Lotteries has been chartered. Film men generally oppose the aims, asserting that they are suffering sufficiently at present from such legal gambling as horse and dog racing and Beano. Mrs. Oren Cheney Sanborn, socialite, heads a group of Back Bay women in the project.

In a statement to Secretary of State Frederic W. Cook, who issued a charter to the organization, Mrs. Sanborn said, in part, that the council would "encourage the passage of legislation to legalize lotteries." Similar legislation was defeated last year only after a battle.

Decision Reserved Upon Fox's Appeal

(Continued from page 1)

of the contempt citation by submitting to oral examination by attorneys for Capital either at Toronto where Fox is said to be under the care of physicians, or at some other mutually agreeable location. Fox immediately sought leave for the Circuit Court to appeal from the ruling.

The Capital Co., lessee of the Fox, San Francisco, holds an unsatisfied judgment of $280,000 against Fox for alleged personal liability on a defaulted lease on the West Coast house. Attorneys for the company have been endeavoring to examine Fox on his financial status to determine his ability or inability to satisfy the judgment.

A. T. & T. Overruled

WASHINGTON, Jan. 6.—The Federal Communications Commission today overruled the American Telephone & Telegraph Co.'s plea that testimony as to possible commercial use be excluded from a hearing on the proposed installation of a coaxial cable between New York and Philadelphia.

File S. & C. Judgment

A judgment for $683 was filed in City Court yesterday in favor of Principal Film Exchange, Inc., against Springer & Cocalis as a balance due on rentals of pictures.

Government Calls 36 Film Witnesses

(Continued from page 1)

tion the authenticity of certain documents to be introduced by the Government under its current plan.

Neil F. Agnew, vice-president and general sales manager of Paramount, is also among the excused following a request from his company's counsel which was granted by the Government. This was arranged on the understanding that documentary evidence which the Government proposes introducing will be identified by other Paramount witnesses, thereby presumably making Agnew's presence here unnecessary.

Indicating a new line of attack on the part of the Government, subponaes have been served on George W. Trendle, Paramount's theatre partner in Detroit; Y. Frank Freeman, theatre operating head of Paramount, with headquarters in New York, and Mike Marco of F. & M., who heads the coast activities of the original complaining company.

Spitz and Kohn to be Served

Leo Spitz, president of RKO, and Ralph Kohn, currently partner in production with B. P. Schulberg, have not yet been served, but efforts to do so are under way. Others in the list of those subpoenaed follow: Spyros Skouras, E. L. Alperson, Sam Dembow, Jules Levy, Clarence M. Turley, Austin C. Keough, Thomas N. Dysart, David Levinson, Frederick Kreismann, Jacob Chassnoff, Joseph Grand, John S. Leahy, J. M. Ulmer, B. D. Gordon, Harry C. and Milton B. Arthur, Cresson E. Smith, Irving Lesser, Jack Partington, and the following local branch managers: Joseph Garrison, Universal; Ben Reingold, Twentieth Century-Fox; Clayton Lynch, M-G-M; William Feldstein, United Artists; Maurice Schweitzer, Paramount; Hall Walsh, Warners; Richard Taylor, RKO, and Clarence Hill, Columbia.

Mae West's $339,166 Tops Salary Report

(Continued from page 1)

ford, $52,750; Marlene Dietrich, $145,- 000; Bing Crosby, $104,499; Walt Disney, $78,000; Cecil B. DeMille, $30,450; Al Lichtman, $161,089; Richard Arlen, $57,666; Lionel Atwill, $16,333; Max Baer, $16,666; John L. Balderston, $23,974; George Bancroft, $36,166; Joan Bennett, $36,979; Carl Brisson, $84,050; Charles Brackett, writer, $27,000; Kitty Carlisle, $52,- 083; Emanuel Cohen, $78,826; W. C. Fields, $155,083.

William S. Paley, president of Columbia Broadcasting, received $147,295.

Brulatour, Jr., with May

Jules Brulatour, Jr., son of Jules Brulatour, Eastman Kodak distributor, has joined Mitchell May, Jr., Co., Inc., insurance firm handling considerable film business, as vice-president. Brulatour attended Georgetown Prep and Catholic University and then spent considerable time in the banking business, having been with the Chelsea Exchange Bank, Mercantile Bank and Trust, and McDonnell Co., investment house.

Law Changes Behind Drive On Theatres

(Continued from page 1)

vision. The proposed bill, which the Mayor said he would press at Albany despite unsuccessful efforts in 1934 and 1935, would permit children at theatres "which have been certified as meeting all requirements for proper showing for children."

The requirements, according to the Mayor, include setting aside of a part of the theatre for children, with one or more qualified matrons to care for them, and the showing of pictures suitable for children, during non-school hours, presumably between 3 and 6 P.M. Mayor LaGuardia, who termed the serving of summonses merely the enforcement of an existing law, declared the passage of the bill he is advocating would solve the child attendance problem "in a constructive fashion."

"The films, properly controlled, are a proper and popular form of entertainment for the youngsters," said the Mayor, "and there is no reason why they shouldn't be able to avail themselves of such pleasures, even if their parents aren't always able to accompany them." The Mayor stressed the need for protection of the children, however, and cited the practice of some children of standing in front of a theatre and asking an adult to take them in. The Mayor characterized this practice as a moral hazard to which the children must not be exposed.

No New Summonses

MacDonald said yesterday that no new summonses had been issued by his organization up to yesterday afternoon, but that there was no intention to stop with those already issued. His agents will continue to watch theatres for infractions of the law, he indicated.

Most of the summonses were given to cashiers, ticket takers and all others who took part in selling to or receiving tickets from children. All summonses were returnable yesterday in local magistrates' courts.

In the cases in court yesterday, the managers of the Cannon, Bridge and Star in Manhattan, cashier of the Tremont in the Bronx and the manager of the Miller, Brooklyn, were held for Special Sessions. The managers of the Harlem Grand in Manhattan and the Tremont were dismissed. The rest of the cases were postponed to various dates.

Seek Stock Listing

WASHINGTON, Jan. 6.—The S. E. C. has received the application of Harry Cohn, et al, voting trustees of Columbia Pictures, for registration on the New York Curb Exchange of 21,626 voting trust certificates for no par common and 21,626 shares of no par common.

Take Over Trans-Lux

The Trans-Lux Theatre, Flatbush Ave., Brooklyn, was taken over yesterday by Andrew Goldberg of the Jefferson Amusement Corp.

CLEANING UP FROM



OPENING SOON . . .
RADIO CITY MUSIC HALL

. . . Arliss as a patcher-upper of romances is at his best . . . and his best means box-office plus.

. . . Arliss has played them all . . . Rothschilds, Prime Ministers, Rajahs, Millionaires, Cardinals . . . here's his most down to earth and most up-to-the minute role.

Physical Distribution · Fox Exchanges · Canada, Regal Films, Ltd.

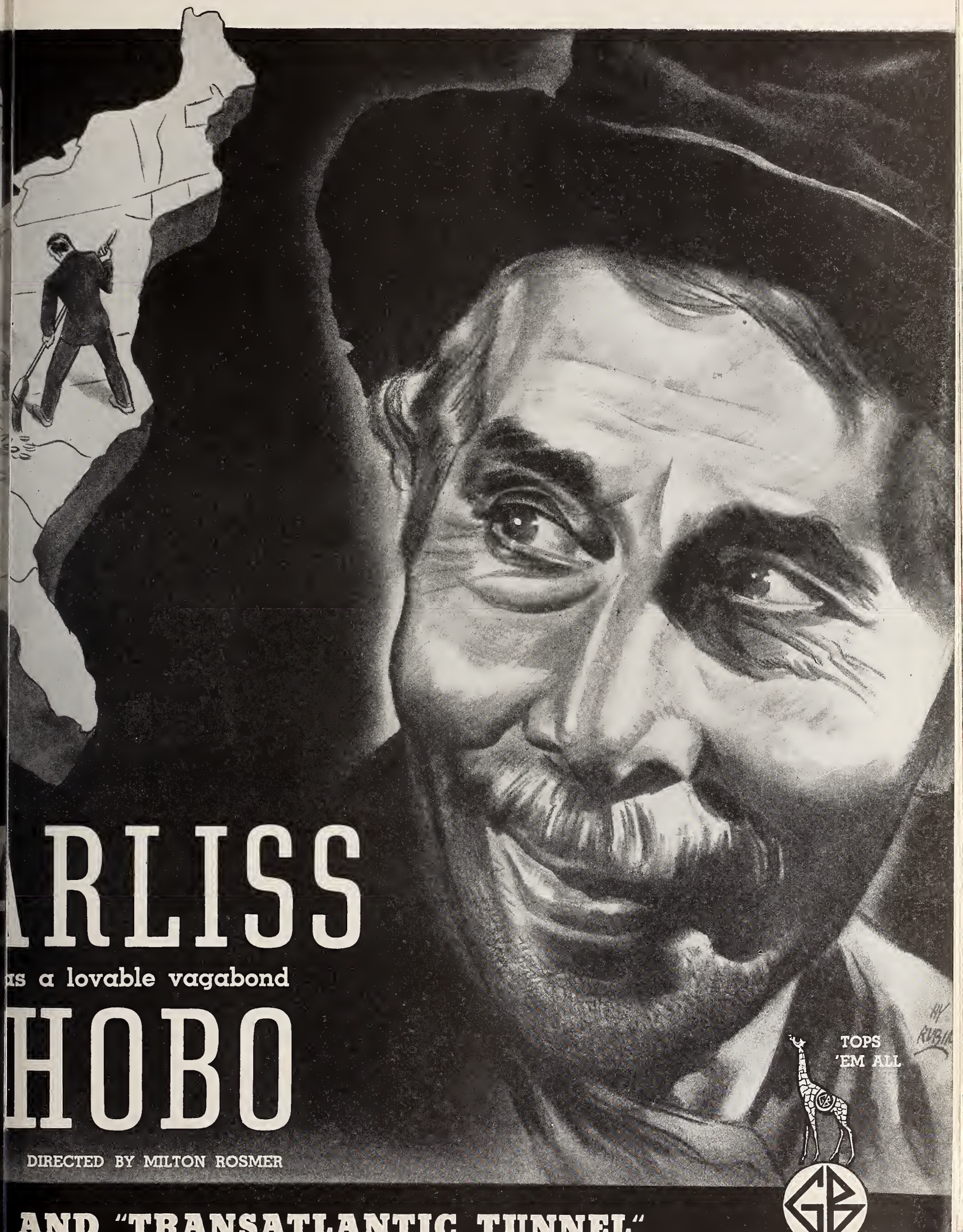
GEORGE

Reveals an entirely new persona

MISTE

FROM THE PRODUCERS OF "39 STEPS"

COAST TO COAST



RLISS

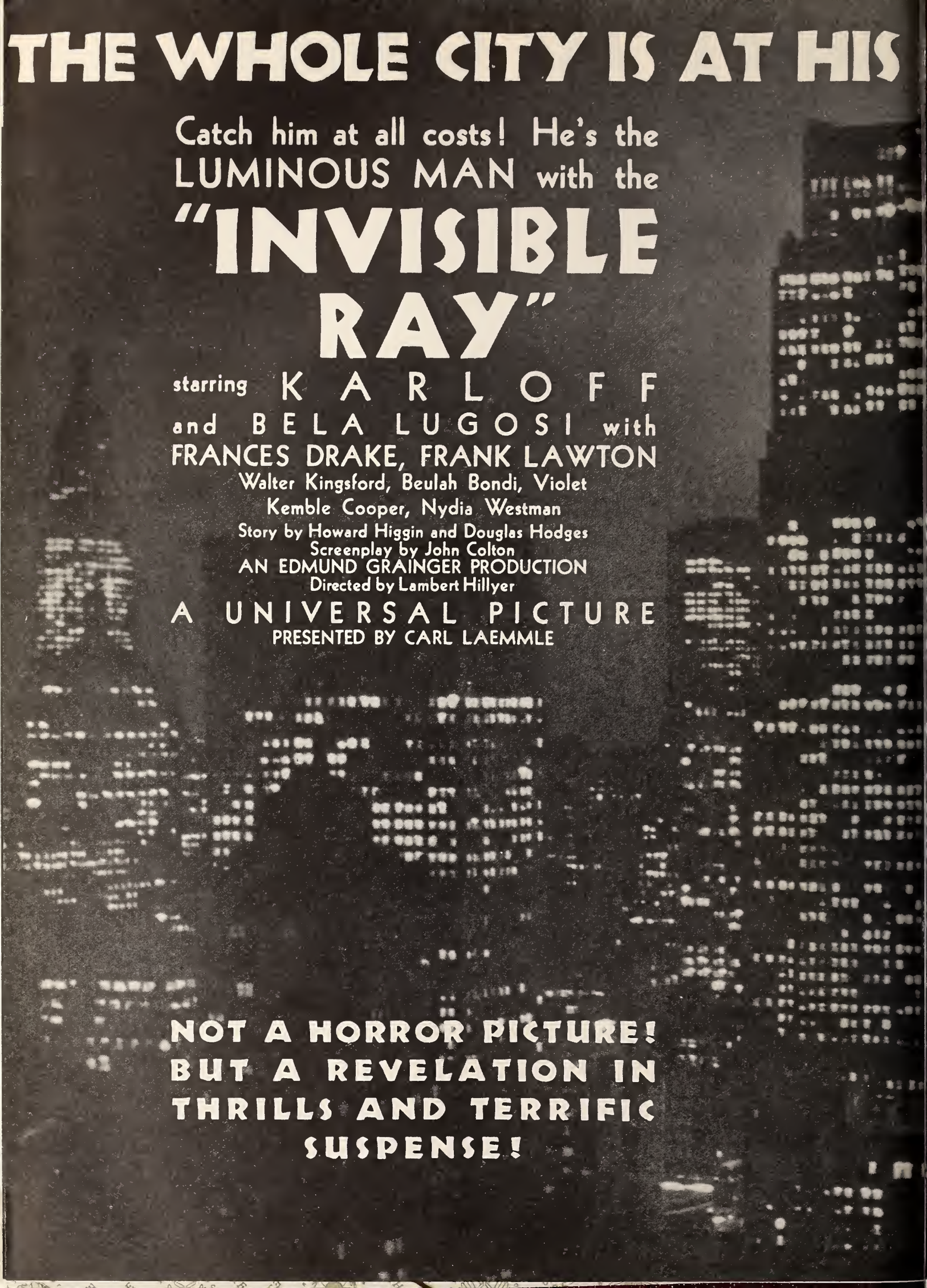
as a lovable vagabond

HOBO

DIRECTED BY MILTON ROSMER

TOPS 'EM ALL

AND "TRANSATLANTIC TUNNEL"


THE WHOLE CITY IS AT HIS
Catch him at all costs! He's the
LUMINOUS MAN with the
"INVISIBLE RAY"
starring KARLOFF
and BELA LUGOSI with
FRANCES DRAKE, FRANK LAWTON
Walter Kingsford, Beulah Bondi, Violet
Kemble Cooper, Nydia Westman
Story by Howard Higgin and Douglas Hodges
Screenplay by John Colton
AN EDMUND GRAINGER PRODUCTION
Directed by Lambert Hillyer
A UNIVERSAL PICTURE
PRESENTED BY CARL LAEMMLE
NOT A HORROR PICTURE!
BUT A REVELATION IN
THRILLS AND TERRIFIC
SUSPENSE!


RCY!
$1,000.00 IN CASH!
Prizes for the best campaign on any Universal Picture during Carl Laemmle's 30th Anniversary Celebration! For details see your Universal Exchange.

Judge Hears Defense Plea For Dismissal

(Continued from page 1)

dismissal of the injunction application on the ground that an acquittal in a criminal proceeding barred the possibility of re-trying civilly the same parties on the same issues.

Walter B. Rice, new recruit in the Government's ranks, led the rebuttal and centered his arguments on the legal theory that a jury verdict was not a bar in a court of equity. In the recent criminal case, he asserted, the Government had a "higher burden" of proving "beyond a reasonable doubt" that the defendants had been guilty. In this action, he continued, the issues were different and promised the proof would be preponderant and different as well. The Government, he continued, had been limited in the defeated criminal proceedings but now had extended the period of alleged conspiracy on the part of the defendants an additional 12 months or the calendar period from January 11, 1935, when the indictments had been handed down by the Federal grand jury here until the present time.

Wood Absent

Frederick H. Wood, one of the pivotal figures in the defense lineup during the misdemeanor trial, was absent today. He is fighting a siege of grippe in New York and is expected here later in the week. Taking a lone stand for Warners, Reed early in the morning session asked for a delay until Thursday or early next week pending Wood's arrival. Russell Hardy, Government counsel, opposed on the ground the case had suffered many delays, that the defense was well fortified with attorneys and that F. & M. were suffering losses "in the thousands each week."

He asserted any postponement would cost the Government about $3,000 to return its 30-odd witnesses here and commented, "Reed, no doubt, can defend them single-handed."

The court, evidencing a desire to get the proceedings under way, determined to hear several motions earlier mentioned by Reed. One he outlined as the right to amend the original petition as it concerned the product deal between RKO and Warners in conformity with developments since the indictments had been handed down. That deal, he told the court, had been altered on RKO's part providing for the sale of its product on a month-to-month basis.

Seeks to Shift Onus

The second step was the move for a plea in bar which ran the course of the entire day and was marked by spirited argument between various attorneys for the defense and the efforts on the part of the Government to disprove the legal precedents which the defense sought to establish.

The third step comprised an effort on Reed's part to shift the onus of conspiracy from Warners, Paramount and RKO to Fanchon and Marco and associates who, he charged, had organized a combination for monopolizing and completely controlling the first run theatre situation in St. Louis. He said they demanded five of the six first runs, the one outside theatre being Loew's. Because of Judge Molyneaux's unfamiliarity with the celluloid lexicon, Reed at this point went into a dissertation on first and subsequent runs and what constituted each.

Reed built considerable argument around his statement that the Sherman Act, under which conspiracy is now civilly charged against the defendants, deals solely with criminal acts. That which is sought to be enjoined must have been a crime, he argued, but there had been no crime since the indictments had been thrown out and the defendants acquitted. He added in support of his contention that what the Government was currently endeavoring to do was to try the acquitted parties again on the same issues.

To bulwark his argument he cited principally the case of Coffey vs. United States. This involved ten barrels of apple brandy, distillery machinery and an effort to avoid payment to the Government of revenue taxes. The case had been tried criminally and dismissed. Thereafter, according to Reed's interpretation, which was sharply disputed by Rice, effort to institute a civil action on the same charges was ruled out by the United States Supreme Court. In other words, Reed contended, the conspiracy so involved in that case had been limited to the indictment and could not be extended to embrace general allegations.

Other cases cited by Reed included: United States vs. Swift, Stone vs. United States, Murphy vs. United States, Waterloo Distilling Corp. vs. United States, Local 167 vs. United States. Leisure covered virtually the same ground with a couple of additions including Hopkins vs. Lee, Gelston vs. Hoyt and Lewis vs. Frick, all of which eventually reached the highest tribunal for adjudication.

Aside from contesting point by point the test cases cited by the defense, Rice played heavily on the Local 167 case which had to do with the poultry racket in New York City and in which the Government attorney had been one of the counsel. In that case, he said, 68 of the 90 indicted men were convicted while the remaining 22 had been acquitted by the court on motions and two by a jury. There followed, he asserted, an equity action filed by the Government in which not only were the 68 convicted defendants named but 33 others, including some of those acquitted in the criminal suit.

In the equity action, Rice asserted, the Government had duplicated the first 23 paragraphs of the indictment charge. The Government contended then as it does now that there was a continuation of the conspiracy, he said in effect.

Leisure, in rebuttal, replied the Government brief in the equity proceedings charges no new conspiracy, and added Fanchon and Marco have the right to relief from the courts on their own and without aid of the Government.

Reed again took up the cudgels for the defense and repeatedly drove home his argument that the respondents could not continue a conspiracy which did not exist and that there could be no basis for a civil action in the absence of a crime.

Lashly Quotes Hardy

An interesting point was registered by Lashly who made repeated efforts during the afternoon session to have Judge Molyneaux listen to evidence in connection with an application to file a supplementary answer on behalf of RKO for the granting of the plea in bar. He quoted Hardy from the minutes of Nov. 12 when the Government attorney offered to submit the testimony of the criminal trial as testimony in the civil proceedings. Lashly's purpose was designed to strengthen the argument of his associate defense counsel, Reed and Leisure, that the issues in both instances were identical and recognized as such by the Government.

Judge Molyneaux refused to admit Lashly's proffered evidence, but pointed out that he would take full judicial notice of the previous proceedings.

Rice, at one point, charged the defense, as in the criminal trial, would attempt to cloud the proceedings with "fictitious issues." Reed and Leisure obviously resented the inference and had no hesitancy in so declaring themselves.

The hearing resumes Tuesday morning.

On the Lighter Side

By BILL ORNSTEIN

St. Louis, Jan. 6.—Lawyers, briefs and legal tomes turned out en masse for the preliminary hearing on a temporary injunction in the Government's equity action today. Judge Joseph West Molyneaux, a pleasant, white haired man, short of stature, is representing the power and dignity of the Federal Government, dressed in the black and official robes of his office, in sharp contrast to Judge George H. Moore, who heard the criminal case in mufti.

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The courtroom attendance is rather heavy. The legal battery for Warners is headed by ex-Senator James A. Reed, with Robert W. Perkins of the company's own staff, as constant advisor, assisted by I. Levinson, New York, and Samuel B. Jeffries. For Paramount are Austin C. Keough, an attentive listener; Louis Phillips, pinch hitting for Frederick H. Wood, ill in New York, but expected Thursday or Friday; William R. Gentry, St. Louis, and Irving Cohen, Phillips' assistant. George S. Leisure and his assistants, Russell Dore and John Hollard, all of New York, head RKO's battery, which is bulwarked by Jacob M. Lashly, St. Louis, and Ralston E. Irvine, Washington. Russell Hardy again is Government prosecutor, assisted by Walter Rice, John Herberg, Harold Schilz, William R. Benham and John S. Claggett. Aside from Rice and Herberg, Hardy's crew is virtually the same as that which unsuccessfully pressed the criminal indictments against Harry Warner, Gradwell Sears, Herman Starr, George Schaefer, Ned Depinet and their companies.

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In the courtroom as an extremely interested spectator again is Sears' mother, while noted in the row nearest the exist, with ears cocked, was Abel Cary Thomas, secretary and general counsel of Warners.

+

It is understood all local exchange managers have been subpoenaed in the case. If they were not, they showed up anyway to watch the proceedings. The group included: Maurice Schweitzer, Paramount; Ben Reingold, Twentieth Century-Fox; Clayton Lynch, M-G-M; Clarence Hill, Columbia; Joseph Garrison, Universal; William Feldstein, United Artists; Hall Walsh, Warners.

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Mike Marco is here from the coast, as well as Milton B. Arthur. Together with Harry Arthur, Irving Lesser and Jack Partington, they entered and left the courtroom in solid formation, with never a break in their ranks.

+

Ned Depinet and Spyros Skouras arrived late last night by plane from New York. They were preceded by 24 hours by Sam Dembow and E. L. Alperson. Cresson E. Smith, western and southern sales manager for RKO, pulled in by train Sunday and earned for himself the distinction of being the only national sales executive at the opening session.

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Fred Wehrenberg, president of the Eastern Missouri M.P.T.O., again is on deck, alternating between listening to the points of law established and shaking hands in the corridors with visiting and subpoenaed film men. Dinty Moore, city manager for Warner Theatres here, is another spectator and acting as an escort for Mrs. Sears.

Also glimpsed were Charles Kurtzman, manager of the Ambassador; Bob Hicks, manager of the Orpheum; Frederick Kreissman, former mayor of St. Louis and now subpoenaed by the Government; Arthur Simpson, partner of Jeffries, Warner counsel; Miles Alben of the Warner home office legal staff; Charles and A. D. Cella, owners of the Orpheum and Shubert, now under lease to Warners.

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Bruce Bromley, special Warner counsel, is here, but working out of the suite at the Park Plaza. He found the air service out of New York pretty bad and would have done just as well by train.

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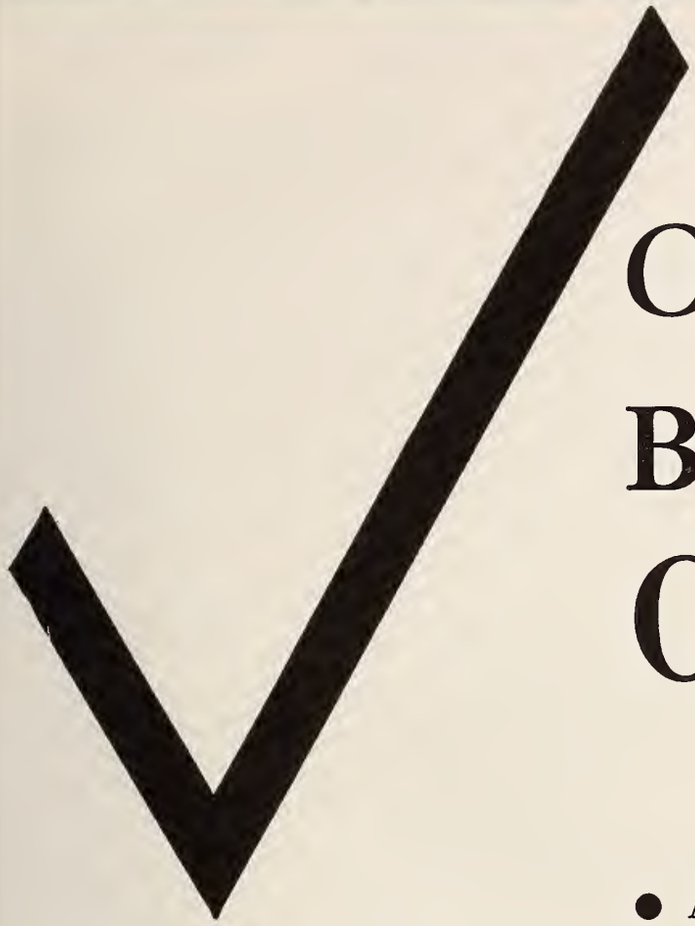
So far on the sidelines but bending an attentive ear, is Federal District Attorney Harry C. Blanton. He received numerous visitors after the morning session, not socially but for the purpose of checking subpoenas with his clerks.

Only One Appeal

St. Louis, Jan. 6.—Walter Rice, Government champion at the opening of the equity proceedings here today, pointed out that, in the event the defendants lose in St. Louis, this type of case finds appeal only before the United States Supreme Court. This hurdles the circuit court of appeals.

GB Heads Entertain

Cleveland, Jan. 6.—George Weeks and Arthur Lee of G.B., here on a tour of the territory, were hosts today at a luncheon given to leading local exhibitors at the Hotel Statler.



Out Today!

BOX OFFICE CHECK-UP

of 1935

● **An annual record and analysis of the Box Office Champions from August 1934 to November 1935, defining values, personalities and factors that have gone into the making of the leading Box Office successes of the past year.**

Also included are the results of the Motion Picture Herald's annual poll of the nation's exhibitors, determining the biggest money-making stars of 1934-35.

BOX OFFICE CHECK-UP

QUIGLEY PUBLICATIONS • 1790 BROADWAY, NEW YORK

Weisman Says 130 Theatres Are Lined Up

(*Continued from page* 1)

this nature will occupy the next few weeks. Originally it was proposed that theatre owners participating would receive stock in the new circuit in accordance with average earnings of their theatres over given periods of time and would subscribe allocated amounts for initial working capital.

Weisman returned yesterday from Hollywood where he was a guest of Joseph M. Schenck for several weeks. It had been reported in his absence that he had gone to the coast to confer with Schenck, who is head of Metropolitan Theatres, the new Fox Met company, on various significant phases which would be injected into the local circuit situation by the formation of another circuit comparable to Metropolitan, Loew's and K-A-O. Weisman, however, denied yesterday that his coast trip had anything to do with the projected Independent Circuit.

Weisman also denied reports that Harry Brandt would retire as president of the I.T.O.A. to make way for some such conspicuous public figure as James J. Walker or George Z. Medalie.

"I talked with Brandt today," Weisman said, "and you may quote me as saying he is not leaving the I.T.O.A."

Operators Fail to Get K. C. Agreement

KANSAS CITY, Jan. 6.—Conferences between the I. A. T. S. E. and subsequent run exhibitors here over contracts and wages have resulted in no agreement.

Harland Holmden, third vice-president of I. A. T. S. E., and in charge of local operators until differences between employers and the union are cleared up, left Kansas City Jan. 4 for Cleveland, Washington and Miami. At Miami the union board will hold its annual meeting Jan. 15.

Conferences may be resumed late in January or early February.

Cleveland Club Elects

CLEVELAND, Jan. 6.—I. J. Schmertz, Fox branch manager, was elected president of the local Variety Club here today. He succeeds Nat Holt. Other officers included Nat Wolf, first vice-president; Dave Miller, second vice-president; J. S. Jossey, treasurer, and F. H. Boyd, secretary. New directors are Harry E. Long, Jack Shulman and Nat Holt.

Republic Casts Warwick

HOLLYWOOD, Jan. 6.—Robert Warwick has replaced H. B. Warner in the cast of "The Return of Jimmy Valentine," Republic, which went into production yesterday under the direction of Lewis D. Collins.

Ray Moon Going South

DETROIT, Jan. 6.—Ray Moon, general manager of Co-Operative Theatres of Michigan, will leave the latter part of January for a month at Palm Beach.

Leake Resigns as Paramount Trustee

(*Continued from page* 1)

Hilles and Eugene W. Leake" as trustees of Paramount. Charles E. Richardson, the third of the trustees, all of whom were appointed by the Federal court in 1933, resigned about a year ago and is now a member of the Paramount board.

Provision was made in the Paramount reorganization plan for the continuance in office of the trustees to wind up final affairs of Paramount Publix, the old company, and to retain the causes of action embraced in suits instituted by the trustees in 1934 against former officers and directors of Paramount. Remaining details of the reorganization no longer require the attention of two trustees, it was said in explanation of Leake's resignation. Leake, an attorney, was formerly head of Film Securities Corp., the company established by Federal court decree to take over and dispose of the one-time Fox Film Corp.'s controlling stock interest in Loew's, Inc. He is now a member of the law firm of Beekman, Bogue, Leake, Stephens & Black, which was counsel to the Paramount bank creditors in the company's reorganization.

Otterson to Coast For Product Talks

(*Continued from page* 1)

Paramount and RKO studios, in which the Atlas-Lehman companies have large interests.

Odlum, according to local reports, has also been in conference with Leo Spitz, RKO president, on the coast in connection with management and new financial arrangements for RKO. It is expected they will return east with Otterson in about two weeks. The latter is expected to stop over at St. Louis en route west to be formally excused by the court from attending the equity trial there, for which he was subpoenaed.

John D. Hertz, Paramount director and partner in Lehman Bros., who has been on the coast with Odlum for the past week, left there by plane for New York yesterday. It is reported that while in Los Angeles he conferred with Odlum and Spitz on reorganization plans for RKO and other matters preliminary to the planned exercise of the Atlas-Lehman option on the remaining half of RCA's holdings in RKO. Odlum spent the week end at Palm Springs concluding final arrangements for the acquisition of T. W. A. by Atlas-Lehman.

RKO-Center Compact Is Again Postponed

(*Continued from page* 1)

agreement of both parties concerned pending efforts to work out a settlement of the huge claim. The settlement, if agreed to, probably would be made a part of a plan of reorganization for RKO. One of the most likely means of satisfying the claim, it is held in responsible quarters, would involve the making of new leases on either the Music Hall or Center or both by RKO.

Appeals Permitted On Paramount Fees

(*Continued from page* 1)

for leave to appeal were unopposed. Those who were granted the right to appeal to the higher court yesterday are Kuhn, Loeb & Co., whose application for $114,287 was disallowed by Judge Coxe; Cravath, de Gersdorff, Swaine & Wood, whose application for $150,812 was disallowed; the Paramount stockholders' committee, whose application for a $70,000 fee was disallowed and whose application for $170,875 expenses was reduced to $110,533; Adolph Feldblum, whose application for $3,020 was disallowed; Samuel Zirn, whose application for $76,207 was disallowed; Archibald Palmer, whose application for $15,000 was disallowed; Jacob J. Lesser, whose application for $37,512 was disallowed, and A. J. Schanfarber, A. M. Frumberg, Edgar J. Schoen and Samuel Zirn, jointly, whose application for $82,868 was disallowed.

Previously, the Circuit Court had granted leave to Root, Clark, Buckner & Ballantine and Cook, Nathan & Lehman to appeal from Judge Coxe's order reducing their applications by $500,000 and $135,500, respectively. The appeals will all be placed on the high court's calendar for hearing when reached.

Capital Is Raised By 2 Warner Units

DOVER, Del., Jan. 6.—Warner Bros. First National Pictures of Brazil, Inc., has changed its name to Warner Bros. First National South Films, Inc., New York, and has increased capital from $10,000 to $200,000.

Warner Bros. First National Pictures of Japan has increased its capital from $5,000 to $100,000.

The Corporation Trust Co. represented both corporations.

Trendle Names Managers

DETROIT, Jan. 6.—George W. Trendle has appointed J. I. M. Schwartz as manager of the Regent, recently taken over by United Detroit Theatres Corp. from Mrs. Ida Klatt. Vincent Sullivan is his assistant. Both have been on the staff at the Fisher under Manager Carl Kruger.

V. V. Ward has been made manager of the Rosedale, the other Klatt house now under the United Detroit banner.

K. C. Payrolls Gain

KANSAS CITY, Jan. 6.—Payrolls for November were up five and two-tenths per cent over the same month last year, according to the Chamber of Commerce. This was 20.6 per cent over November, 1932, in amount and nine and eight-tenths per cent in number of workers, according to the report.

Mae Clarke Signed

HOLLYWOOD, Jan. 6.—Mae Clarke, whose latest starring vehicle was "Hitch Hike Lady," has been signed by Nat Levine for "Sitting on the Moon" and "Ticket to Paradise."

K. C. Studies Long Reel

KANSAS CITY, Jan. 6.—Local distributors met to discuss changes, particularly in exchange vaults, required for the switch to 2,000-foot reels effective April 1.

Purely Personal

EDDIE CANTOR, PARKYAKARKAS, HARRY HERSHFIELD, RUDY VALLEE, ETHEL MERMAN, PHIL BAKER, GERTRUDE NIESEN, FIFI D'ORSAY, LANNY ROSS, MORTON DOWNEY and MOLLY PICON are among those who have volunteered to appear at the annual Press Photographers' Ball at the Commodore, Jan. 24.

•

ROBERT E. BURNS, author of "I Am a Fugitive From a Chain Gang," is completing a sequel, "The Chain Gang Fugitive Returns." He is being assisted by his brother, REV. VINCENT BURNS.

•

PAUL ROBESON arrives today from the coast, en route to London for concert engagements, having completed work in "Show Boat," Universal.

•

NINO MARTINI, screen and opera star, will sing "Tonight, Lover, Tonight," from his Pickford-Lasky film, over a national C.B.S. hookup on Saturday.

•

RENE CLAIR, director of Alexander Korda's "The Ghost Goes West," arrives Thursday to attend the opening of the film at the Rivoli on Friday. He will visit Hollywood later.

•

. . . *Los Angeles*

IKE GELLER, exhibitor from Portland, was here for the holidays.

CHARLES MUEHLMAN, Warners' San Francisco manager, here over New Year's.

J. J. PARKER, owner of theatres in Portland, Astoria, Bonneville and Pendleton, here with his wife for the holidays.

W. P. MORAN and MRS. MORAN and their two sons in from Tulsa for the Rose Bowl game.

BILL HEINEMAN, Universal sales manager, had a bad time trying to buy tickets for the New Year game.

CHARLES GILMOUR of Denver wanted four and FRED MERCY, JR., of Yakima wanted two.

AL O'KEEFE'S brother, GENE is making plans to buy a theatre and settle here.

•

. . . *New Orleans*

MAURICE F. BARR, division manager for Saenger, has been elected to the board of directors of the Community Chest.

G. PIPITONE has been reelected president of the musicians' union. This office carries with it the position of business agent.

A. CHAPMAN has opened the Majestic at Rodessa, La., in the heart of the oil fields.

CHARLES WATERWELL of the Playhouse, Bayou Lebarta, Ala., was here on business last week. WATERWELL has a unique idea; he is running a circuit in schoolhouses in the rural sections of that state.

DONALD ROMAIN, manager of the Fox, Woodville, Miss., called on friends in the city, particularly on Film Row.

AL YOEMANS, Meridian's live exhibitor, accompanied by his better half, was a Christmas visitor. Flu got in its work and spoiled the trip for him.

Short Subjects

"Hot Paprika"
(Columbia)

That old plot element, the one about man having an allotted time to live, is in this case twisted about to suit Andy Clyde's talents. Clyde has a bad case of hiccups. The doctor says he has three months to live. Clyde puts up around his office and leaves on a world cruise. He is next seen in the land of Paprika where he gets involved in a revolution and by accident puts it over. The offering definitely follows a formula vein and will be hard put to provoke amusement. Production Code Seal, No. 1,657. Running time, 18 mins. "G."

"Patch Mah Britches"
(Columbia)

Some fine Technicolor work is the sole redeeming feature of this cartoon. Somewhat inconsistently the plot has Barney Google inviting his backwoods friends and companions of the comic page to a dinner. He is disturbed by their manners and attempts to demonstrate with them. He gets a pie thrown in his face repeatedly for his pains. Somewhat exaggerated, the characters go through their paces. Lacking invention and innovation, this effort has little merit. Production Code Seal, No. 1,758. Running time, 7 mins. "G."

"Voice of Experience No. 6"
(Columbia)

A case history, this issue deals with the plight of a girl whose father goes on trial as an embezzler on the eve of her engagement. Her fiance is the prosecuting attorney. She is in a spot and appeals to the Voice for aid and advice. He urges that she see her future husband and explain the trouble to him. Doing so, she helps lessen her father's penalty and for her courage in facing the situation squarely is forgiven by her fiance's family. Production Code Seal, No. 0703. Running time, 10½ mins. "G."

"Voice of Experience No 7"
(Columbia)

A young girl is gossiped about as an unwed mother. When she comes back from the hospital where her child was born she and her mother are ostracized by the neighbors. In the form of a critical letter the Voice relates the story turning the table on the critic. He reveals that the complaining party's son is the child's father. All is retribution and forgiveness in the end as reputations are cleared and happiness reigns. Not in very good taste. Production Code Seal, No. 0723. Running time, 10½ mins. "A."

"Kannibal Kapers"
(Columbia)

Krazy Kat starts off in the middle of the ocean and is flung by a fish into a palm tree on a tropical isle. He tries to entertain the cannibal chief and enrages the regular entertainers. They throw him all over the place and with little novelty he is back in the sea again. An ordinary cartoon offering. Production Code Seal, No. 1,759. Running time, 7 mins. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Oregon Trail"
(Republic)

HOLLYWOOD, Jan. 6.—An outdoor action adventure picture, tinged with a light romance and told against pioneer history background, this satisfies as average entertainment. Its particular appeal is to western fans and youngsters. Following the established formula, bringing in the standard thrill-action-dramatic-romantic-comedy and suspense values common to this type of picture, the show is well acted and directed.

In the story John Wayne, a cavalry officer, joins a wagon train. The customary raids and ambuscades are all played for the maximum excitement and thrills. Building to a climax, a renegade gang led by Ben Hendricks and Jack Rutherford leads an attack on a Mexican army post. Their depredations, which the Mexicans believe are the U. S. Army's inspired activities, almost precipitate war. In the finale, Wayne, against great odds and with much heroism personally accounts for the bandits, saves the wagon train against the threat of a raid, rescues Ann Rutherford and blazes a new, safer Oregon trail.

The picture makes good use of exceptional location shots. Wayne's performance should win new admirers. As the heroine, Ann Rutherford has little to do other than share the romantic interest. Villainy is convincingly portrayed by Hendricks and Rutherford. Comedy contrast is in the hands of Yakima Canutt, Frank Rice and Fern Emmett. The scoring of the theme song adds to the punch of the dramatic and romantic sequences. The story is by Lindsley Parsons and Robert Emmett, who collaborated on the screen play with Jack Natteford. Scott Pembroke directed.

Previewed without production code seal. Running time, 60 minutes. "G."

"Exclusive Story"
(M-G-M)

HOLLYWOOD, Jan. 6.—There is plenty of excitement in this tale of a reporter's campaign to wipe out a ring of racket operators, enough good acting to satisfy all comers and lots of tense action.

Stuart Erwin plays a funny but believable reporter who goes into a rage when his paper makes him retract an exclusive story about a paving racket on the advice of Franchot Tone, playboy attorney. Madge Evans, daughter of J. Farrell MacDonald, a small grocer who is terrorized by a number of racket gangsters, appeals to Erwin for help and shames Tone into accepting a special prosecutor's job to wipe out the rackets. Investigation carries Tone by plane over a burning ship, into the sea in a parachute and ends after rapid action with Tone and Miss Evans going into the marriage racket together.

Joseph Calleia does brilliant work as a small time racketeer who is forced by the "big boys" into murderous extremes and each of his scenes remain in the memory as the highlights of the film. Erwin is splendid in a cleverly written part and so is Margaret Irving as his understanding wife. Tone is engaging in a smaller part than usual. Excellent support is contributed by Robert Barrat, Louise Henry, Wade Boteler, Charles Trowbridge, William Henry, Raymond Hatton and J. Carrol Naish. Michael Fessier did the screen play from a story by Martin Mooney. George B. Seitz directed and Lucien Hubbard produced.

Previewed without production code seal. Running time, 70 minutes. "G."

Leichter Speeding Up

HOLLYWOOD, Jan. 6.—Mitchell Leichter is speeding up production for Beaumont Pictures. The third Black King production is scheduled to start in a few days, and casting is being done for "Breed of the Border," which will start Jan. 15. Conway Tearle's fourth picture for the company will start Feb. 5.

Adopts Bank Night

ST. LOUIS, Jan. 6.—Fanchon & Marco's Fox, largest local first run, is the latest to use Bank Night. Practically all local subsequents and suburban houses are using some form of chance game.

Hays Plans Trip West

Will H. Hays plans to leave for the coast Friday to be gone about a month. The trip is primarily to attend the annual meeting of the Producers' Ass'n., scheduled for early in February. His plans for departure are tentative now and may be altered by a day or two.

Asher Denies Quitting

BOSTON, Jan. 6.—"The American Film Exchange has no intention of going out of business. Any statements or rumors to the contrary are definitely wrong," declares Harry Asher, president, today.

His statement was the result of rumors circulating through the territory.

"Two Cities" Denver Smash With $12,000

DENVER, Jan. 6.—"A Tale of Two Cities" was a sensation at the Orpheum, the take running up to $12,000, which is $7,000 over normal.

"The Littlest Rebel" was also in the big money division with tremendous matinee business. It ran $4,000 over par for a gross of $9,000 at the Denver. It was moved to the Broadway. "Collegiate" was $1,000 up at $5,000 in the Denham.

The weather was colder, with some snow, but this made no difference.

Total first run business was $32,700. Average is $19,500.

Estimated takings for the week ending Dec. 31:

"STARS OVER BROADWAY" (W.B.)
ALADDIN—(1,500), 25c-35c-50c-60c, 7 days.
Gross: $2,500. (Average, $2,000)

"PADDY O'DAY" (20th-Fox)
BROADWAY—(1,500), 25c-40c, 7 days.
Gross: $1,200. (Average, $1,000)

"COLLEGIATE" (Para.)
DENHAM—(1,500), 25c-35c-40c, 7 days.
Gross: $5,000. (Average, $4,000)

"THE LITTLEST REBEL" (20th-Fox)
DENVER—(2,500), 25c-35c-50c, 7 days.
Gross: $9,000. (Average, $5,000)

"A TALE OF TWO CITIES" (M-G-M)
ORPHEUM—(2,600), 25c-35c-40c, 7 days.
Gross: $12,000. (Average, $5,000)

"FRISCO KID" (W.B.)
PARAMOUNT—(2,000), 25c-40c, 7 days.
Gross: $3,000. (Average, $2,500)

Restrains Lease Forfeit

ST. LOUIS, Jan. 6.—Circuit Judge O'Malley has issued a temporary restraining order to prevent the forfeiture of a lease on the Granada, granted to the St. Louis Amusement Co. in November, 1933, by the Royal Neighbors of America, fraternal insurance organization. The court order is returnable Jan. 9.

Wall Street

All Issues Off on Board

	High	Low	Close	Net Change
Columbia	43½	43	43	—1
Consolidated	5⅞	5⅝	5⅝	— ¼
Consolidated, pfd.	18¼	18	18	— ⅛
Eastman Kodak	161	159	159	—1
Loew's, Inc.	53½	52	52	—1¾
Paramount	10½	10	10⅛	— ¾
Paramount 1 pfd.	81¼	79¾	80½	— ¾
Paramount 2 pfd.	12¼	11⅞	12⅛	— ⅛
Pathe Film	7⅝	7⅜	7¾	.....
RKO	5¾	5⅜	5⅝	.....
20th Century-Fox	23¾	23	23	—1
20th Century, pfd.	32¼	31½	31½	— ¼
Universal, pfd	52½	52½	52½	—2½
Warner Bros.	10¼	9⅞	10	— ¼
Warner, pfd	51	51	51	—1¼

Technicolor Lone Curb Gain

	High	Low	Close	Net Change
Sentry Safety	⅝	⅝	⅝	.....
Sonotone	2	1¾	1¾	— ¼
Technicolor	18	17¾	18	+ ¼
Trans-Lux	3½	3¼	3¼	— ¼

General Theatre Bonds Up

	High	Low	Close	Net Change
General Theatre 6s '40	22	21	21½	+ ½
General Theatre 6s '40 ctf	21¾	20¾	21⅛	+ ⅛
Keith B. F. 6s '46	93½	93½	93½	— ½
Loew's 6s '41 ww deb rights	104	104	104	.....
Paramount Pict. 6s '55	93½	93	93¼	.....
Warner Bros. 6s '39 wd	87	86	86½	— ¼

(Quotations at close of Jan. 6)

Double Bills Help Seattle 1st Run Takes

SEATTLE, Jan. 6.—The new double feature policy at all downtown first runs, with the help of the holiday trade, steamed up business generally.

"The Littlest Rebel" and "Millions in the Air" at the Fifth Avenue turned in a take of $8,150, over the line of $1,150. "Collegiate" and "Show Them No Mercy" at the Orpheum were $1,100 up on a take of $7,100, and "The Battle Axe" and "Charlie Chan's Secret" were $1,550 on the profit side of the line with $6,550 at the Paramount.

Total first run business was $39,600. Average is $33,500.

Estimated takings for the week ending Dec. 31:

"THREE MUSKETEERS" (Radio)
"STORMY" (Univ.)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. **Gross:** $3,100. (Average, $4,000)
"THE LITTLEST REBEL" (20th-Fox)
"MILLIONS IN THE AIR" (Para.)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $8,150. (Average, $7,000)
"IF YOU COULD ONLY COOK" (Col.)
LIBERTY—(1,800), 15c-25c-35c-50c, 7 days. **Gross:** $7,450. (Average, $4,000)
"SYLVIA SCARLETT" (Radio)
"GREAT IMPERSONATION" (Univ.)
MUSIC BOX—(950), 25c-40c-55c, 7 days. **Gross:** $3,600. (Average, $4,000)
"COLLEGIATE" (Para.)
"SHOW THEM NO MERCY" (20th-Fox)
ORPHEUM—(2,450), 25c-30c-40c, 7 days. **Gross:** $7,100. (Average, $6,000)
"THE OLD BATTLE AXE" (Radio)
"CHARLIE CHAN'S SECRET" (20th-Fox)
PARAMOUNT—(3,650), 20c-25c-30c, 7 days. **Gross:** $6,550. (Average, $5,000)
"TWO-FISTED" (Col.)
REX—(1,500), 15c-25c, 7 days. Vaudeville and stage band. **Gross:** $3,650. (Average, $3,500)

"Two Cities" Gets $5,000, Charlotte

CHARLOTTE, Jan. 6.—"A Tale of Two Cities" topped a good week of holiday business with a gross of $5,000, exactly $2,000 above average. Other attractions did well, with fair weather and little outside competition.

"Collegiate" took $3,500 in a four-day run at the Carolina, and "Miss Pacific Fleet" beat average by $500 at the Broadway with a take of $2,500.

Total first run business was $14,500. Average is $11,000.

Estimated takings for the week ending Dec. 28:

"MAN OF IRON" (F.N.)
BROADWAY—(1,114), 25c-40c, 3 days. **Gross:** $2,000. (Average, $2,000)
"MISS PACIFIC FLEET" (W.B.)
BROADWAY—(1,114), 25c-40c, 3 days. **Gross:** $2,500. (Average, $2,000)
"THE RAINMAKERS" (Radio)
CAROLINA — (1,400), 25c-40c, 2 days. **Gross:** $1,500. (Average, $2,000 for three days)
"COLLEGIATE" (Para.)
CAROLINA — (1,400), 25c-40c, 4 days. **Gross:** $3,500. (Average, $2,000 for three days)
"A TALE OF TWO CITIES" (M-G-M)
IMPERIAL—(949), 30c-40c, 6 days. **Gross:** $5,000. (Average, $3,000 for six days)

Bell Joins Racetrack

BOSTON, Jan. 6.—Floyd Bell, publicity manager at the Metropolitan for many years and later exploitation lead with First Division here and at the Park, has been appointed advertising director of Suffolk Downs racing plant.

"Rebel" a $11,500 Hit in Providence

PROVIDENCE, Jan. 6.—Shirley Temple lifted the Majestic gross to $11,500 with "The Littlest Rebel," which is $4,500 in excess of the usual take. The picture moved to Fay's for a second week.

Loew's State also had a strong week with "A Tale of Two Cities," which was big at $14,500. The house par is $12,000.

"So Red the Rose," at the Strand, was $2,000 over, garnering $8,500. "Man of Iron" and a stage revue, coupled with $1.10 top for the New Year midnight show, gave Fay's $8,000, which is $1,000 to the good, but the RKO Albee found "Sylvia Scarlett" an indifferent drawing card, catching only $6,000, down $1,000.

Total first run business was $48,500. Average is $39,500.

Estimated takings for the week ending Jan. 2:

"A TALE OF TWO CITIES" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $14,500. (Average, $12,000)
"SO RED THE ROSE" (Para.)
"SPANISH CAPE MYSTERY" (Mascot)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $8,500. (Average, $6,500)
"THE LITTLEST REBEL" (20th-Fox)
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $11,500. (Average, $7,000)
"MAN OF IRON" (F.N.)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "New Year Revue." **Gross:** $8,000. (Average, $7,000)
"SYLVIA SCARLETT" (Radio)
"SEVEN KEYS TO BALDPATE" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $6,000. (Average, $7,000)

"Rebel" at $8,000 Portland 2d Week

PORTLAND, Jan. 6. — "Littlest Rebel" in its second week at the Paramount secured another $8,000, which topped average by $3,000.

"A Tale of Two Cities" continued a strong business at United Artists, following the initial three days of a split week, taking $7,000 for the week, over par by $2,000.

"A Night at the Opera" proved popular in its first week at the Broadway with a take of $7,500, over normal by $2,500.

Total first run business was $34,200. Average is $24,700.

Estimated takings for the week ending Dec. 28:

"A NIGHT AT THE OPERA" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $7,500. (Average, $5,000)
"THE IRISH IN US"
"BRIGHT LIGHTS" (F.N.)
(2nd Run)
BLUE MOUSE—(1,700), 25c-35c-40c, 7 days. **Gross:** $1,700. (Average, $1,700)
"SHE COULDN'T TAKE IT" (Col.)
"$1,000 A MINUTE" (Republic)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)
"COLLEGIATE" (Para.)
"SHOW THEM NO MERCY"
ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)
"LITTLEST REBEL" (Fox)
"MILLIONS IN THE AIR" (Para.)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days, 2nd week. **Gross:** $8,000. (Average, $5,000)
"TALE OF TWO CITIES" (M-G-M)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

Take Southern Houses

CHARLOTTE, Jan. 6.—North Carolina Theatres, Inc., has acquired the Carolina and Granada at Lexington, N. C. The deal will be effective Friday.

M. S. Phillips, manager of the State here, will have charge.

"Rebel" on a Dual $8,000, Milwaukee

MILWAUKEE, Jan. 6.—"The Littlest Rebel" on a dual with "Charlie Chan's Secret" at Fox's Wisconsin was high for the week with an $8,000 take. This was just par.

"Captain Blood" at the Warner clicked for $5,300. The reopened Alhambra played to just fair business with Major Bowes' Amateurs on the stage and "His Night Out," doing $6,100 for nine days.

Total first run business was $29,200 for five houses. Average for four is $23,000.

Estimated takings:

Week Ending Dec. 31:
"CAPTAIN BLOOD" (F.N.)
WARNER — (2,400), 25c-40c, 7 days. **Gross:** $5,300. (Average, $5,000)
"THE LITTLEST REBEL" (20th-Fox)
"CHARLIE CHAN'S SECRET" (20th-Fox)
WISCONSIN—(3,200), 25c-40c, 7 days. **Gross:** $8,000. (Average, $8,000)

Week Ending Jan. 2:
"HIS NIGHT OUT" (Univ.)
ALHAMBRA—(1,900), 25c-35c, 9 days. Stage: Major Bowes' Amateurs. **Gross:** $6,100.
"COLLEGIATE" (Para.)
"CRIME AND PUNISHMENT" (Col.)
PALACE—(2,800), 25c-40c, 7 days. **Gross:** $4,300. (Average, $5,000)
"ESCAPE FROM DEVIL'S ISLAND" (Col.)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: "Hello 1936," Harry Holmes and stooges, Kane & Gardner, Gale & Carson, Jack Eddy & Co. **Gross:** $5,500. (Average, $5,000)

"Two Cities" Good In Omaha, $7,500

OMAHA, Jan. 6. — Bitter weather and a scarlet fever epidemic held down grosses, but in spite of these handicaps "A Tale of Two Cities" topping a dual bill with "Little America," ran up to $7,500. This is over par by $2,500.

"The Littlest Rebel" and "Your Uncle Dudley" were good for $10,200 at the Orpheum, up by $2,200.

Total first run business was $21,700. Average is $17,000.

Estimated takings for the week ending Dec. 31:

"SYLVIA SCARLETT" (Radio)
"ESCAPE FROM DEVIL'S ISLAND" (Col.)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)
"A TALE OF TWO CITIES" (M-G-M)
"LITTLE AMERICA" (Para.)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $7,500. (Average, $5,000)
"LITTLEST REBEL" (20th-Fox)
"YOUR UNCLE DUDLEY" (20th-Fox)
ORPHEUM — (3,000), 25c-40c, 7 days. **Gross:** $10,200. (Average, $8,000)

Augusta Bonuses Paid

AUGUSTA, Ga., Jan. 6.—"Christmas salaries" totaling $3,000 were presented to 50 employes of Augusta Amusements, Inc., controlling and operating company of the Imperial, Modjeska, Rialto and Dreamland theatres. The bonus was based on the record of each employe, his length of service and efficiency.

Fenney Goes to Liberty

SEATTLE, Jan. 6.—Walter Fenney has been made manager at Jensen-Von Herberg's Liberty. He was manager of the Roxy in Tacoma when that house was under J. & V. ownership, prior to its sale last month to John Hamrick of this city.

"Two Cities" Philadelphia Hit, $30,000

PHILADELPHIA, Jan. 6.—The best business for the Boyd in two years was scored Christmas week by "A Tale of Two Cities," which took in $30,000 for its first seven days. It beat the gross of "David Copperfield" last year.

Aided by a special New Year's eve show and New Year's day business, the Earle (the only house on the list with this particular holiday trade figured this week) got a neat $22,000. The last five days of "Littlest Rebel" at the Fox maintained a high pace with a $16,000 gross. The film was moved to make way for the New Year's eve premiere of "King of Burlesque."

Total first run business was $100,300. Average is $68,800.

Estimated takings for the week ending Jan. 2:

"I DREAM TOO MUCH" (Radio)
ALDINE—(1,200), 40c-55c-65c, 7 days. **Gross:** $11,500. (Average, $8,160)
"AH, WILDERNESS" (M-G-M)
(2nd run)
ARCADIA—(600), 25c-40c-50c, 7 days. **Gross:** $2,600. (Average, $2,800)
"TALE OF TWO CITIES" (M-G-M)
BOYD—(2,400), 40c-55c, 7 days. **Gross:** $30,000. (Average, $14,000)
"MISS PACIFIC FLEET" (W.B.)
EARLE — (2,000), 25c-40c-50c, 7 days. Stage: N. T. G.'s Radio Revue. **Gross:** $22,000. (Average, $14,000)
"LITTLEST REBEL" (20th-Fox)
FOX—(3,000), 40c-55c-65c, 5 days, 2nd week. Stage: Cabin Kids, Carr Brothers and Betty, Gauthier's Toy Shop, Williams and Charles. **Gross:** $16,000. (Average, 7 days, $14,000)
"CRIME AND PUNISHMENT" (Col.)
(2nd run)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $2,500. (Average, 7 days, $4,000)
"IF YOU COULD ONLY COOK" (Col.)
(2nd run)
KEITH'S—(2,000), 30c-40c-50c, 6 days. **Gross:** $2,700. (Average, 7 days, $4,000)
"THE BRIDE COMES HOME" (Para.)
STANLEY—(3,700), 40c-55c, 3 days, 2nd week. **Gross:** $5,000. (Average, 7 days, $14,000)
"FANG AND CLAW" (Radio)
STANTON—(1,700), 30c-40c-50c, 7 days. **Gross:** $8,000. (Average, $7,000)

New Incorporations

ALBANY, Jan. 6.—New incorporations here are:

Russian Theatre in America, Inc., by Paul Abbott, David Abramowitz and Harold Abbott.

Continental News Reel Service, Inc., by Sidney Kramer, Arnold Dumey and Herman M. Kakack.

DOVER, Jan. 6.—Bessemer Theatres, Inc., has been formed here by L. H. Herman and Walter Lenz.

COLUMBIA, S. C., Jan. 6.—Strain & Sparks Theatre Co. of Pickens, S. C., has been chartered here by O. K. Strain, H. T. Strain and W. H. Sparks.

Show Film by Minister

DAYTON, Jan. 6.—"The Tale of Two Rivers," a film taken by Rev. H. Lee, pastor of the First Unitarian Church, has been shown to his congregation here. The picture depicts the Tennessee Valley Authority project, and life among the share-croppers in the Arkansas River Valley.

Rev. Lee has been invited to the White House Jan. 12 to show the picture to President Roosevelt.

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Move to Curb Highest Court Held Possible

President Affirms His Stand in Message

By CLARENCE LINZ

WASHINGTON, Jan. 7.—Curbing of the U. S. Supreme Court as the first step in a move to reimpose Federal control of industry and agriculture was seen possible today in a statement from the White House that President Roosevelt expected Congress to carry out the recommendation made in his annual message that it "protect its prerogatives" and require protection for the laws it enacts until final adjudication.

Other comment on yesterday's AAA decision was refused.

The President's recommendation is understood to contemplate the withdrawal of the right now accorded

(*Continued on page 7*)

West Studies Effect Of Ruling on AAA

OMAHA, Jan. 7.—Invalidation of the AAA by the Supreme Court was a sensation in film circles in this territory. Theatre men joined with farmers in lamenting the upheaval because of the general conviction throughout the west that the AAA has raised farm prices and has been responsible for much of the pickup.

Speculation is rife as to what substitute will be provided, if any, before the present term of Congress expires. Corn and hog checks to farmers have been factors in the spending in this territory.

The 27 Tri-States and 41 Central States Theatres controlled by A. H. Blank all draw patronage from the corn, wheat and cow belt.

Fox units, Finkelstein & Rubin and other circuits are studying the outlook.

Receipts will be watched closely in the immediate future, especially in the small towns, and Congressional moves will be the objects of scrutiny.

Argument in Sound Action Set Jan. 17

A motion by A. T. & T., Erpi and Western Electric for a bill of particulars in the damage action filed by more than 100 theatre and sound equipment plaintiffs, which was scheduled for hearing in U. S. District Court here yesterday, was postponed to Jan. 17.

The damage actions were brought

(*Continued on page 3*)

Jersey Allied Talks Suit To Halt New York Sales Tax

The possibility that Allied of New Jersey will institute an action for an injunction to restrain New York exchanges from adding the two per cent sales tax to film rentals of out of town theatres was indicated yesterday following a meeting of the organization at its Lincoln Hotel headquarters.

The passing on of the sales tax by local exchanges to their theatre accounts as of Jan. 1 last, was the principal subject of discussion at the meeting. A committee consisting of Lee Newberry, president of Allied of New Jersey; Louis Gold and Norman Samuelson, attorney for the organization, was appointed to investigate the situation and report back next Tuesday at the Lincoln. The attitude of the organization's members, whose theatres are located outside the state, is that the New York tax when applied to their rentals is unjust, as they cannot obtain their film supply elsewhere and would be placed in the position of passing on to their New Jersey patrons a tax designed for the relief of New York City residents.

Meanwhile, a new hearing on objections of the local exchanges to the application of the tax to film rentals derived from theatres outside New York has been postponed to Jan. 20. The hearing was originally scheduled for Friday before a board representing the city finance department, but the postponement was made neces-

(*Continued on page 7*)

All Cincy Men Agree Outlook More Cheerful

CINCINNATI, Jan. 7.—A survey among theatre executives, both major and independent, exchangemen and exhibitors in the Cincinnati trade territory, reveals a general feeling of optimism for 1936.

Spontaneous predictions, ranging from mildly conservative to highly enthusiastic, are the same in effect—that the 12 months ahead will show a very decided improvement for conditions in general and the picture industry in particular.

The consensus of favorable opinion is predicated on recent performances of better product, which, almost without exception, has kept the turnstiles clicking constantly, whereas the more mediocre pictures have left a trail of crimson across the box-office ledgers.

Although improvement in the quali-

(*Continued on page 3*)

Union Cinemas to Build New Circuit

By BRUCE ALLAN

LONDON, Jan. 7.—Fred Bernhard of Union Cinemas has signed with Arthur Segal for the erection of a circuit of large houses, with 40 sites already acquired. Union has issued a list of 50 houses taken, some with more than 2,000 seats. Reed Theatres, Ltd., has been absorbed, with A. H. Reed as an executive, as well as the Mancunian circuit. It is said

(*Continued on page 3*)

Production in Hungary Leaps As Takes Drop

By ENDRE HEVESI

BUDAPEST, Dec. 28. — Nineteen thirty-five has been a record year for Hungarian films. Sixteen in the Hungarian language and four in German were completed in the Hunnia and Magyar Filmiroda Studios, an increase of 100 per cent over the two previous years.

From a business standpoint, however, they broke no records. Two of the most successful features shown during the year were made during the end of 1934. "Meseauto" ("Dream Car") was a record-breaker both for the distributor and exhibitors. The other, which did fairly well, was "Igloi Diakok" ("Students of Iglo").

Among the 16 Hungarian films completed from January to Dec. 10 and released, none was outstanding

(*Continued on page 7*)

Warners Give Stand On Ascap's Claims

Warners yesterday made public an exchange of correspondence between their Music Publishers Holding Corp. and NBC and CBS, setting forth their position in regard to certain contentions of the two networks on Ascap's right to license them to use certain music in the Warner catalogues.

It had been stated by the two networks that because Warner's music subsidiaries were members of Ascap

(*Continued on page 7*)

Court Denies Dismissal of Equity Case

Recess St. Louis Action Until Tomorrow

By RED KANN

ST. LOUIS, Jan. 7.—Federal Judge Joseph West Molyneaux this morning denied the plea of Warners, Paramount and RKO for dismissal of the equity proceedings. He ruled the theory of *res adjudicata* on which the defense had built an elaborate argument Monday did not apply, leaning upon the language in decisions of the U. S. Supreme Court in the cases of Stone vs. U. S. and Lewis vs. Frick. In general terms the theory of *res adjudicata* in law maintains that the issues and the parties tried on a charge in criminal proceedings cannot again be tried in a subsequent civil action.

The court also refused to permit Warners to amend their answer to include in this action consideration of an alleged local monopoly by Fanchon & Marco and associates. The respondent contended at length through ex-Senator James A. Reed that the existence of such a monopoly had brought about the leasing of the Orpheum and Shubert-Rialto as an outlet for its own

(*Continued on page 3*)

"Obsession" Hits $101,050 at Hall

"Magnificent Obsession" has joined the select group of films that have grossed more than $100,000 in seven days at the Music Hall. It reached $101,050 Monday night and is scheduled to stay 10 days, the run closing tomorrow night.

The other six pictures that have gone into six figures in the past year have been: "Little Minister," $110,000; "Cardinal Richelieu," $103,000; "Love Me Forever," $100,019; "Top Hat," $131,200; "Littlest Rebel," (11 days), $146,000.

Rialto, Trans-Lux Houses Are Pooled

The new Rialto and the two Trans-Lux theatres, one on Broadway and the other on Madison Ave., have been pooled and are now being operated jointly by Arthur Mayer.

The deal provides for a split in the profits and no change in the current policy of features at the Rialto and shorts and newsreels at the Trans-Lux houses.

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Berg Leaves U. A., To Join Blackstone

Herbert Berg, for several years in charge of trade paper publicity for United Artists, has resigned from that company to become associated with the Blackstone Co. His duties there will place him in charge of trade publicity and advertising. He will concentrate his activities on the Walter Wanger Prod. and other Blackstone accounts.

Prior to joining United Artists Berg was on the editorial staffs of *Film Daily* and *Box-Office,* and handled publicity for other major producers. He will assume his new duties at the Blackstone Co. Jan. 20.

Arnold Van Leer Resigns

Arnold Van Leer, member of the publicity staff of Columbia, resigned yesterday, effective Jan. 18, to become associated with Hal Horne's Blackstone Co.

Hy Daab, former advertising and publicity head of RKO, who has been engaged in special trailer work for Columbia in Hollywood, is en route here.

Bethancourt Services

HOUMA, La., Jan. 7.—Funeral services were held here yesterday for Arthur J. Bethancourt, manager for the past 25 years of the Grand, Houma. Bethancourt was once president of the ITO of Louisiana. He was 61 years of age. Surviving him is a brother, Wiltz, in Phoenix, Ariz.

Purely Personal

STANLEY LUPINO, father of IDA LUPINO, sails tonight for England on the *Aquitania.* ALICE WHITE, MRS. ARTHUR W. KELLY, JOHN R. MERSEREAU, G.B. official, and FAY MARBE will also be on the passenger list.

ANN HARDING and HERBERT MARSHALL are to broadcast scenes from Radio's "The Lady Consents" over the WABC-CBS hookup Friday night at 10 o'clock.

•

JOHN J. MURDOCK, former Keith-Albee official, now residing at Beverly Hills, Cal., is in town to see the new shows and look after personal business affairs.

Quip of the Day

A producer called Joe Rivkin at the latter's home just prior to his departure west.

"Mr. Rivkin not in," came the Jap boy's reply.

"Who are you?" asked the caller.

"Me, Tito Rivkin," was the reply.

The next day the producer finally reached Rivkin.

"Why didn't you call me back?" he complained. "I left a message with your brother yesterday."

IRVING NETCHER and MRS. NETCHER (ROZIKA DOLLY) have checked out of the Ritz Tower and are on their way to the coast.

•

EDWARD G. ROBINSON reached town yesterday accompanied by MRS. ROBINSON and their two children. He is en route to London.

•

HAZEL FLYNN has borrowed that gondola from the recent stratosphere flight and it is on display in the Rockefeller Center sunken plaza.

•

ADRIENNE AMES and her sister, JANE MERRICK, have taken an apartment at the Lombardy for a few months.

•

A. P. WAXMAN'S contract with G.B. was renewed by MARK OSTRER before he left for England.

•

NYDIA WESTMAN, LEONTINE SAGAN and HOWARD C. HOPPER and MRS. HOPPER are at the Warwick.

•

BEN Y. CAMMACK, RKO's Brazilian representative, will leave Saturday for Rio de Janeiro.

•

DOUGLAS FAIRBANKS arrived yesterday on the *Aquitania.* He is at the Waldorf.

•

VINCENT LOPEZ and his band have started a one-reeler at the Vitaphone studios.

•

THOMSON BURTIS' "The Masterpiece Murders" has been purchased by Columbia.

•

BUDD ROGERS, eastern sales manager for Republic, is confined to his home with a cold.

•

JOE NOLAN is here from the RKO studios for a brief visit.

•

WILLARD MCKAY has returned from a holiday trip to Florida.

HARRY M. GOETZ, president of Reliance Pictures, leaves for the coast today to confer with EDWARD SMALL, production chief, on "The Last of the Mohicans."

•

GLADYS SWARTHOUT arrives today from the coast for radio and opera engagements. She has completed "Give Us This Night" for Paramount.

•

GUS S. EYSSELL, Radio City Music Hall secretary, is bound for the Spanish Main on a three weeks' vacation.

•

CHARLES KOERNER, New England division manager for RKO theatres, is here for home office confabs.

•

. . . Pittsburgh

CHARLIE RICH went to Washington for the holidays with his family.

SALLY STARR, stage and screen actress, is in town for a two-week visit with her family.

JOE FALVO, brother of DIANE WARD, featured in the London production of "Anything Goes," has gone to New York to join an orchestra.

JOE FELDMAN'S five-year-old WALLY threatens to become another Paderewski.

Diplomats Turn Out To See Buchan Film

OTTAWA, Jan. 7.—The diplomatic corps of the Canadian capital turned out in all its brilliance for a command performance of "39 Steps" at the Rideau which was attended by Lord and Lady Tweedsmuir, and official staff from Rideau Hall, the vice-regal residence. Prior to becoming Lord Tweedsmuir, the governor-general was John Buchan, author of the picturized story.

Among those present were Norman Armour, U. S. Minister to Canada; Sir Francis Floud, British High Commissioner to the Dominion, and the ministers from France, Japan and Italy with their aides.

Samuel Goldstein Back

Samuel Goldstein, treasurer of Guaranteed Pictures, Inc., just back from a three months' trip in Europe, reports that he opened two new offices. One is in London with M. Swift, formerly with Mascot, in charge, and the other is in Paris, with Frank Bates, former Monogram agent, as manager.

Business is gaining in England, says Goldstein, with merit pictures replacing "quota quickies." On the continent, he says, dubbing laws, exchange regulations and other factors are retarding progress.

Goldstein says his company intends to open offices soon in South American countries.

Ampa Program Is Set

The Ampa luncheon tomorrow will be an all entertainment affair with variety provided by Michael, The Boy Wonder of the accordion; Bob Howard of WHN, who will show how the "Music Goes 'Round and 'Round"; Edith Drake, who will sing, and Charles Lamont, Shirley Temple's director. Gordon White will preside and the place as usual will be Jack Dempsey's.

Society Gathers at Premiere of "Rose"

Paramount's "Rose of the Rancho" was given an elaborate premiere at the Paramount last night, the entire house having been sold out at a $10 admission. The difference between that price and a regular admission went to the Musicians' Emergency Fund. Among the members of New York society who attended the opening were:

Mr. and Mrs. Vincent Astor, Mrs. Ogden Mills, Mrs. John Jacob Astor, Mr. and Mrs. Charles Auchincloss, Mr. and Mrs. G. F. Baker, Mr. and Mrs. David K. E. Bruce, Mr. and Mrs. Carroll Carstairs, Mr. and Mrs. Averill Clark, Mr. and Mrs. Robert Livingston Clarkson, Paul E. Cravath, Mr. and Mrs. Charles Suydam Cutting, Mr. and Mrs. Artemus Gates, Mr. and Mrs. Harvey D. Griffin, Mr. and Mrs. Ogden H. Hammond, Mr. and Mrs. William Goadby Loew, Pierre Lorillard, Mr. and Mrs. Charles E. McCann, Mr. and Mrs. William S. Paley, Mr. Moorehead Patterson, Mr. and Mrs. John Pratt, Mr. and Mrs. Robert Strawbridge, Jr., Mr. and Mrs. George Whitney, Mr. and Mrs. Richard Whitney, Mr. and Mrs. John D. Widener, Mr. and Mrs. William Woodward, Mr. and Mrs. Anthony Drexel Cassatt, Mr. and Mrs. Maurice Newton, Mr. and Mrs. Jeremiah Millbank, Elsa Maxwell, Will H. Hays, Charles Hayden, Mrs. Marshall R. Kernochan, Mrs. Herman Oelrichs, Countess Mercati, Countess Eleanora Colloredo-Mannsfeld, Misses Shirley and Natalie Osborne, Mrs. E. Gerry Chadwick, Mrs. Cornelius S. Bliss, Mr. and Mrs. Howard G. Cushing, Mr. and Mrs. Frederick Lewisohn.

Final Review Denied In Deery Bank Case

BOSTON, Jan. 7.—John A. Deery, head of the Salem Realty Co., must serve a year and a day in Plymouth County Jail, according to the U. S. District Attorney's office, as a result of the refusal of the U. S. Supreme Court to review the conviction of Daniel C. Maloney, former president of the closed Federal National Bank of Boston.

Deery was charged with aiding and abetting Maloney in the misapplication of $130,000 of the bank's funds. Theatre loans were principally involved.

Deery has already served a term in connection with the defunct Salem Trust Co., of which he was president. He had been granted a stay of mandate until Maloney's last appeal had been ruled upon.

Columbia Registers Stock with the SEC

WASHINGTON, Jan. 7.—Columbia Pictures today filed a registration statement with the SEC, covering 67,808 shares of no par common, of which 45,205 shares are reserved for issuance in the event of the exercise of outstanding purchase warrants for voting trust certificates for the common.

The additional 22,603 shares being registered are for issuance in the event of an increase in the number of voting trust certificates for common, issuable upon the exercise for warrants. With the registration was one by Harry Cohn to cover the voting trust certificates for the stock.

Contends Patent Invalid

Sonotone's action in Federal court in Wilmington is a petition for a declaratory judgment that an earphone patent obtained in 1927 by Delbert A. Reynolds is invalid on the basis of prior art. In the MOTION PICTURE DAILY of Dec. 31 the headline incorrectly stated that it was a patent infringement suit.

Court Denies Dismissal of Equity Case

(*Continued from page* 1)

first runs. Warners were alone on this phase of the day's developments.

George S. Leisure, special counsel for RKO, was on his feet immediately to inform the court that insofar as any entry into the first run situation was concerned by acquisition or leasing of theatres, the company he represented was not involved. He pointed out RKO had exercised its right to free judgment in the choice of customers with F. & M. as one possibility and Warners as the second. He declared it had been RKO's decision to sell Warners.

The second day's session ran less than two hours and terminated with a recess until 10 o'clock Thursday morning, at which time the Warner legal battery is hopeful Frederick H. Wood, now ill in New York, will be on deck and actively in the fray for the defense.

Hardy Replies to Reed

However, it was an interesting two hours. Russell Hardy, chief of the Government staff, entered the argument substantially for the first time. It was he who undertook to reply to Senator Reed's lengthy plea for the court to recognize the existence of the alleged monopoly exercised by the F. & M. interests. He turned to what he viewed as precedents in law and cited rulings of the U. S. Supreme Court to drive home his point.

Reed had argued that if the court issued the injunction sought by the Government it would thereby make complete and absolute the monopoly allegedly practiced by F. & M. by compelling Paramount and RKO to sell their product to them. He also had held that if the court took such action it would inflict a greater injury than the conspiracy which the Government claims is now being exercised by the defendants. He expressed the opinion that the court would not take such action.

Hardy, in rebuttal, sought to demonstrate by citing leaseholds and corporate structures of the companies now operating the Ambassador, Missouri, New Grand Central, St. Louis and Fox that no monopoly existed.

Claims F & M No Monopoly

"It is interesting to be confronted with such a slovenly case of pleading," he said in a direct attack on Reed's presentation. The Government counsel asserted the defense at no point had proved the F. & M. group to be an illegal monopoly or a monopoly at all. If there is existing a monopoly, he continued, the defense has a remedy, declaring Reed's charges had no place in this court and, "The prosecuting officials are functioning in Missouri."

Hardy further described this case as only one instance in the efforts of the Federal Government to stop "these practices all over the United States." In effect, he also charged, Warners were assuming the stand that the F. & M. activities constituted an illegal combination and that they, meaning the Warners, therefore were privileged to commit illegal acts to combat them.

The Government has the right to remove any restraint of trade and this is not a private affair, he added. Hardy also made the blunt charge that, as in the preceding criminal case, the defense was deliberately endeavoring to set up extraneous issues in order to exclude the real.

Waxing sarcastic and at the same time doubling back to his opening address in the misdemeanor trial, Hardy scoffed at the counter-monopoly argument with the statement that the combined assets of the defendant companies totaled $666,000,000, while those of F. & M. were "less than $500,000." The Shubert and Rialto jointly controlled 50 per cent of the feature output; the five F. & M. houses only 25 per cent, he asserted. "Fifty per cent of all the feature output, Mr. Hardy?" inquired Robert W. Perkins, asociate Warner counsel. He was ignored by Hardy, who continued his rebuttal as if the query had never been made.

Amendment Granted

In denying the Warner motion for an amendment to include alleged monopolistic practices on the part of F. & M., Judge Molyneaux declared the court would have to confine the case to the airing of facts and evidence bearing on the relevancy of the Government's conspiracy charges against Warners, Paramount and RKO and consider no other issues. This immediately ruled out attempts by Reed to gain consideration for the Warner reason for not selling F. & M. in this city. However, the court said the Warner counsel may bring up this point during oral presentation of their case.

The Warner amendment covering the shift in its buying relations with RKO, by which the latter was declared to be selling on a month-to-month basis since the criminal trial was launched, was granted with no objection by the Government. At the request of the court, which pointed out it had no power to order it, the defense and the Government agreed upon mutual cooperation in submitting subpoenaed records.

"How about introducing the records of the criminal case and saving a lot of time?" asked Reed. It met with a laugh at large and a denial, of course, by Hardy.

A few minutes before the recess, Louis Phillips, Paramount counsel, inquired if the proceedings were for a permanent injunction. The court answered that if it issued an injunction at all, it would be permanent.

On the Lighter Side

By BILL ORNSTEIN

St. Louis, Jan. 7.—I. Levinson, Warner attorney, is sporting a tan that is the envy of his brother attorneys. He acquired it in a six weeks' trip to the coast.

✚

Russell Hardy is greatly concerned over the condition of Mrs. Hardy, who has just been operated on in Washington.

✚

Leto Hill, supervisor for the St. Louis Amusement Co., appeared in court this morning for the first time in spite of a bad cold.

✚

Harry C. Arthur failed to appear today. However, Mike Marco and Jack Partington. Irving Lesser and Milton Arthur were on deck.

✚

Abel Cary Thomas suspended a vacation in Panama to attend the trial and came in by air. He found the scenery very interesting, he says.

✚

As Ex-Senator James A. Reed argued for Warners this morning Sam B. Jeffries, local counsel for the company, dozed peacefully.

✚

Sam Dembow emerged today a symphony in brown—ditto for Hill.

✚

Mrs. Harry Arthur and Mrs. Mike Marco are here.

✚

Ned E. Depinet and Spyros Skouras have not arrived. Planes are down.

✚

Attendance dropped today. About 25 appeared, mostly lawyers.

✚

Local exchange managers this time are carrying on business, the Government excusing them each morning when it appears their presence is not required.

Union Cinemas to Build New Circuit

(*Continued from page* 1)

£3,000,000 are involved, in addition to £5,000,000 in deals already announced. It is claimed 200 theatres are in the group.

Segal has built the Astoria here, various neighborhood houses, and the Paramount. Reed Theatres share offices here with Paramount Theatres, and book variety through the latter. It is understood the new Segal-Union Theatres will feature stage shows.

Argument in Sound Action Set Jan. 17

(*Continued from page* 1)

more than a year ago under the anti-trust laws by numerous local theatres, many of them affiliated with the I.T.O.A. and allege that Erpi's licensing and contract arrangements resulted in their making excessive payments for sound equipment and servicing, which they seek to recover. Several independent sound equipment manufacturers are also party plaintiffs in the actions.

M. P. Club to Algonquin

Arrangements were closed yesterday with the Algonquin for club quarters for the new Cinema Club. The organization committee will hold its first meeting in the new club headquarters today.

Columbia Signs Two

Hollywood, Jan. 7.—Charles Bickford and Florence Rice will have leading roles in "United States Smith," Columbia, which goes into work shortly under the direction of D. Ross Lederman.

All Cincy Men Agree Outlook More Cheerful

(*Continued from page* 1)

ty of product and the more dignified methods in selling it to the public are credited as underlying factors influencing the attendance upturn, increased operations, or return to normal production by various industries, especially those in the "heavy goods" classification, a still broader spread of employment through Federal projects, and bigger payrolls with sizable salary boosts, have been responsible for the greater flow of money into box-offices.

Prospects Bright for '36

"We have made mistakes in the past," said the spokesman of a prominent theatre group, "but we will profit by them in the future. I voice the sentiment of all concerned when I say we look to 1936 full of hope and optimism. The public, generally, is now inclined to spend more for luxuries, rather than confine itself to necessities. People are not only picture-minded, they are picture-hungry, but they are discriminating. Therefore, good pictures will get the play, and attendance will be in direct proportion to the quality of entertainment offered. The industry is on a higher plane than ever before, and the silver lining is becoming brighter every day."

Gains in the diversified manufacturing plants and department stores in this territory have been increasing steadily for several months. Freight car loading and new automobile registrations are approaching a new high.

Possibly the best index of improved conditions is found in the statement of local bank clearings for 1935, as compiled by the Cincinnati Clearing House. This shows a total of $2,466,-319,282, compared with $2,123,727,-180 in 1934, an increase of $342,592,-102. The 1933 figure was $1,814,000,-000, giving 1935 a gain of $652,319,282 over two years ago. The clearings in December of this year reached the highest level for any comparative month in recent years.

Columbus Is Optimistic

Columbus, Jan. 6.—Optimism and confidence for the current year are expressed without exception by leading factors in the industry here, all of whom feel that 1936 will be one of the best the picture business has had in a long time.

They point to better pictures, with the improvement continuing rather than diminishing. This, together with better business conditions in general, they say, will swing the pendulum in the right direction.

"The turning point is at hand," declared one leading exhibitor. "We are 'out of the woods.' A new era for the industry has arrived."

The city, although considerably overseated, especially in the first run division, is holding its own theatre-wise, with business for the better pictures keeping well in the upper brackets, and the reverse being true for the product of lesser merit.

Dual features continue to be the rule rather than the exception in the neighborhood, and suburban spots where, however, business is showing a healthy trend.

Short Subjects

"Grand Slam Opera"
(*Educational*)

A ribald and slapstick burlesque of amateur programs with Buster Keaton contributing some of his best comedy, this one has entertainment in every frame. Keaton is given a good riddance sendoff by his family on his way to New York to participate in a program. At first he is thwarted, but he finally gets his chance. He juggles over the radio with description. This leads to a stunt with a broom but he gets the gong. The orchestra starts and he accidentally hits the conductor with the broom and they give shot for shot in tune with "The Anvil Chorus" which is the best sequence.

Another good twist has Keaton near home. He pauses on a highway for a lift and an Indian squaw passes with a papoose on her back. He tries to thumb a ride. It is done with the usual Keaton pantomime. However, he wins the prize and speeding back to town he gets the award and takes his girl to dinner and a show. Nothing is missing in this one and it will most certainly go over. Production Code Seal, No. 1829. Running time, 18½ mins. "G."

"The Fire Alarm"
(*Vitaphone*)

In this cartoon, Beans is a fireman and his nephews, Ham and Ex, are left in his care. The pair get into all sorts of amusing mischief around the firehouse, one gets out the hose from a truck and entangles it, the other presses a rewind lever which rolls it up together with his brother. They end up by driving off with a hook and ladder tearing up the town, mowing down telegraph poles and finally get it back in the station again and are on the receiving end of a spanking. Average cartoon comedy fare. Production Code Seal, No. 1,684. Running time, 8 mins. "G."

"Sorority Blues"
(*Educational*)

Set in a girl's school, this ordinary comedy has Nell Kelly in bad with the dean because she has not done her exams. Consequently she cannot play on the morrow. What she plays is not divulged. In order to do her best she needs to be inspired by music and song which are supplied by her classmates. The Randall Sisters sing, the Foster Twins also sing and there is dancing by Verne, Ruth Brent and more singing by Jeanette McCully. An ordinary musical offering. Production Code Seal, No. 0729. Running time, 11 mins. "G."

"Seeing Nellie Home"
(*Educational*)

Played in a homey, rustic setting with some old fashioned choir singing by the Henderson Master Singers, this effort should be average short entertainment. There is a slight story vein involving Carol Deis. At a party where baskets are auctioned off to the highest bidder Miss Deis is in demand, for the buyer must take her home. Centered around this there is the usual male competition and subsequent twists to the plot. The singing is good. Production Code Seal, No. 0727. Running time, 11 mins. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Petrified Forest"
(*Warners*)

Hollywood, Jan. 7.—With a smooth blending of the elements of romance and melodrama this picture has power, prestige and strong entertainment value. The action takes place entirely within the confines of a gas station in the Arizona desert and at times reaches points of pronounced suspense. The unusual locale in which the picture is set forms a perfect background on which is displayed the psychological portraits of the characters.

Leslie Howard, an itinerant writer; Bette Davis, waitress, and Humphrey Bogart, notorious gangster, carry the brunt of the story. Howard and Miss Davis are kindred artistic souls thrown together in the desert. When Bogart and his gang descend on the gas station Howard determines to give his life in order that Bette may collect his insurance and achieve the artistic success which he has missed. While being held as prisoners by Bogart, the pair, together with Genevieve Tobin, Dick Foran, Charley Grapewin, Paul Harvey and others frankly discuss their innermost thoughts.

When the posses finally close in on the group Bogart and Howard carry out a pre-arranged pact, the bandit killing Howard.

Skillfully directed by Archie Mayo, the production captures in full the spirit of the original Sherwood play. Charles Kenyon and Delmer Daves, who did the script, lost nothing in transition to the screen. Production by Henry Blanke is class throughout.

Performances by the supporting cast are uniformly good, with Eddie Acuff, Adrian Morris, Joseph Sawyer and Porter Hall outstanding.

Production Code Seal No. 1,751. Running time, 76 minutes. "A."

Looking 'Em Over

"The Man from Guntown"
(*Puritan*)

Tim McCoy is the hero of the west in this picture, which follows the usual formula for this type of material. It should be found satisfactory as the lesser half of a dual program, or played, to the youngsters especially, on the week-end, when action fare is most acceptable.

The film has its expected quota of action, with McCoy supported by Billie Seward, Wheeler Oakman, Rex Lease and Robert McKenzie especially. McCoy saves the life of a cowboy he meets, but later when his friend is killed McCoy is accused. A letter from the man's sister indicates that an unscrupulous lawyer in a neighboring town is about to do her out of valuable land, left by her father. McCoy makes a bargain with the sheriff, that he will return with the real culprit, or come back himself and stand trial.

The romance enters when McCoy meets Miss Seward, the sister. From that point there is considerable action, as McCoy meets the gang on their own ground, and proves his innocence to the arriving sheriff, who assists in the conclusion. McCoy cleans out the gang, establishes the girl's rights to the property, and proceeds with the completion of an important dam which her father had started. Ford Beebe directed.

Production Code Seal No. 1,007. Running time, 60 minutes. "G."

Canadian Men Shifted

Toronto, Jan. 7.—With the transfer of T. R. Tubman from Ottawa to Winnipeg to become Mid-West general manager of RKO theatres, Famous Players Canadian Corp., has appointed Howard Knevels to manage the RKO-Capitol at Ottawa. Knevels has been manager of the Toronto Imperial, Montreal Capitol and the Regent at Ottawa.

Ken Smith, once head usher of the Capitol at Ottawa, has been appointed manager of the Ottawa Regent, while Gilbert Sunderland, recently head usher at the Capitol, has been made assistant manager at the Regent. The appointments were made by Clarence Robson, eastern division manager.

FitzPatrick Sails

James A. FitzPatrick, Travel Talk producer for M-G-M, has sailed on the *Franconia* on a trip that will cover 40,000 miles and take him over most of the world. FitzPatrick declared his apparatus will record the highly distinctive sound effects of Africa and the Far East in a manner not possible in the past. With him is Benjamin D. Sharp, production manager, and a complete staff.

$2 Top for "Pasteur"

Warners' "The Story of Louis Pasteur," scheduled to open at the Hollywood early next month, will play on a two-a-day basis at a $2 top.

Present Demurrers In Lincoln Action

Lincoln, Neb., Jan. 7.—Demurrers have been filed in Federal court here by major distributor and circuit defendants in the damage suit for $1,797,000 started some time ago by the State and Independent Theatres. The former is headed by G. L. Hooper of Topeka and George Monroe of Beatrice, Neb., and it owns 50 per cent of the stock of Independent. The other half is owned by Cal Bard.

The demurrers contend that the plaintiffs' petition is not sufficient ground for action. The plaintiffs declare they had half the houses here at one time but could get only 10 per cent of the product and were ruined as a result.

The defendants are: Robert Livingston, J. H. Cooper and six distributors—United Artists, Twentieth Century-Fox, M-G-M, RKO, Universal and Warners.

Waller to Demonstrate

Twentieth Century-Fox is going to try to settle that "swing" music controversy tomorrow afternoon in the ballroom of the Hotel Warwick by giving a demonstration.

It seems that "Fats" Waller has introduced the new technique in "The King of Burlesque," so the newspaper critics and some music authorities have been invited to hear Waller do his stuff.

E. V. Richards the Same

New Orleans, Jan. 7.—The condition of E. V. Richards of the Saenger Amusement Co. remains about the same as last week. Richards was stricken in his office in the Tudor Theatre building and later taken to the Baptist Hospital, then to his home.

Wall Street

Fractional Gains Revive Trading

	High	Low	Close	Net Change
Columbia	42	41	42	—1
Consolidated	5⅝	5½	5⅝	.....
Consolidated, pfd.	18⅛	18	18	.....
Eastman Kodak	160⅛	158	160⅛	+1⅛
K-A-O, pfd.	80	80	80	.....
Loew's, Inc.	52¼	51⅞	52⅛	+ ⅛
Loew's, Inc., pfd.	107½	107⅛	107⅛	+ ⅛
Paramount	10½	10	10½	+ ⅜
Paramount 1 pfd.	81½	80	81½	+1
Paramount 2 pfd.	12¼	11¾	12¼	+ ⅛
Pathe Film	8	7⅝	7⅞	+ ⅛
RKO	5⅝	5½	5⅝	.....
20th Century-Fox.	23¾	23⅛	23⅛	+ ⅛
20th Century, pfd.	32⅛	31¾	32⅛	+ ⅝
Universal, pfd	51	50	50	—2½
Warner Bros.	10⅛	10	10⅛	+ ⅛

Technicolor Spurts Up 2 Points

	High	Low	Close	Net Change
Sentry Safety	5⅛	5⅛	5⅛	.....
Sonotone	1⅞	1⅞	1⅞	+ ⅛
Technicolor	20¼	18	20	+2
Trans-Lux	3½	3¼	3¼	+ ⅛

RKO Bonds Drop 2½ Points

	High	Low	Close	Net Change
General Theatre 6s '40	21½	21	21½	.....
General Theatre 6s '40 ctf	21⅝	21¼	21⅝	+ ½
Keith B. F. 6s '46	92½	92½	92½	—1
Loew's 6s '41 ww deb rights	104¼	103¾	103¾	— ¼
Paramount B'way 3s '55	59¾	59½	59¾	+ ⅛
Paramount Pict. 6s '55	93¾	93	93¾	+ ½
RKO 6s '41 pp	75¾	75¾	75¾	—2¼
Warner Bros. 6s '39 wd	87½	86	86½	.....

(Quotations at close of Jan. 7)

Production in Hungary Leaps As Takes Drop

(Continued from page 1)

either financially or artistically, and only one, "Edas Mostoka," is likely to return a profit. Some may earn their production cost, but others are not expected to do this. Some are still running, but Budapest is the only place that really matters insofar as profits are concerned. If they fail to hit here, their chances are slim elsewhere.

Among 10 Hungarian films shown here during the year four have been flops and the others were feeble. Some of them have done slightly better elsewhere, due to the fact that audiences know only the Hungarian language.

Films produced in 1935 cost about 120,000 to 140,000 pengos (about $36,000 to $42,000) each. They cannot earn their cost, even with foreign sales, but distributors can get higher prices for imported films if they can sell them with domestic product. The independent Hungarian distributor makes Hungarian language films in order to increase his business turnover.

Distribution Has Problem

The system of selling three or five imported European films along with one Hungarian film worked until eight Hungarian films were turned out annually. With 16 this year the situation is further changed. Smaller exhibitors cannot afford to buy three or five European films because this leaves them no time for American pictures, which the public insists upon seeing.

During 1935, owing to the increase in Hungarian films, exhibitors refused to buy European imports, and insisted upon taking the native product alone. This upset distributors' calculations.

The question arises: Where is the hitch? To begin with, it is impossible to produce films for 120,000 to 140,000 pengos which will satisfy the Budapest public. At least 180,000 to 200,000 pengos would be necessary, but this sum can not be earned in the 426 theatres in the country, and the product has little market in other countries.

Italy an Outlet

Italy is an outlet for pictures synchronized in Italian. A natural market lies in the parts of Rumania, Jugoslavia and Czechoslovakia taken from Hungary in 1919 by the peace treaty. About 4,000,000 Hungarians live in these territories. Germany does not admit Hungarian films, dubbed or in the original, because they do not meet the Aryan requirements. Rumania, Czeschoslovakia and Jugoslavia refuse them for political reasons.

This has had an effect on Hungarian producers. Toward the end of 1935 they became more reserved and less anxious to secure studios. Production will undoubtedly be cut down during 1936.

American companies — M - G - M, Paramount, Warners, Universal and Twentieth Century-Fox—have been forced to cut prices, due to the competition of Hungarian films during the year. Profits suffered as a result.

In the past German films have drawn the best box-office grosses because of the many persons who speak German, but the quality has declined to such an extent that public interest is turning toward the American product, except in country towns where Hungarian product has been offering competition.

From the American point of view, it seems desirable to import only the best of the United States output. Hungary will become a profitable market for American producers only when the present unhealthy boom in production quiets down.

Chevalier Disney

Hollywood, Jan. 7.—It'll be Chevalier Walt Disney any day now.

Word has been received that the decoration has been awarded by the French Government, and the ribbon is to be bestowed soon at a special ceremony in the Disney Studios by J. J. Viala, French consul.

Supreme Court Curb Now Held Possible

(Continued from page 1)

taxpayers to impound money paid "under protest" while seeking a decision on the validity of a law. In the case of the AAA approximately $150,000,000 was thus withheld from the Treasury.

Enactment of legislation along this line, it was predicted by observers, will be followed by other moves to curb the courts, the President's ideal being a Supreme Court without any voice as to the constitutionality of Congressional enactments. Should this be secured, industrial and agricultural control, probably along lines similar to those outlawed by the courts, would immediately be sought.

Unless some such method can be evolved, it was said, revival of the NRA, or anything like it, is impossible, the court in its decision, holding that the amendments to the original AAA adopted at the last session to meet objections which it was anticipated would be voiced by the high tribunal could not alter the situation.

Offers Censor Bill

ALBANY, Jan. 7.—Charles H. Breitbart, Brooklyn Democrat, has introduced into the Legislature a bill providing that if the film censorship board finds a film unfit for children under 16, it may license the film on the condition it will not be shown to such children.

No New Summonses

No new summonses were issued yesterday in the drive of the Juvenile Aid Bureau of the Police Department to enforce the law prohibiting the admittance of children under 16 at theatres when unaccompanied by adults, according to Byrnes MacDonald, director of the Bureau.

Sentry Reports a Loss

Sentry Safety Control Corp., reports a net loss for the six months ending June 30 of $1,336. This is after expenses, taxes, depreciation and other charges.

Warners Give Stand On Ascap's Claims

(Continued from page 1)

when NBC and CBS renewed their memberships in the society last summer for another five years, Ascap claimed to have the continuing licensing right to Warner music, and also because the authors and composers who wrote the Warner music continued their membership in Ascap.

In their reply to the networks Warners, through Herman Starr, vice-president, said: "It is not true that the society claims, for any reason whatsoever, to have the right to license you to perform the works published or copyrighted by our companies. Under our respective agreements with the society, we had the right not only to withdraw from membership but also to withdraw our compositions from the society's repertory, and the society has given notice of our withdrawal from its membership and also the withdrawal of our works from its repertory."

In reply to requests of both networks for a list of the music to which it claims copyright ownership, Warners, in the correspondence made public, refers the broadcasting organizations to the Copyright Office at Washington.

Modern Art Museum Puts on Old Films

The Museum of Modern Art Film Library held a preview showing of its collection of "primitives" illustrating the growth of narrative, for the press yesterday. The program of films made during the period covering 1894-1911 consisted of "The Execution of Mary, Queen of Scots," "Wash Day Troubles," George Méliès' "A Trip to the Moon," "The Great Train Robbery," "Faust" and "Queen Elizabeth" featuring Sarah Bernhardt and her original stage cast.

Alden Beach arranged a program of music which was played in true old fashioned nickelodeon style by a pianist who played in the silent days.

Wittman Takes Two Cities in "U" Shift

Sig Wittman, Universal eastern division sales executive, is in Cincinnati to take over that and the Cleveland office as part of his territory. Wittman is relinquishing the Buffalo office, which will be joined with Albany in the New England division, under A. J. Herman.

Wittman's district includes New York, Philadelphia, Pittsburgh, Washington, Cleveland and Cincinnati. He will visit Cleveland before returning to the home office on Monday.

Refuses Standard Pact

LONDON, Jan. 7.—It is understood here the London branch of the C.E.A. has refused to approve the standard contract draft drawn by the council in conjunction with the K.R.S. Other branches are considering the matter.

Renew Baxter Contract

HOLLYWOOD, Jan. 7.—Warner Baxter's contract has been renewed by Twentieth Century-Fox, although it has several months to run. He is now working in "The Prisoner of Shark Island."

Jersey Allied Talks Suit in Sales Tax Row

(Continued from page 1)

sary by the absence from the city of one of the finance department officials. A hearing has already been held on the opposition of the exchanges in the United Artists test case to the application of the sales tax to any film rentals, but no decision has been made by the city since the hearing. In the meantime, however, the finance department applied its test assessment to all film rentals of the exchange, regardless of the location of the theatre from which they were derived and the new hearing was sought to present arguments against this procedure. An adverse decision by the city will be appealed by the exchanges to the appellate division.

As the tax, if sustained, would be retroactive to Dec., 1934, the exchanges were incurring a potential liability of $16,000 weekly to the city and decided to pass along the tax to theatres as of Jan. 1, last, as a precautionary measure. If they are successful in opposing the tax the moneys collected will be refunded.

Exhibitors throughout the metropolitan area have been protesting the added levy vigorously since the Jan. 1 notices went out. Exchanges contend that the exhibitor should join with them in opposing the tax at its source, the city finance department, rather than directing their protests to the distributor.

Seattle Duals Lift Grosses First Week

SEATTLE, Jan. 7.—Results of the first week's operation of Hamrick-Evergreen local theatres under a dual feature policy show a decided increase in patronage, according to John Hamrick, Seattle city manager.

It is estimated that attendance figures will show an increase of 15 per cent over the same period a year ago when single features were used. The added cost of dual programs and operation of the theatres is not expected to increase more than five per cent over former costs.

Theatres, Unions Dicker in Chicago

CHICAGO, Jan. 7.—Daily conferences are being held here by exhibitors and the operators' union to iron out differences in the contract for the coming year. It is understood there has been no friction thus far, although the exhibitors say they will not give the 20 per cent wage increase asked. Final settlement is expected Saturday.

RKO Claim Hearing Set

Federal Judge William Bondy yesterday set Jan. 24 for the hearing of RKO's exceptions to Special Master Thomas D. Thacher's report recommending the allowance of Rockefeller Center's claims against RKO at $8,207,000. A postponement of the hearing from yesterday was requested by both parties to the claim.

"Coronado," On Dual, Is Frisco's Hit

SAN FRANCISCO, Jan. 7.—The surprise of the week here was a take of $9,350 run up by "Coronado," heading a dual bill with "Confidential" at the Fox. This was $3,350 above par.

"The Great Impersonation" on a dual with "If You Could Only Cook," pulled an excellent $10,500 at the Orpheum. "Mutiny on the Bounty" held up to $8,000 in its second week at the St. Francis. This was $1,000 to the good.

Total first run business was $88,550. Average is $80,400.

Estimated takings:

Week Ending Dec. 31:

"AH, WILDERNESS" (M-G-M)
UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days. **Gross:** $7,500. (Average, $9,000)

"MR. HOBO" (G.B.)
"MAN OF ARAN" (G.B.)
EMBASSY—(1,400), 15c-25c-35c, 7 days, 2nd week. **Gross:** $3,600. (Average, $3,600)

"SYLVIA SCARLETT" (Radio)
GOLDEN GATE—(2,850), 25c-35c-40c, 7 days. Stage, band. **Gross:** $15,000. (Average, $14,500)

"MISS PACIFIC FLEET" (W.B.)
"I FOUND STELLA PARISH" (F.N.)
PARAMOUNT — (2,740), 25c-35c-40c, 7 days. **Gross:** $13,500. (Average, $11,500)

"IF YOU COULD ONLY COOK" (Col.)
"GREAT IMPERSONATION" (Univ.)
ORPHEUM—(2,440), 15c-35c-40c, 7 days. **Gross:** $10,500. (Average, $6,800)

Week Ending Jan. 2:

"CORONADO" (Para.)
"CONFIDENTIAL" (Mascot)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $9,350. (Average, $6,000)

"MUTINY ON THE BOUNTY" (M-G-M)
ST. FRANCIS — (1,470), 15c-30c-40c, 7 days, 2nd week. **Gross:** $8,000. (Average, $7,000)

"LITTLEST REBEL" (20th-Fox)
WARFIELD — (2,680), 25c-35c-40c-50c, 5 days, 2nd week. Stage, band. **Gross:** $20,000. (Average, $21,000)

Week Ending Jan. 3:

"DANCING DUCHESS" (Vienna)
CLAY—(400), 25c-35c, 7 days. **Gross:** $1,100. (Average, $1,000)

"Collegiate" Gets $7,000, New Haven

NEW HAVEN, Jan. 7.—"Collegiate" and "Nevada," a dual at the Paramount, was about the only draw of any proportions here last week in spite of the New Year pickup following the Christmas slump. The $7,000 take was over normal by $2,200.

"The Three Musketeers," heading a dual at the College, managed to get $500 over the line on a take of $3,300 at the College. For some reason or other "A Tale of Two Cities" couldn't get going at the Poli and was $500 down on a gross of $6,500.

Total first run business was $21,500. Average is $19,300.

Estimated takings for the week ending Jan. 1:

"THREE MUSKETEERS" (Radio)
"TOO TOUGH TO KILL" (Col.)
COLLEGE — (1,499), 25c-35c, 7 days. **Gross:** $3,300. (Average, $2,800)

"COLLEGIATE" (Para.)
"NEVADA" (Para.)
PARAMOUNT—(2,400), 35c-50c, 7 days. **Gross:** $7,000. (Average, $4,800)

"TALE OF TWO CITIES" (M-G-M)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $6,500. (Average, $7,000)

"MR. HOBO" (G.B.)
"DANGEROUS" (W.B.)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $4,700. (Average, $4,700)

Novel, Poem Totter

Indianapolis, Jan. 7.—"The novel and the poem may become extinct in 200 years, 100 years, or in much less time, due to the radio, pictures and television," Booth Tarkington says.

"Radio and talking pictures already have displaced books in many homes, and television—near the threshold now—will further injure the popularity of books.

"The average reader reads for entertainment, and with a television box in the home, he will be able to get his entertainment cheaper. Television, in fact, might eventually displace the theatre."

'Rebel' Is $14,500 Cincinnati Leader

CINCINNATI, Jan. 7.—"The Littlest Rebel" led last week's parade, capturing $14,500 at the RKO Palace, where $10,000 is average. It continues at the RKO Capitol.

"Captain Blood" went $400 over the seven-day mark with a $6,900 take on a 10-day run at Keith's. "Mr. Hobo" got $6,700 compared with a $6,500 normal at the RKO Lyric, and "Red Wagon" at the independent Strand took in $1,600, up $100. These houses played midnight shows New Year's Eve. "I Dream Too Much" broke par, $12,000, at the RKO Albee, as did "The Perfect Gentlemen," plus "Hollywood Cabaret Revue" on the stage at the RKO Shubert, where average is $12,000.

Total first run business was $62,500. Average is $60,200.

Estimated takings:

Week Ending Dec. 31:

"RED WAGON" (First Div.)
STRAND—(1,300), 15c-25c, 7 days, plus midnight show. **Gross:** $1,600. (Average, $1,500)

"I DREAM TOO MUCH" (Radio)
RKO ALBEE—(3,300), 35c-42c, 7 days, plus midnight show. **Gross:** $12,000. (Average, $12,000)

"THE LITTLEST REBEL" (20th-Fox)
RKO PALACE—(2,700), 35c-42c, 7 days, plus midnight show. **Gross:** $14,500. (Average, $10,000) Moved to RKO Capitol.

"MR. HOBO" (G.B.)
RKO LYRIC—(1,400), 25c-40c, 7 days, plus midnight show. **Gross:** $6,700. (Average, $6,500)

"CAPTAIN BLOOD" (F.N.)
KEITH'S—(1,500), 30c-40c, 10 days, plus midnight show. **Gross:** $6,900. (Average, 7 days, $6,500)

Week Ending Jan. 2:

"THE PERFECT GENTLEMAN" (M-G-M)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: "Hollywood Cabaret Revue". **Gross:** $12,000. (Average, $12,000)

"SO RED THE ROSE" (Radio)
RKO CAPITOL—(2,000), 35c-42c, 7 days, 2nd week. **Gross:** $4,000. (Average, $6,500)

"IF I HAD A MILLION" (Para.)
RKO GRAND—(1,200), 25c-40c, 7 days. **Gross:** $2,600. (Average, $2,750)

"THE NEW FRONTIER" (Republic)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,200. (Average, $1,250)

"THE PAYOFF" (F.N.)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,000. (Average, $1,200)

Delay Sharon Licensing

SHARON, Pa., Jan. 7.—When theatre owners protested that the proposal was to force employment of additional men, the City Council tabled temporarily an ordinance to require licensing by the city of all projectionists and employment of two men in each booth at all times.

"Rebel" At $7,000 Leads in Louisville

LOUISVILLE, Jan. 7.—"The Littlest Rebel" at the Rialto hit $7,000. This figure easily led the town, although Loew's State ran a good second with "A Tale of Two Cities," which also proved to be an ace attraction. The take was $6,500.

"Captain Blood" at the Mary Anderson ran $900 over normal for a take of $3,400. "The Bride Comes Home" at the Strand and "Annie Oakley" at the Brown were both under par.

An excellent stage attraction, "Follies de Paree" boosted the take at the National, with "Dizzy Dames" lending but mild support to the gross, $4,500, which was $1,500 over normal.

Principal opposition was the weather, which was the most severe this part of the country has experienced in years.

Total first run business was $26,000. Average is $18,500.

Estimated takings:

Week Ending Dec. 31:

"A TALE OF TWO CITIES" (M-G-M)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $6,500. (Average, $4,500)

"THE LITTLEST REBEL" (20th-Fox)
RIALTO—(3,000), 15c-25c-40c, 7 days. **Gross:** $7,000. (Average, $3,500)

"THE BRIDE COMES HOME" (Para.)
STRAND—(1,500), 15c-25c-40c, 7 days. **Gross:** $1,900. (Average, $2,500)

"ANNIE OAKLEY" (Radio)
BROWN—(1,400), 15c-25c-40c, 7 days. **Gross:** $1,800. (Average, $2,000)

"THE RAINMAKERS" (Radio)
"THUNDER IN THE NIGHT" (20th-Fox)
ALAMO—(900), 15c-25c, 7 days. **Gross:** $900. (Average, $1,400)

Week Ending Jan. 2:

"CAPTAIN BLOOD" (F. N.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days. **Gross:** $3,400. (Average, $2,500)

"DIZZY DAMES" (Liberty)
NATIONAL—(2,400), 15c-25c-40c, 7 days. Stage: "Folies de Paree," Janice Janis, Billy Telaak, Bill Brown, Sally Payne, Mayfield & Virginia, Helen Doyle, Eddie Pritchard, Parisian Models. **Gross:** $4,500. (Average, $3,000)

"Rebel" Oklahoma City Hit, $6,200

OKLAHOMA CITY, Jan. 7.—"The Littlest Rebel" lifted the Midwest out of the pre-Christmas doldrums with a rush. The $6,200 take passed normal by $2,200.

"A Tale of Two Cities" was also a big money-maker. It ran the Criterion up to $6,000, over the line by $1,000. The Capitol garnered $2,300 on "Dangerous," and the Liberty reached $2,200 in four days with a combination of "Whispering Smith Speaks" on the screen and "Manhattan Nights," a revue, on the stage.

Total first run business was $18,600. Average is $14,000.

Estimated takings for the week ending Jan. 4:

"A TALE OF TWO CITIES" (M-G-M)
CRITERION—(1,700), 10c-20c-36c-55c, 7 days. **Gross:** $6,000. (Average, $5,000)

"THE LITTLEST REBEL" (20th-Fox)
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $6,200. (Average, $4,000)

"DANGEROUS" (W. B.)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,300. (Average, $2,000)

"WHISPERING SMITH SPEAKS" (20th-Fox)
LIBERTY—(1,500), 10c-20c-26c-41c, 4 days. Stage: "Manhattan Nights" revue. **Gross:** $2,200. (Average for week, $3,000)

"DANCE BAND" (First Div.)
LIBERTY—(1,500), 10c-20c-26c-36c, 3 days. Vaude. **Gross:** $1,900. (Average for week, $3,000)

"Wilderness," Show Capital Top, $29,500

WASHINGTON, Jan. 7.—New Year's skyrocketed grosses. Biggest money, $29,500, went to Loew's Fox for "Ah, Wilderness" and a stage show headed by Jackie Coogan and Betty Grable. This was $9,000 over average.

"Captain Blood," with a unit show on the stage, topped average by $4,600 for a take of $23,000.

A return engagement of "Thanks a Million" at Loew's Columbia took $5,300, to top par by $1,700. "The New Gulliver" at the Belasco was up by $800 for a gross of $3,800. The picture was held a second week.

"The Littlest Rebel" barely topped average at Loew's Palace, taking $16,000, or $100 over. "Sylvia Scarlett," at RKO-Keith's, grossed $10,000 on six and a half days, against $10,600 for a seven-day average.

Total first run business was $92,600, the biggest week in several months. Average is $76,700.

Estimated takings, exclusive of tax:

Week Ending Dec. 31:

"THE NEW GULLIVER" (Amkino)
BELASCO—(1,140), 25c-65c, 7 days (including New Year's eve midnight show). **Gross:** $3,800. (Average, $3,000)

"THANKS A MILLION" (20th-Fox)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $5,300. (Average, first run, $3,600)

"THE LITTLEST REBEL" (20th-Fox)
LOEW'S PALACE — (2,370), 35c-77c, 7 days. **Gross:** $16,000. (Average, $15,900)

"NEVADA" (Para.)
METROPOLITAN — (1,591), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,300)

"SYLVIA SCARLETT" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 6½ days. **Gross:** $10,000. (Average, full week, $10,600.)

Week Ending Jan. 2:

"CAPTAIN BLOOD" (F. N.)
EARLE—(2,218), 25c-77c, 7 days. Stage: "Hit Parade of 1936," with Nina Olivette and company of 40. **Gross:** $23,000. (Average, $18,400)

"AH, WILDERNESS" (M-G-M)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: "Hollywood Secrets," with Jackie Coogan and Betty Grable; other acts, **Gross:** $29,500. (Average, $20,900)

Make Wilmington Survey

WILMINGTON, Jan. 7.—A survey of Wilmington theatres preparatory to consideration of application for renewal of licenses has been completed by Building Inspector Fidance, who submitted a report to the mayor. The inspection is made annually under the city law to ascertain the condition of the theatres as to safety, exits, seats, projection booths, obstructions in passageways and combustible materials.

Selznick Signs Garrett

HOLLYWOOD, Jan. 7.—Oliver H. P. Garrett, fiction writer, has been signed by David O. Selznick to do a script as a starring vehicle for either Merle Oberon or Tilly Losch, each with a one-picture Selznick International contract.

Must Pay Tax

SACRAMENTO, Jan. 7. — Any film player who leaves the state must pay the state tax on the 1935 income, filing the return not later than Feb. 15, the franchise tax commissioner said here today.

BIG in 1933—BIGGER in 1934—BIGGEST in 1935

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End Argument In Wiseman's Fight on Suit

Fate of Para. Trustees' Suit Hangs on Ruling

Arguments were concluded yesterday in the U. S. Circuit Court of Appeals on the action of Sir William Wiseman, partner in Kuhn, Loeb & Co. and a former Paramount director, contesting the right of the Paramount Publix trustee to examine him in connection with two recovery suits brought against former officers and directors of Paramount by the company's bankruptcy administration. The court reserved decision on the action.

Prosecution of the two suits against the former Paramount officials hinges on the outcome of Wiseman's action. The suits were filed by the bankruptcy trustees in 1934 and seek the recovery of millions of dollars from the defendants for alleged liability for the cost to Paramount of the agreements under which theatres were acquired by Paramount from 1928 to 1932 through the

(*Continued on page 6*)

ITOA Will Deposit Funds on Sales Tax

Members of the I. T. O. A. will deposit with local exchanges sums sufficient to cover the two per cent city sales tax which is being added to film rentals from Jan. 1 on, it was decided yesterday following a meeting of the organization at which the sales tax was the principal subject of discussion.

The meeting voted to abide by the advice of its counsel, Milton C. Weisman, in the matter. Weisman, after conferring with Louis Nizer, head of the local Film Board, recommended that the two per cent tax now being added to the rentals should be deposited with the exchanges as billed until such time as the legality of the city's levy is determined. The exhibitors were assured that their deposits would be refunded if the exchanges are successful in their efforts to show that the tax should not be applied to film rentals.

Hy Daab Here Soon To Succeed Gallup

Hy Daab, former RKO advertising and publicity director, is due here today or tomorrow from the coast to take over a similar post with Columbia. He will succeed Bruce Gallup, whose resignation becomes effective Jan. 31. Daab has been doing special

(*Continued on page 8*)

Circuits Continue Giveaways In Bronx, Despite a Warning

Circuit operators yesterday said they planned no action, for the present at least, looking toward the elimination of cash giveaways in their Bronx theatres as a result of conferences held on Tuesday with District Attorney Samuel J. Foley of the Bronx. Foley was reported to have warned circuit representatives that arrests would follow the continuance of cash awards on the basis of lucky numbers, regardless of the name under which the theatre game was played.

Loew's, RKO, Skouras and the I. T. O. A. were said to have been warned by Foley. Officials of each denied any knowledge of plans of their companies to discontinue the games at this time. Loew's, as usual, staged its weekly cash giveaway last night, as the circuit does every Wednesday night.

Sanctions Are Helping Italy On Production

By VITTORIO MALPATUSSI

ROME, Dec. 31. — Imposition of League of Nations sanctions against Italy has proven a big stimulus to Italian films. Since September, the start of the 1935-36 season, these films have been out-grossing imported films here in Rome, and this is true of cities in other parts of the country. Newspapers are helping to stimulate interest in the home product.

Government efforts are directed at fostering home production, as French and English films are barred here at present and about four-fifths of the market is open to American films. Some of the recent Italian successes have been "Casta Diva," "Scarpe al Sole," "Aria del Continente" and "Passaporto Rosso."

Best of the recent American films has been "The Merry Widow," which grossed $34,113 at the Barberini. Next

(*Continued on page 8*)

Indianapolis Jury Hits at Bank Night

INDIANAPOLIS, Jan. 8.—Bank Night is described as a lottery in a report of the Marion County Grand Jury, and the passage of laws is recommended to prevent its further operation.

The drawings reached the inquest after a riot at the Rivoli during which it was charged that the drawing box had been stuffed.

The jurors described Bank Night as "an unfair method of merchandising calculated to lure people to the theatre for the purpose of giving them a chance on a cash prize in exchange for their presence in the theatre."

Motor Plants Hum; Detroit Outlook Rosy

DETROIT, Jan. 8.—With the automotive industry humming—which always means prosperity to Detroit and Michigan, and with business in general, including exhibition, far ahead of 1934, theatre and exchange men here are highly optimistic over the prospects for 1936.

Asked for his opinion of the prospects for this year, George W. Trendle, president of United Detroit Theatres Corp., operating the Publix first-run theatres here, as well as a large number of subsequent run houses, issued the following statement:

"The destiny of all branches of the picture industry for 1936 can be told, or read, only from week to week. It is a great serial story, available only one chapter at a time.

"The producers are its authors. The prosperity we enjoy, or miss, in 1936, depends on the entertainment

(*Continued on page 6*)

More Film Salaries Go Before Congress

WASHINGTON, Jan. 8.—Further reports by the Treasury Department to Congress on salaries paid to corporation employes receiving more than $15,000 per year include a number of film figures.

Among them are:

Executives—E. S. Bloom, president Western Electric, $69,359; Marion Douras (Marion Davies), president Cosmopolitan Corp., $104,000; E. W. Hammons, president, Educational, $63,749; Charles D. Hilles, trustee, Paramount Publix, $52,433; Frank W. Lovejoy, president Eastman Kodak, $91,903; Joseph M. Schenck, president

(*Continued on page 8*)

Skouras to Be First Witness At St. Louis

Opening Talks to Start Today's Session

By RED KANN

ST. LOUIS, Jan. 8.—Spyros Skouras, operating head of National Theatres Co. and at one time a vital factor in the local exhibition field, will be the Government's first major witness in the equity proceedings involving Warner, Paramount and RKO which resume Thursday morning. This, it is understood, is the Government's current plan, although admittedly a change in the prosecution's program is likely.

There is no definite assurance, however, that he will be reached at tomorrow's session. Thursday may be devoted to a full session of opening statements by both the prosecution and the defense.

Russell Hardy, chief Government counsel, is scheduled to be first in the presentation and most likely will be followed by Frederick H. Wood of Cravath, de Gersdorff, Swaine and Wood, prominent New York law firm, and special counsel for Warners. He

(*Continued on page 8*)

Production Slows; 33 Features Going

HOLLYWOOD, Jan. 8.—Studios went into an expected post-holiday slump with production skidding several notches below the figures recorded the preceding week. Only 13 pictures are to be started within the next two weeks, the survey taking in all major and independent companies. There were 33 feature pictures and three shorts shooting as compared to 41 features and no shorts the week preceding.

M-G-M moved to the head of the list with six features in work.

Columbia had three features shoot-

(*Continued on page 8*)

Head of Boys' Club Backs Change in Law

William Edwin Hall, president of the Boys' Club of America, has approved Mayor LaGuardia's suggested change in the law forbidding children under 16 to attend theatres unless accompanied by adults. In a letter to Byrnes MacDonald, director of the Juvenile Aid Bureau of the Police Department, Hall declared he felt the

(*Continued on page 6*)

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New Giveaway Pool Is Planned in K. C.

KANSAS CITY, Jan. 8.—Unless other Kansas City theatres should eliminate cash giveaways within the next week or two, which is considered unlikely, W. D. Fulton will inaugurate the "Mutual Prosperity Club," a cash giveaway plan he has originated.

Fulton has six houses—the Southtown, Colonial, Tivoli, La Salle and Mokan, and the State in Kansas City, Kan. Fourteen other independents are operating a Sweepstakes pool. Fox Midwest has 13 theatres in both Kansas Cities—12 in Kansas City, Mo.—operating Bank Night every night.

Kodak Officials Named

ROCHESTER, Jan. 8. — At the monthly meeting of the board of directors of Eastman Kodak Co. here today Charles K. Flint was elected plant manager and Albert K. Chapman assistant vice-president.

Loew's Dividend

Loew's Inc. yesterday declared a dividend of $1.62½ on the preferred stock, payable Feb. 15, to stockholders of record at the close of business Jan. 30.

M-G-M Buys "Parnell"

Robinson Smith and Frederick Ayer, producers of "Parnell," have sold the film rights to M-G-M.

Purely Personal

LOU DIAMOND, head of Paramount's short subject department, will reach Hollywood Monday to look over the west coast short subject material for release during the coming season.

•

GEORGE SCHAEFER plans to leave for a Florida vacation Saturday but will be subject to call as a witness at the equity trial now in progress in St. Louis.

•

DENNIE MOORE arrived yesterday from Hollywood to attend the premiere of "Sylvia Scarlett," in which she appears, at the Music Hall today.

Quip of the Day

British censorship demands cut in American cartoon film submitted by British distributor.

Says that in scene where character is "helmetted" by earthenware article, said article is "domestic utensil."

Distributor protests. Censorship remains firm.

Distributor thinks again. Submits technical point.

Utensil has no handle. Obviously flower pot.

Censorship passes film.

You have to hand it to these Britishers!

J. S. HUMMEL, Warner foreign sales manager, leaves today on the Pan American air lines on a business trip to Rio de Janeiro.

•

EDDIE BONNS, short subject sales manager for Universal, leaves today on a five-week tour of the company's exchanges.

•

CHARLES BRUCE MILLHOLLAND's play, "Faun," has been optioned by Urbach and Taylor.

•

JAMES BLAKELY, who has been on a vacation here, left Tuesday by air for the coast.

•

DUSOLINA GIANNINI is on the *Europa* due here today.

•

BERT LAHR is in town. He is stopping at the Warwick.

•

RENÉ CLAIR arrives tonight on the *Ile de France.*

•

. . . Boston

SANKA BARR, one of the few feminine bookers in New England, is at Nassau.

DOROTHEA JONES of the RKO Boston staff is to be married soon.

ANGELINE MANEY has returned to the Metropolitan, where she is assistant publicist, after the grippe.

ARTHUR HOWARD, business manager for Allied in New England, and his wife, CAROLINE, have returned from several weeks in Arkansas.

•

. . . Denver

HARRY NOLAN, well known theatre man, is recuperating from a major operation in St. Joseph's hospital here.

CHARLOTTE CULP, daughter of FRANK CULP and MRS. CULP, was married to HAROLD DRAKE, on the 28th wedding anniversary of the CULPS. CULP manages the Isis.

CLAYTON G. WRIGHT, formerly with the Orpheum as publicity director, has been made manager of the Granada at Monte Vista. ROBERT SWEETEN, who has been at the Orpheum, succeeds him.

"Copperfield" Leads Voting for 10 Best

"David Copperfield" heads the list of 10 best films released during the year ending Oct. 31 in the annual poll of *Film Daily.* A total of 491 critics, a record number, participated.

Nominations totalled 166, compared with 173 the previous year.

The 10 best are:

"David Copperfield" (M-G-M), "Lives of a Bengal Lancer" (Para.), "The Informer" (Radio), "Naughty Marietta" (M-G-M), "Les Miserables" (U. A.), "Ruggles of Red Gap" (Para.), "Top Hat" (Radio), "Broadway Melody of 1936" (M-G-M), "Roberta" (Radio), "Anna Karenina" (M-G-M).

An honor roll included 49 features, headed by "Alice Adams" (Radio). Last year this list had 42 pictures.

The voting was so scattered that only one feature, "David Copperfield," received more than 300 votes. "Anna Karenina," the last of the 10 best, received 129, and the rest of the selections ran from 115 for "Alice Adams" down to 10 for "The Whole Town's Talking."

Pommer to Produce 14 Films for Korda

Erich Pommer, here for conferences at United Artists, says he will produce 14 features during 1936-37 in his new association with Alexander Korda in England. Three will be released through U. A. as Erich Pommer Prod., and 11 will be on the regular Korda schedule. Pommer's first as an independent producer will be "Elizabeth of England," going into work in March. The second is "Knight Without Armor," by James Hilton, starring Robert Donat and Merle Oberon.

Pommer will also act as associate producer for Korda in making several other films. Korda has signed Harry D'Arrast, King Vidor and William K. Howard to direct. Pommer will confer with them on the coast. Korda is now associated with a new Budapest producing company, which plans six each year, in Hungarian, English and German. Nicholas Horthy, Jr., is associated with him in the enterprise.

306 Installs Officers

The entire slate of recently elected officers of Local 306, headed by Joseph Basson, president, was formally installed in office yesterday at a regular meeting of the local in Odd Fellows' Hall, Brooklyn. James C. Quinn, secretary of the Central Trades and Labor Council, acted as installation officer.

Pathe Board Meets

The board of directors of Pathe Film Corp. held its regular meeting yesterday. Only routine business was transacted, according to Willis Bright, secretary.

FCC Complains on Film Use of Radi

WASHINGTON, Jan. 8.—The Fed eral Communications Commission, i its annual report to Congress today complained the film industry is nc making use of the radio facilities pro vided for it. Motion picture station were authorized by the Commission' predecessor, the Federal Radio Com mission, to meet a need for com munication in film production, the re port said, explaining that in th making of scenes involving larg groups or aircraft radio is necessar for coordination.

Previous to the establishment o radio communication, this was don with hand signals and flags with littl success, according to the repor Radio is also valuable in some loca tion work, it was said. "However, the Commission reported, "althoug this service has been established fc some years, there is only one statio at present licensed and very little us has been made of the facility."

Sees Television Problem

WASHINGTON, Jan. 8.—A long an rocky road to be traveled before com mercial exploitation is possible i foreseen for television by the Federa Communications Commission.

Discussing the situation in its an nual report, the commission declare that interest in television has bee stimulated greatly by the activities i Great Britain and Germany, but tha there has been no standardization c equipment and no development of re ceivers which can pick up program transmitted by all systems.

"From a laboratory standpoint tele vision programs can be satisfactoril transmitted and received locally at th present development of the art, bu before it is finally useful to the publi there are many commercial problem to be solved," it was asserted.

Academy's First to Open in New Bedfor

Academy Picture's first production "I Conquer the Sea," will be give its world premiere at the Empire, Ne Bedford, Mass., where it has bee booked for one week beginning Jan 19. The picture has also been booke for first runs at the Suffolk, Holyoke Mass., and by Ed Fay for Providenc first runs.

Edward Halperin, producer of th picture, is here from Los Angeles fo the New Bedford premiere. The cit was selected because of its back ground as a whaling center, whic furnishes the theme of "I Conque the Sea," and because the principa character, Thomas Ashley, bears th same name as the present mayor o New Bedford, Halperin said.

G. T. E. Extends Deposit

The reorganization committee o General Theatres Equipment 10-yea six per cent convertible debenture due April 1, 1940, has extended th time limit for deposit to Feb. 1, o this year.

Rosenblatt in Capital

WASHINGTON, Jan. 8.—Sol A Rosenblatt, formerly in charge of th NRA amusement codes, was here to day on what he termed a combine business and pleasure trip. He visite the Federal Trade Commission, bu refused to say whether film matter were discussed.



Backed by Warner Bros.' nationwide Clue Club promotion, and introducing to the screen lovely Kay Linaker, the release of this week of **'THE MURDER OF DR. HARRIGAN'** means thrills aplenty for the movie-going public. An adaptation of Mignon G. Eberhardt's story 'From This Dark Stairway', its weird tale of murder with a surgeon's scalpel affords Ricardo Cortez, Mary Astor, John Eldredge and Director Frank MacDonald ample opportunities to turn in their usual superlative performances. A First National Picture. Released January 11th.

REVIEWS LIKE THIS mean

'Fang and Claw' Teems With Thrills

"FANG AND CLAW," a Radio Picture produced by Frank Buck; filmed by Nicholas Cavaliere and Harry E. Squire; musical score by Winston Sharples; presented at the Rialto Theatre.

Frank Buck doesn't wander the wilderness to play charades—his pictures teem with exciting life and action—and none more than that now sending quivers along the spines of Rialto audiences. Buck went to camera-capture thrills and once again he brings 'em back alive. Slithering pythons lash and thresh in deadly fury, struggling with cold hatred to encircle hapless victims in their terrible crushing coils; fierce, snarling cats, with death in every fang and claw, charge with gaping jaws into the very face of the camera with human prey one scant leap ahead; those jungle jesters, the monkeys and the bears, supply the comic touch in an atmosphere of ever-thre[illegible] ing tragedy; unblink[illegible] diles yawn under the sweating sun to come to sudden perilous life in clinches with their captors; indeed, the whole big parade of the jungle tears across the screen, only the Rialto's safety robbing each scene of terror. Every sequence is topped by the one that follows; suspense and drama build with each succeeding scene, and the interludes between shots of heart-stopping adventure are filled with welcome respites of laughter at the antics of the simpering simians and blustering bruins. The film fulfills its every promise.

Much footage must have been photographed from which to cull such reels of concentrated thrill, and the task of editing is so capably accomplished that it must be mentioned. The photography itself is alwa[illegible]cellent, and the directi[illegible]e term may be ap[illegible]irable. Mr. [illegible]one of th[illegible] highlights [illegible]icture abounds. [illegible]sical scoring height-[illegible]ne excitement.

NEW YORK AMERICAN

"Exciting entertainment . . . suspense and excellent story-telling quality sustained from the first moment to the last."
—N. Y. Herald-Tribune

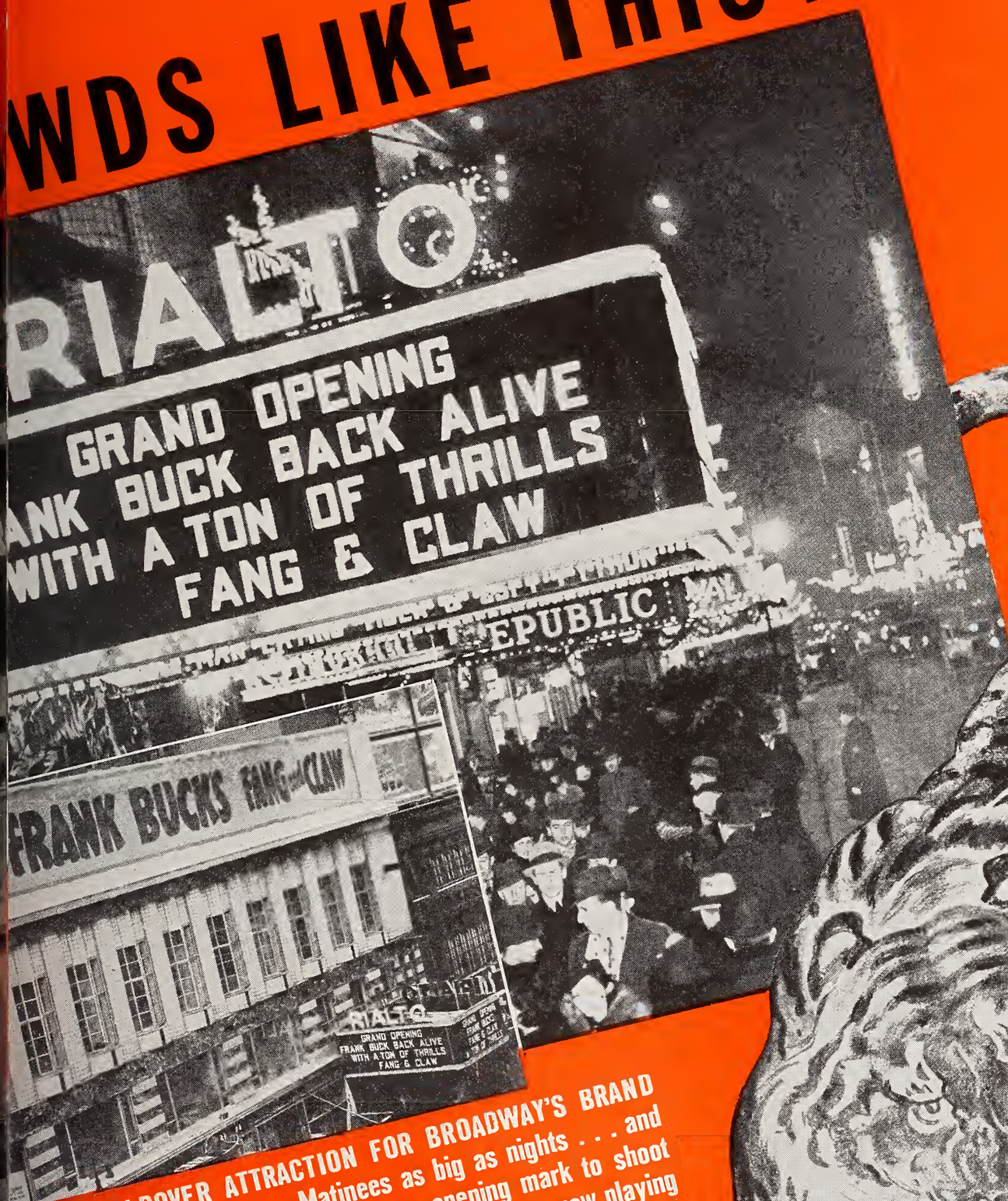
"An exciting chapter in the art of animal trapping . . . an absorbing venture in Nature photography."—N. Y. Post

". . . The description, straightforward and dramatic, of a 'bring 'em Back alive' expedition into the jungles of the Malay Peninsula."
—N. Y. Sun

"Worth seeing."—N. Y. Daily News

FRANK BUCK'S FANG AND

WDS LIKE THIS!





HE BIG HOLDOVER ATTRACTION FOR BROADWAY'S BRAND
EW RIALTO THEATRE . . . Matinees as big as nights . . . and
nights big enough to give the house an opening mark to shoot
at for months to come! . . . A real drag-'em-in-show now playing
to big business in key spots all over the country!

CLAW

Produced by the
VAN BEUREN
CORPORATION

RKO-RADIO
PICTURE

Motor Plants Hum; Detroit Outlook Rosy

(*Continued from page* 1)

values the producers create.

"General business is vastly improved. More people have more money to spend.

"Distributors will do all they can to get the maximum from exhibitors, and theatre owners will strive to the utmost to attract the maximum of entertainment money to the box-office.

"Neither distributors nor exhibitors can make the industry prosperous without product the public wants to see. Any prediction now for 1936 can be no more than instinctively optimistic."

David M. Idzal, managing director of the Fox, has this to say:

"There was a marked improvement in 1935 over 1934 in general theatre attendance. There likewise was a marked improvement in the product which the studios sent us. Undoubtedly the latter was responsible for the former.

Sees Great Year

"All that I hope for is that 1936 will be a year that will permit me to say the same when it draws to a close.

"General indications, as far as screen product is concerned, are that the studios are going to advance consistently in the type of pictures.

"Personally I look for a great theatre year in Detroit."

Other exhibitors agree that business improved vastly in 1935 and were of the opinion that the advance would continue.

Exchange heads, while refraining from issuing "quotes" or giving figures, reported almost as a whole that their business had shown large increases. This was particularly true of the independent exchanges, which, the records show, played more than four times the number of first runs this year than they did last year, with a larger number of subsequent runs too.

It is reported that the Republic exchange had the greatest increase of the year, more than doubling its sales record for 1934.

Rialto Theatre Sold At Capital Auction

WASHINGTON, Jan. 8.—The Rialto was sold here today in a trustees' sale for $300,000 to Charlotte A. Engel, who was the only bidder.

The Rialto opened under the owner-management of Tom Moore in 1927 and had several successful years, but during the latter portion of a ten-year lease to Universal public apathy and product shortage forced it to close a year ago. Last fall Moore resumed operation but closed again two weeks later.

Warnerites to Do Play

The Warner Club Players are presenting "Jonesy," a three act comedy at the clubrooms tomorrow night. The cast includes Ruth Goldberg, Etta Shore, Etty Phillips, Steve Loewer, Sam Obendorfer, Sol Reiner, Eli Oestreich, Sam Wolowitz, Mildred Mikels, Terry Ginsberg, Cliff Jockers, Max Fried and Leonard Lauer.

Out Hollywood Way

HOLLYWOOD, Jan. 8.—SOL LESSER resting at Palm Springs after finishing "The Show Must Go On." . . . HARRY JANE here from New York for comedy lead in "Thorobreds All," Radio. . . . LAIRD DOYLE, Warner writer, doing series of magazine articles to prove crime pays for some.

PAUL DE OUTO, G. B. manager, spending Saturday afternoons learning to fly. . . . ARCHIE MAYO out of hospital after three weeks in bed with an infected foot. . . . ALDO FRANCHETTI, former conductor for Chicago Opera Co., doing score for "Anthony Adverse." . . . EDWARD GRIFFITH querying exhibitors on changing title of URSULA PARROTT's novel, "Next Time We Live" to "Next Time We Love," Universal.

JOEL MCCREA and LEW AYRES to spend vacation in Mojave Desert looking for gold. . . . DAVID O. SELZNICK to star MERLE OBERON in one film. . . . Deal closed with ALEXANDER KORDA. . . . AL JOLSON now being called Mayor of Encino because he bought a home there. . . . EUGENE FORDE finishing "The Black Gang," Twentieth Century-Fox, for LEWIS SEILER, who is ill.

BUDDY ERICKSON, assistant director at Twentieth Century-Fox, in hospital with fractured skull after automobile smash. . . .

✚

Casting—SI JENKS added to "Captain January," Twentieth Century-Fox. . . . HENRY CUYOS and JUAN DUVAL in "A Message to Garcia," same studio. . . . REX INGRAM will play Adam and Hezdrel in Warners' "The Green Pastures" as well as De Lawd. . . . HELEN BROWN, formerly with the Theatre Guild, signed for Warners' "Anthony Adverse."

EDWARD G. ROBINSON to star in "All the Evidence," Warners, after he does one British picture. . . . WARREN WILLIAM to star in GEORGE M. COHAN's play, "The Gentleman from Big Bend," Warners. . . . SPENCER TRACY to star in M-G-M's "Mob Rule." . . . JIM THORPE signed for Radio's "The Wild West," starring WHEELER and WOOLSEY. . . . ADDISON RANDALL and WALTER JOHNSON added to "Don't Bet on Love," same studio. . . . MAMO CLARK, Hawaiian girl, signed by M-G-M.

SPENCER CHARTERS and MARGARET ARMSTRONG in Radio's "The Farmer and the Dell." . . . MARK LAWRENCE and LOUIS MERCIER in "Under Two Flags," same studio. . . . H. B. WARNER, who created title role in "Alias Jimmy Valentine" on stage, signed by Republic for lead in "The Return of Jimmy Valentine."

✚

Directors—JOHN M. STAHL gets long term pact from M-G-M. . . . First Picture not set. . . . LLOYD BACON will direct "Sons O' Guns," starring JOE E. BROWN, Warners. . . . NORMAN TAUROG, who has just finished "Strike Me Pink" for SAMUEL GOLDWYN, back at Paramount to direct W. C. FIELDS in "Poppy."

✚

Writers—HOWARD LINDSAY, playwright, due here soon to do adaptation for Radio's "I Won't Dance," next ASTAIRE-ROGERS film. . . . JOHN TWIST and CYRIL HUME adapting "The Witness Chair" for Radio. . . . ARTHUR SHEEKMAN and NAT PERRIN options taken by Twentieth Century-Fox.

✚

Story Buy—DAVID DIAMOND's original, "Exile Express," acquired by Universal. . . . ROBERT TASKER and JOHN BRIGHT adapting it.

✚

Musicians—GERARD CARBONARA and VICTOR YOUNG, composers, join Paramount music staff. . . . RAPHAEL, known as "King of the Concertina," signed by Paramount to work on and in "Concertina."

Seven Features Are Banned in Detroit

DETROIT, Jan. 8.—Seven features were banned and 15,485 feet of film were cut from domestic features and 1,500 from foreign features, according to the annual censor report just submitted. Of the seven features banned two were of foreign origin.

The censors are Acting Deputy Police Superintendent Fred W. Frahm, Sergeant Joseph Kollar and Detective Charles Snyder.

A total of 621 features running to 4,965,000 feet was viewed. Films rejected dealt with sex problems. One was barred on the ground that it was Communistic propaganda.

Foreign films censored were Polish, French, Belgian, Swedish, Russian, Greek, Italian, German, Hungarian, Armenian and Egyptian.

Joe Brandt in from Coast

Joe Brandt returned yesterday from an extended business trip to the west coast. He was silent on various reports tying him in with the organization of a new national independent distributing organization and with financial backing for new independent production.

Hart, Caldwell Win Awards in December

Quigley Award winners for December in the exploitation contest conducted by the Managers' Round Table Club of *Motion Picture Herald* are Ed Hart, Oxford Theatre, Plainfield, and Wally Caldwell, manager, Loew's Valentine, Toledo.

Hart, a plaque winner in 1934, gets the silver award for his campaign on "Mutiny on the Bounty," and Caldwell takes the bronze award for his "A Night at the Opera" campaign.

The Quigley awards are to be continued in 1936, the third year of the competition.

A committee to select the Grand Award winners for 1935 is now being chosen.

Plan Phila. House

PHILADELPHIA, Jan. 8.—William Goldman and Warners have jointly formed Terminal Theatres Corp., to operate a theatre to be built in the new 69th St. Terminal here. Both were previously reported building there, but apparently have compromised on joint ownership. Construction will start in a few weeks.

End Argument In Wiseman's Fight on Suit

(*Continued from page* 1)

issuance of stock which was later redeemed at a guaranteed price, although the market price of the stock was considerably lower than the guaranteed price at the time of the redemption. Still another action involved is one filed by the trustees to recover from officers and directors alleged profits accruing from their participation in a so-called Paramount employes' stock purchase plan. It is alleged that through their participation in this plan the defendants profited wrongfully by acquiring Paramount stock at less than market price and disposed of it later in the market.

Court Order Cited

Wiseman, as a defendant in the actions, contested the right of the trustees to examine him before trial of the suits on the grounds that the Paramount bankruptcy was concluded with the reorganization of the company last June and the trustees' authority, including the authority to prosecute the actions, expired at that time. Root, Clark, Buckner & Ballantine, attorneys for the trustees, cited a provision in the plan of reorganization for continuing the authority of the trustees in certain matters and preserving to them the causes of action in the untried suits. The law firm also cited an order signed by Federal Judge Coxe on June 17 which specifically directed the trustees to continue the prosecution of the suits. As a result, the Federal district court some time ago upheld the trustees' right to proceed with the examination of Wiseman and the prosecution of the suits. Wiseman then took an appeal to the Circuit Court. If his contention is upheld by the higher court, the June 17 order would be nullified and the trustees would be without authority to bring their two recovery actions to trial.

Head of Boys' Club Backs Law Change

(*Continued from page* 1)

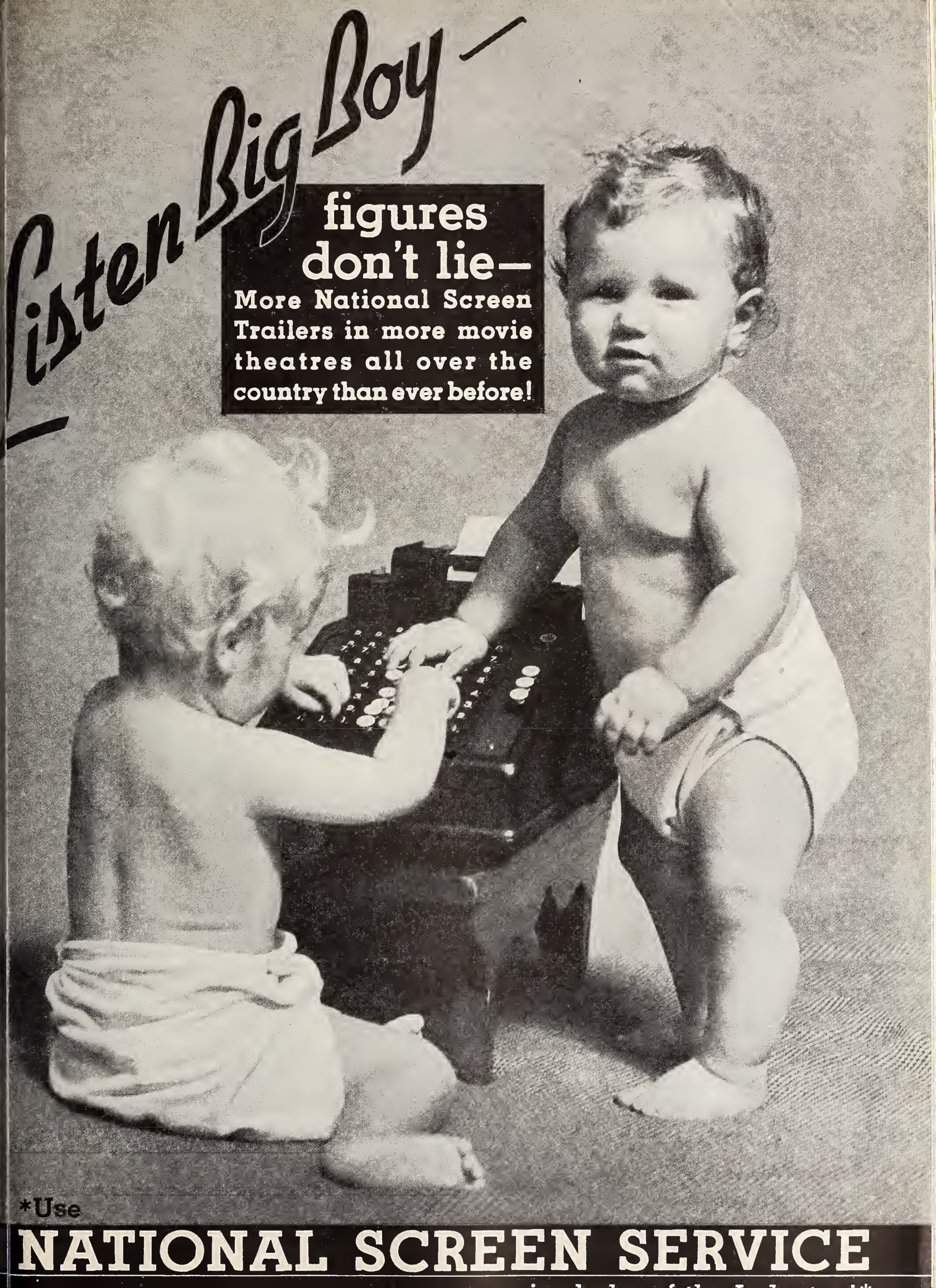
Mayor deserved support in his effort to "get a workable statute on the books." He said the present law is unenforceable, and "I think the Mayor's move to place the responsibility for supervision on the theatres themselves is in the right direction."

Twenty-three more of the 115 employes summoned to court in the bureau's drive for enforcement of the law, were arraigned yesterday in Brooklyn Magistrate's Court and paroled for hearing next week.

"Spring Night" Barred

BOSTON, Jan. 8.—"Spring Night," which was certified as passed with no elimination on the Nov. 4 list of approved films put out by the Department of Public Safety Sunday censorship division, has been ordered removed from the list of approved films by Commissioner Paul Kirk.

No reason was given in the notice which exhibitors received today.



*Use

NATIONAL SCREEN SERVICE

Skouras to Be First Witness At St. Louis

(Continued from page 1)

is here for the resumed hearings. The Warner presentation is expected to be followed by Louis Phillips, counsel representing Paramount here, who is doubling in brass due to the illness of Samuel W. Fordyce, associate counsel recovering from pneumonia. RKO will be represented by George S. Leisure of the New York law firm of Donovan, Leisure, Newton and Lombard.

To Call Local Managers

Routine testimony concerning the establishment of motion pictures as a commodity in interstate commerce will be sought by Hardy in his first line of witnesses. To do this, he will call to the witness box virtually the entire array of local exchange managers. Definitely scheduled to testify are these:

Clayton D. Lynch, M-G-M; Richard Taylor, RKO; Joseph Garrison, Universal; Hall Walsh, Warners; Ben Reingold, Twentieth Century-Fox; Maurice Schweitzer, Paramount, and Clarence D. Hill, Columbia.

None of the individual defendants in the recent criminal trial has been subpoenaed by the Government, although the possibility is strong that this group, which included Harry M. Warner, Gradwell L. Sears and Herman Starr of Warners and Ned E. Depinet of RKO will be called to testify for their companies. George J. Schaefer, former vice-president and general sales manager of Paramount, may take the stand for that company as well.

Estimate Is Two Weeks

Reports, presumably of the "inside" variety, that the bondholders' protective committee of the Ambassador, Missouri and New Grand Central would seek court permission to intervene on behalf of the Government thus far have failed to materialize.

One of the Government attorneys prominent in the case hazarded a guess today that the hearing, now expected to move with greater speed with elimination of routine details, would not continue beyond two weeks.

Lobby gossip around the Park Plaza where most of the New York contingent is ensconced, divides its forecast between two and four.

Indicating that the proceedings will move with dispatch, Federal Judge Joseph West Molyneaux on Tuesday morning refused to accept a brief offered by RKO in connection with that company's application to file a supplementary answer declaring he had already made up his mind on the legal points involved.

Further indicating his desire to expedite matters, the judge requested various counsel to cooperate in turning over subpoenaed records to the Government during the Tuesday noon to Thursday morning recess. His was solely a request, since he made it clear that he was not empowered to order it. Counsel for the defense acquiesced.

The first two days found only the surface scratched. Fine points of law, in particular the application of the theory of *res ajudicata* were aired at length. Laymen, here either as spectators or witnesses, have found the going difficult. The technicalities and the interpretations placed upon U. S. Supreme Court language have even found the lawyers themselves disagreeing.

The film fraternity, well versed in percentage deals and overages, hasn't had much of a chance.

Bruce Bromley, Austin Keough and Gordon Youngman, RKO attorney, have returned to New York. Starr is expected here tomorrow. Sears is in Chicago, but is due here shortly.

On the Lighter Side

By Bill Ornstein

St. Louis, Jan. 8.—With St. Louis only 25 minutes away, Sam Dembow turned to Eddie Alperson in the 'plane that brought them out from New York and remarked:

"Never had such a smooth trip. It's wonderful, isn't it?"

In that instant, the machine hit an air pocket and bounced and tossed until the landing field hove into sight.

✚

Cresson Smith read two detective novels on the road in from New York and has two more to go.

✚

Austin Keough, Lou Phillips, Eddie Alperson, Sam Dembow and Cresson Smith captured the spirit of St. Louis in the Crystal Room of the Park Plaza at one minute past midnight Monday morning. That's when the bars open in this town after the Sabbath lull.

✚

Jim Reed is maintaining a high batting average and a direct line to the spitoon by his side in the courtroom. Harry Warner's hat isn't there this time, as in the criminal case, because Warner isn't here.

✚

The new courtroom, by the way, is quite impressive. It is oak-paneled with modernistic lighting and trimmings.

Judge Molyneaux sits very quietly in his high-backed leather chair, gently swinging from side to side from time to time. He speaks in low tones. All ears bend attentively in his direction when he has something to say. Those words are extremely important.

✚

The local branch managers scrammed in a hurry when the first hour of the first day made it easily apparent no witnesses would be reached.

✚

Alperson and Dembow are sharing quarters on the 15th floor. Eddie's bathroom is in cerise and purple.

✚

Bob Perkins is constantly by Reed's side, whispering this and that to him, shoving over this brief and that notation. Slightly bent by age now—the ex-senator is 74—Reed continues a fine figure of a man with his tall frame and his shock of snow-white hair.

Reed took a crack at the New Deal the other day. Walter Rice had cited a decision of the board of tax appeals in Washington. Reed pointed out any decision by any board in Washington might be made at 9 o'clock and kicked out by a ruling of the Supreme Court at 10 o'clock.

Production Slows; 33 Features Going

(Continued from page 1)

ing, three in preparation and four editing. Fox had five, three and three; Goldwyn, one, zero and one; M-G-M, six, zero and 12; Paramount, five, one and 10; Radio, four, two and four; Roach, zero, one and zero; Universal, four, one and one; Warners, four, one and 10; independents one, one and one.

Short subject activity, which registered a blank the previous week, showed an uplift. Columbia had none shooting, two preparing and four in the cutting room. M-G-M had one, four and three; Radio, zero, zero and two; Roach, two, two and three; Universal, zero, zero and one; independents, zero, one and zero.

Endorse Pettengill Bill

Detroit, Jan. 8.—The Pettengill bill, which would abolish compulsory block booking, has been endorsed by the Detroit Council of Catholic Organizations.

More Film Salaries Go Before Congress

(Continued from page 1)

United Artists, $104,000; Adolph Zukor, $52,193.

Producers — Pandro S. Berman, $129,924; William Le Baron, $114,711; Louis D. Lighton, $92,000; B. P. Schulberg, $145,583; E. Lloyd Sheldon, $78,461.

Directors—James Flood, $39,041; Marion Gering, $91,000; Leo McCarey, $121,416; Max Reinhardt, $17,500; Wesley Ruggles, $139,510; Norman Taurog, $118,750; Frank Tuttle, $87,541; Josef von Sternberg, $50,000.

Actors and actresses—Constance Bennett, $176,188; Mary Boland, $89,583; Burns and Allen, $88,791; Kitty Carlyle, $52,083; Claudette Colbert, $85,000; Gary Cooper, $139,667; Miriam Hopkins, $71,145; Adolphe Menjou, $67,000; Jack Oakie, $82,666; Joe Penner, $75,000; Zasu Pitts, $60,416; George Raft, $61,664; Sylvia Sidney, $110,583.

Writers—Vincent Lawrence, $70,291; J. P. McEvoy, $90,683; Dorothy Parker, $16,000.

Hy Daab Here Soon To Succeed Gallup

(Continued from page 1)

trailer work at the Columbia studio for the past month.

Further changes in personnel at the Columbia home office were revealed yesterday. Sam Spicker, head of the company's art department, has resigned, effective Jan. 31. Arnold Van Leer, a member of the publicity staff, resigned Tuesday, effective Jan. 17.

Aside from Daab's appointment as director of advertising and publicity, the impending vacancies remained unfilled yesterday.

Sanctions Are Helping Italy On Production

(Continued from page 1)

best have been "No Greater Glory" and "After Office Hours," with other U. S. films trailing well behind.

Control of Italian production has rested with the Direzione Generale per la Cinematografia, supervised by Luigi Freddi.

Hopes for American producers or distributors lie in cooperation with Italian producers. The first American company to take advantage of this is M-G-M, which will distribute "Aldebaran," produced by Giulio Manenti, with Alessandro Blasetti as director.

A part of the profits of world distribution will go to the Italian producer.

A new governmental agency has been created for distribution of Italian film. It is called Ente Nazionale Industrie Cinematgrafiche — E.N.I.C.— and will be controlled by the Institute Nazionale—L.U.C.E. In fact, the president of E.N.I.C. is Marquis Paulucci de Calboli Barone, who also is president of L.U.C.E.

E.N.I.C. controls a circuit of 26 houses, the most important of which are Supercinema, Volturno and Cola di Rienzo in Rome, the Ambrosio and Vittoria in Turin, Corso in Milan, Nazionale and Fenice in Trieste, the Modernissimo and Rossini in Venice, Medica in Bologna, Excelsior Savoia and Modernissimo in Florence, Augusteo and Modernissimo in Naples.

About 50 Italian films will be produced during 1935-36. Among these are: "Non e' Una Cosa Seria," from Pirandello's play; "Musica in Piazza," "Arma Bianca," "L'Ambasciatore" and "Fanny Ballerinia."

Wall Street

Marked Gains Spot Big Board

	High	Low	Close	Net Change
Columbia	43¾	43	43½	+1½
Consolidated	6	5⅝	5⅞	+ ¼
Consolidated, pfd	18⅝	18	18½	+ ½
Eastman Kodak	161	160	161½	+ ⅜
Loew's, Inc.	54⅞	52⅜	54	+1⅞
Loew's, Inc., pfd	107	107	107	— ⅛
Paramount	10⅞	10⅜	10½	....
Paramount 1 pfd.	83	81¾	81⅞	+ ⅜
Paramount 2 pfd.	12½	12⅛	12⅜	+ ⅛
Pathe Film	8	7¾	7¾	— ⅛
RKO	6	5½	5⅞	+ ¼
20th Century-Fox.	25¼	23¼	25¼	+2⅛
20th Century, pfd.	35¼	31½	35¼	+3⅛
Universal, pfd	52¼	50¼	52¼	+2¼
Warner Bros.	10⅜	10	10	— ⅛

Technicolor Continues Rise

	High	Low	Close	Net Change
Sentry Control	9/16	9/16	9/16	—1/16
Sonotone	1⅞	1¾	1¾	— ⅛
Technicolor	20⅜	20⅛	20⅛	+ ⅛
Trans-Lux	3½	3¼	3¼	....

RKO Bonds Jump 6¼ Points

	High	Low	Close	Net Change
General Theatre 6s '40	22¾	21¼	22¾	+1¼
General Theatre 6s '40 ctf	22¾	21	22¼	+ ⅝
Keith B. F. 6s '46	95	92⅞	95	+2½
Loew's 6s '41 ww deb rights	104¼	103¾	104¼	+ ½
Paramount B'way 3s '55	58¾	58¾	58¾	—1
Paramount Pict. 6s '55	94¾	93⅞	94¾	+ ¾
RKO 6s '41 pp	82	78	82	+6¼
Warner Bros. 6s '39 wd	88	87½	88	+1½

(Quotations at close of Jan. 8)

Short Subjects

"The Mayflower"

(*Educational*)

In this cartoon there is some good invention which will put it over. The plot concerns a load of Pilgrims somewhat snappier than popularly supposed. With modern twists, it lands the Pilgrims on a prepared Plymouth Rock and one character gets a hilarious greeting by Indians with neckties and hot-dogs to sell while another is hunting a turkey and getting involved with a gang of fierce redskins. He escapes them, however. A good one in the cartoon line. Production Code Seal, No. 0797. Running time, 9 mins. "G."

"Dumb-Bell Letters No. 21"

(*Van Beuren-Radio*)

If the others in this series have provoked laughs from audiences, this should do likewise. As usual, it is made up of some of the best of Miss Lowell's collection of items from the morning post. Perhaps the best of the lot is one in which a woman writes to the Voice of Experience. She has two children and wants a third, but she has been informed that every third child born is Chinese. Production Code Seal No. 0338. Running time 7 mins. "G"

"Winter Magic"

(*Twentieth Century-Fox*)

With winter as its theme, this short in the Magic Carpet series takes the audience on a tour of places where winter cloaks the country to the camera's advantage. There is at times some excellent photography and the mood is well handled. Metropolitan and rustic scenes are compared and seasonal sports are shown. Production Code Seal, No. 0779. Running time, 8½ mins. "G."

"Screen Snapshots No. 5"

(*Columbia*)

This issue, in the familiar manner, looks in on screen stars at their exercise and diversions. Warren William works his farm, Gene Raymond plays tennis, Elissa Landi rides, Mary Brian tap dances and Eddie Cantor juggles three balls. The piece closes with views of a typical Hollywood premiere. This series has fallen into a rut and more novelty from a production standpoint is needed. Production Code Seal No. 1,833. Running time, 10 mins. "G."

"Filming the Feminine Headliners"

(*Twentieth Century-Fox*)

Fine editing on the part of Lew Lehr of old material makes this a complete and entertaining offering. Practically all the outstanding women athletes in their lines of sporting endeavor are shown as they performed before the newsreel cameras and as the sequences pass in view they get better and better. It closes with shots of a bathing beauty contest in Atlantic City. This should please. Production Code Seal, No. 0780. Running time, 9 mins. "G."

Looking 'Em Over

"The Private Life of Louis XIV"

(*General Foreign Sales*)

With story and direction by Carl Froelich, this German importation pictures, against a spectacular royal court background, something of the intrigue and pomp surrounding the activity of the King of France in the 17th Century, and the unfortunate plight of a young German Princess, married to Louis's brother in a political move which goes wrong.

The film has been well executed and the performances are good. Numerous sub-titles in English make for easy understanding of the story by those unfamiliar with the German language of the picture. Renate Muller, Dorothea Wieck, Michael Bohnen and Hans Sruwe play the princess, a favorite of the king, the king and his brother, respectively. Miss Muller and Miss Wieck are probably known in this country, and the film should have definite appeal in those communities where there are German people.

There is, of course, the obvious underlying intent, in this German production, to paint the activity of the French king and his war minister in the light of unscrupulous ravagers of the then separate German states. As a dramatic film, however, it offers a measure of entertainment. The German princess, after bearing as long as she can the unwelcome attention of Louis, and the lack of respect of her husband, is about to flee to her home in Heidelberg, when her husband, suddenly aware of the love his wife has for him, persuades her to return to the court, she realizing that she can best help her native people by remaining near the king, and with her husband's help.

Reviewed without production code seal. Running time, 85 minutes. "G."

"Rebel" St. Louis Leader at $16,000

St. Louis, Jan. 8.—"Littlest Rebel" playing at the Fox had the best total gross, $16,500. This was $4,500 above average, but "Calling of Dan Mathews," playing the Ambassador in conjunction with the second week stage offering of Olsen & Johnson, made the best proportionate showing with a gross of $15,750 against a house average of $10,000.

Every first run house in town was in the black, grosses being above average in each instance.

Weather for the week was cold and unfavorable on some days.

Total first run business was $63,950. Average is $46,000.

Estimated takings for the week ending Jan. 2:

"CALLING OF DAN MATHEWS" (Col.)
AMBASSADOR — (3,018), 25c-40c-55c, 7 days. Stage: Olsen & Johnson. **Gross:** $15,750. (Average, $10,060)

"LITTLEST REBEL" (20th-Fox)
FOX—(5,038), 25c-35c-55c, 7 days. **Gross:** $16,500. (Average, $12,000)

"AH, WILDERNESS!" (M-G-M)
LOEW'S—(3,163), 25c-35c-55c, 7 days. **Gross:** $11,800. (Average, $9,000)

"COLLEGIATE" (Para.)
ORPHEUM—(1,950), 25c-35c-55c, 7 days. **Gross:** $11,500. (Average, $8,500)

"CAPTAIN BLOOD" (F.N.)
SHUBERT-RIALTO—(1,723), 25c-35c-55c, 7 days. **Gross:** $8,400. (Average, $6,500)

Schreiber Recovering

Detroit, Jan. 8.—Raymond Schreiber, operator of the Crystal, is in Harper Hospital, recovering from an emergency operation for appendicitis. His condition is reported as satisfactory.

Harold Hendee to Speak

New Haven, Jan. 8.—Harold Hendee, RKO research director, will speak here under the auspices of the Council of Theatre Patrons on "Authenticating the Movies," on Jan. 22, at Troup Junior High School.

"Fleet" Is $9,000 Indianapolis Top

Indianapolis, Jan. 8.—"Miss Pacific Fleet" led the first run parade here after a shift in opening dates to get the best returns from Christmas and New Year's. The take at the Lyric was $9,000, over the line by $2,000.

All houses were strong, except one, the Apollo, which was holding "The Littlest Rebel" for a second week, and fell off to $3,500.

"A Tale of Two Cities" and "I Dream Too Much" were both good, and "The Bride Comes Home" took a par $7,000 at the Indiana. A heavy snowstorm hurt business somewhat.

Total first run business was $29,500. Average is $26,500.

Estimated takings:

Week Ending Dec. 31:

"I DREAM TOO MUCH" (Radio)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

"THE BRIDE COMES HOME" (Para.)
INDIANA — (3,300), 25c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"A TALE OF TWO CITIES" (M-G-M)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,500)

Week Ending Jan. 3:

"LITTLEST REBEL" (20th-Fox)
APOLLO—(1,100), 25c-40c, 7 days, 2nd week. **Gross:** $3,500. (Average, $4,000)

"MISS PACIFIC FLEET" (W.B.)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $9,000. (Average, $7,000)

Lee Replaces D'Arrast

Hollywood, Jan. 8.—Rowland V. Lee has been signed by Pickford-Lasky to replace Harry D'Arrast as director of "One Rainy Afternoon." D'Arrast remains with Pickford-Lasky to direct another film, though the picture and starting date have not been set.

Nan Cohen to Warners

Boston, Jan. 8.—Nan Cohen has resigned from the advertising department of M. & P. theatres to do special exploitation work for Warners.

Variety Club

Albany

Albany, Jan. 8.—A movie ball is scheduled for the early part of February.

Sid Daneau of Fabian Theatres has been named a member. William Barney of the Grand, Watervliet, also has been admitted.

About 200 guests attended a dance given by Fox employes at the club rooms. Vaudeville acts from local theatres furnished the entertainment.

Cincinnati

Cincinnati, Jan. 8.—At the last gala night, staged by the local tent, talent was furnished by WLW. Those participating were: Grace Raines, vocal director and pianist; Cauncey Parsons; Paul Sullivan; De Vore Sisters and The Continentals. About 200 members and guests were present.

Joe Oulahan, Paramount chief, entertained C. A. Wingfield and Mrs. Wingfield of Washington.

Al Sugarman has gone to Dillsboro, Ind., for a rest.

Pittsburgh

Pittsburgh, Jan. 8.—This was by far the biggest year of the annual Variety Club milk fund drive. More than $18,000 was subscribed and 3,000 kiddies in all Pittsburgh institutions may have one-half pint of milk per day for the entire year.

Barker Art Levy, newly elected chief barker and newly married man, took charge beginning Jan. 1.

The KQV broadcasts from the club at Monday luncheons are interesting the public. Flocks of mail.

Barker George Tyson of the Harris-Alvin back home again after flying visit with the family in New York.

Barker McGreevey of the Harris Office preparing for a short trip to Jacksonville, Florida, to see Mrs. McGreevey and the namesake.

Barker Jim Balmer preparing for the trip to Omaha, Des Moines and Dallas for the induction of these three new tents. He is anxious for Dallas and that there sun. Jim weighs 285 lbs, and he says every pound gets cold at one time and that's a lot of cold.

Barker Harold C. Lund of Ross Federal Service proud of his new office in the Grant Bldg., but so busy he can't spend much time in it.

The inmates of Western Penitentiary presented John H. Harris and the Variety Club a radio in appreciation of the club's Christmas show. They also collected $50 for the milk fund.

Washington

Washington, Jan. 8.—Formal installation of the newly elected officers of Tent No. 11 will take place Jan. 10. At the same time, appropriate testimony will be accorded retiring Chief Barker Rudolph Berger and other officers.

In-coming Chief Barker J. Louis Rome of Baltimore has outlined ambitious plans for the tent for the coming year, details of which will be divulged at the January meeting.

The Variety Club of Washington conducted its first New Year's Eve egg nogging on Dec. 31, with open house for barkers and their friends.

"Two Cities" $16,800 Top, Kansas City

KANSAS CITY, Jan. 8.—"A Tale of Two Cities" at Loew's Midland was out front here with $16,800, $5,300 on the profit side.

"The Littlest Rebel" and "Your Uncle Dudley" were strong at the Uptown. In four and a half days of a second week the take was $4,700. Normal for the period is $2,500.

"The Bride Comes Home" took $6,500 in four and a half days of a second week at the Newman.

Total first run business was $41,300. Average is $33,700.

Estimated takings:

Week Ending Dec. 31:

" A TALE OF TWO CITIES" (M-G-M)
MIDLAND—(4,000), 25c-40c, 7 days. **Gross:** $16,800. (Average, $11,500.)

"THE LITTLEST REBEL" (20th-Fox)
"YOUR UNCLE DUDLEY" (20th-Fox)
UPTOWN—(2,000), 25c-40c, 4 days, 2nd week. **Gross:** $4,700. (Average, 4 days, $2,500.)

"THE BRIDE COMES HOME" (Para.)
NEWMAN—(1,900), 25c-40c, 4½ days, 2nd week. **Gross:** $6,500. (Average, 4½ days, $4,700.)

"I DREAM TOO MUCH" (Radio)
MAINSTREET—(3,100), 25c-40c, 7 days. **Gross:** $4,500. (Average, $8,000.)

Week Ending Jan. 2:

"REMEMBER LAST NIGHT" (Univ.)
TOWER—(2,200), 25c-35c, 7 days. Stage: Joan Abbott, Eddie Hanley & Co., Lewis & Van, Victoria & Lorenz. **Gross:** $7,800. (Average, $7,000.) Special New Year's Eve preview of "The Lone Wolf Returns," with same stage show, 50 cents, $1,000.

Australia Planning Heavier Production

WASHINGTON, Jan. 8. — Immediate expansion production in Australia is planned as a result of passage of the Film Quota Act in New South Wales, according to a report to the U. S. Department of Commerce from its trade commissioner in Sydney.

National Studios, located about six miles from Sydney, have commenced preliminary work on two features. Cinesound Prod., Ltd., the most important producing company in the Commonwealth, is planning to produce 14 pictures in the coming year. The first has already begun.

According to the schedule, Cinesound will make three other productions for world release, two specials for American distribution, four outdoor films of Australian life and four romances. In addition, 52 issues of Cinesound Review are to be made.

To make room for this expansion, Cinesound intends enlarging its studio at Rushcitters Bay and its film laboratory at the studio at Rondi, Sydney.

Yellow Dogs Elect

DENVER, Jan. 8.—The local kennel of Yellow Dogs has elected the following officers: Joe Dekker, chief mongrel; J. J. Morgan, keeper of the fleas, and Eugene I. Reed, keeper of the bones. The local kennel has incorporated.

At the annual jamboree, held at the Old Town Hall, 60 were initiated. Harry Golub, Orpheum manager, won the top prize, a tin star, for doing the best job of initiating. A stage show was put on.

Gives Fur Coats

Bridgeport, Jan. 8.—Women's fur coats are the latest give-aways here. The Capitol is giving away a coat each week and business has mounted steadily. The increase is in the feminine patrons.

"Cities" Hits $17,000 High In Cleveland

CLEVELAND, Jan. 8. — The biggest holiday business in four years is reported by all local first runs, with "Tale of Two Cities" turning in a gross of $17,000 at Loew's State, where $12,000 is average, with one extra morning show every day. New Year's Eve show is not included.

"Captain Blood" opened New Year's Eve at Warners' Hippodrome to terrific business and grossed $13,000 in the first three days of its run which continues at least one more week. This includes three New Year's Eve shows. The Hippodrome weekly average is $8,000.

"The Littlest Rebel," in 4 days of its second week at Warners' Hippodrome, chalked up $6,500, making the seven-day take at the Hipp over $19,000 or $11,000 over average.

"Mr. Hobo" went $1,750 over the $3,000 average at the Allen, closing the run with a $4,750 gross. "So Red The Rose" held to the $4,000 average at Loew's Stillman. These figures do not include New Year's Eve shows.

Total first run business was $61,250. Average is $42,000.

Estimated takings for the week ending Jan. 3:

"MR. HOBO" (G.B.)
ALLEN — (3,300), 30c-35c-42c, 7 days. **Gross:** $4,750. (Average, $3,000)

"TALE OF TWO CITIES" (M-G-M)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $17,000. (Average, $12,000)

"SO RED THE ROSE" (Para.)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $4,000. (Average, $4,000)

"DANGEROUS" (W.B.)
RKO PALACE — (3,100), 30c-42c-60c, 7 days. Stage: Eight acts of vaudeville. **Gross:** $16,000. (Average, $15,000)

"THE LITTLEST REBEL" (20th-Fox)
WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 4 days holdover. **Gross:** $6,500. (Average for a week, $8,000)

"CAPTAIN BLOOD" (F.N.)
WARNERS' HIPPODROME—(3,800), 30c-35c-42c. First three days of run including three shows New Year's Eve. **Gross:** $13,000. (Average for a week, $8,000)

Name Hartford Director

HARTFORD, Jan. 8. —G. Lester Paul, director of the Hartford Civic Theatre, has been named to head the PWA Hartford Civic Repertory at Parsons. The first play will be "Barbara Freitchie" with prices at 25c-35c-50c. Wilton Graff will be leading man with Sonya Raffell leading woman.

Florida House Burned

MADISON, Fla., Jan. 8.—The Ritz, only theatre here, has been completely destroyed by a fire that originated in a building next to the theatre.

Coast ITO Bars Screeno

SAN FRANCISCO, Jan. 8.—Members of the I.T.O. have agreed not to use Screeno.

"Frisco Kid" Out Front in Chicago Boom

CHICAGO, Jan. 8.—It was a big week all along the line with every first run away over par except one. "Frisco Kid" piled up $38,500, passing par by $6,500, at the Chicago. Paul Lukas and Milton Berle were on the stage.

"A Midsummer Night's Dream" took a strong $7,700 at the Apollo. "Sylvia Scarlett" was $4,000 to the good on a take of $22,000 at the Palace, and "The Man Who Broke the Bank at Monte Carlo" reached $9,700, up by $4,200, at the Garrick. "Rose of the Rancho" took a good $13,000 at the Roosevelt. The only attraction that failed to get over the normal mark was "Splendor," which had a par $17,000 at the United Artists.

Total first run business was $144,500. Average is $118,000.

Estimated takings:

Week Ending Dec. 31:

"A MIDSUMMER NIGHT'S DREAM" (W.B.)
APOLLO—(1,400), 50c-$1, 7 days. Two shows daily. **Gross:** $7,700. (Average, $4,500)

"SPLENDOR" (U.A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $17,000. (Average, $17,000)

Week Ending Jan. 1:

"SYLVIA SCARLETT" (Radio)
PALACE — (2,509), 25c-35c-50c, 8 days. Stage: WBBM Radio Revue. **Gross:** $22,000. (Average, $19,000)

Week Ending Jan. 2:

"FRISCO KID" (W.B.)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Paul Lukas, Milton Berle in person. **Gross:** $38,500. (Average, $32,000)

"ONE WAY TICKET" (Col.)
ORIENTAL — (3,490), 25c-40c, 7 days. Stage: Toby Wing, Mill Brothers and Brown Derby vaudeville revue. **Gross:** $21,000. (Average, $15,000)

"MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
GARRICK — (900), 25c-35c-50c, 7 days. **Gross:** $9,700. (Average, $5,500)

Week Ending Jan. 3:

"MUSIC IS MAGIC" (20th-Fox)
STATE-LAKE — (2,776), 20c-30c-35c, 7 days. Stage: "Band Box" revue. **Gross:** $15,600. (Average, $13,000)

"ROSE OF THE RANCHO" (Para.)
ROOSEVELT—(1,591), 30c-40c-60c, 7 days. **Gross:** $13,000. (Average, $11,000)

Sign N. H. Operator Deal

NEW HAVEN, Jan. 8.—After months of negotiation, George Cruzen, division manager of M. & P. Theatres, says that practically all difficulties which have arisen with the operators' union over the past two or three years have been smoothed out and an agreement reached.

Form Three Companies

ALBANY, Jan. 8.—Three new theatre companies formed here are: Timson Theatre Corp., New York City, by Max Greenfield, Minnie Mazuer and Rachael Meezan; Webford Theatre Corp. and Montdale Theatre Corp., also of New York City.

To Make Scout Serial

HOLLYWOOD, Jan. 8.—Louis Weiss, production head of Weiss Prod., Inc., says he intends to produce a 15-episode Boy Scout serial this season. This will be the fourth 15-episode serial on this season's list.

AMPA
1936

ARTHUR KAYE . . . popular impersonator and Comedy Recorder of Terry Toon Cartoons . . . MICHAEL . . . Boy Wonder on the Accordion . . . BERNE . . . she dances . . . BOB HOWARD . . . Wizard of the Keyboard . . . EDITH DRAKE . . . Romantic songs . . . BILL BAILEY . . . he's got rhythm in his feet! ! ! ! ! !

GALA OPENING LUNCHEON

THURSDAY JANUARY 9 AT JACK DEMPSEY'S

"Captain" Big Hub Grosser; Gets $20,500

BOSTON, Jan. 8.—"Captain Blood" piled up profits in two spots, the Fenway and the Paramount. At the former it was nearly 100 per cent over normal on a gross of $8,000, and at the latter the $12,500 take was $5,500 to the good. The feature was held over in both houses. Ordinarily these spots run duals.

Grosses generally were like the good old pre-depression days. "Ah, Wilderness" and "If You Could Only Cook," dualed at Loew's Orpheum and Loew's State, took $14,000 at the former and $13,000 at the latter. "Collegiate," with a stage show, ran the Metropolitan up to a heavy $28,000.

Total first run business was $84,500. Average is $80,500.

Estimated takings for the week ending Jan. 3:

"CAPTAIN BLOOD" (W. B.)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $8,000. (Average, $4,500.)

"SYLVIA SCARLETT" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. Stage: Edward McHugh. **Gross:** $13,000. (Average, $12,000.)

"AH, WILDERNESS" (M-G-M)
"IF YOU COULD ONLY COOK" (Col.)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $14,000. (Average, $12,000.)

"AH, WILDERNESS" (M-G-M)
"IF YOU COULD ONLY COOK" (Col.)
LOEW'S STATE—(3,557), 25c-55c, 7 days. **Gross:** $13,000. (Average, $12,000.)

"COLLEGIATE" (Para.)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage show. **Gross:** $28,000. (Average, $22,000.)

"CAPTAIN BLOOD" (W. B.)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $12,500. (Average, $7,000.)

"DEVIL'S ISLAND" (Col.)
RKO BOSTON—(3,246), 25c-50c, 7 days. Stage show. **Gross:** $21,500. (Average, $15,000.)

"Rebel" Is $19,600 Leader in Detroit

DETROIT, Jan. 8.—"The Littlest Rebel" was a sensation at the Fox. The $19,600 take ran over par by $4,600.

"Collegiate" at the Michigan also was in the money with a gross of $23,400, up by $3,400. "Sylvia Scarlett" was good for $11,600 at the RKO Downtown, but elsewhere grosses were nothing to get excited about.

Total first run business was $71,800. Average is $65,000.

Estimated takings for the week ending Jan. 2:

"FANG AND CLAW" (Radio)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $3,500. (Average, $5,000)

"LITTLEST REBEL" (20th-Fox)
FOX—(5,100), 15c-55c, 7 days. Stage, 5 acts vaude. **Gross:** $19,600. (Average, $15,000)

"COLLEGIATE" (Para.)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage, vaudeville. **Gross:** $23,400. (Average, $20,000)

"CORONADO" (Para.)
"MAN OF IRON" (F.N.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $4,200. (Average, $5,000)

"TALE OF TWO CITIES" (M-G-M)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $9,500. (Average, $10,000)

"SYLVIA SCARLETT" (Radio)
RKO DOWNTOWN—(2,950), 15c-55c, 7 days. **Gross:** $11,600. (Average, $10,000)

Makes Page One

Hartford, Jan. 8.—Jack A. Simons, Poli manager, veteran "Page One Club" member, started the new year right with eight inches on page one of *The Courant*, Jan. 1. Last year a front page quote in *The Times*, gave him the first break of the year. This year's stunt, a story on the booking of Chaplin's "Modern Times," was on the streets 10 minutes after 12.

"Rebel" a $13,000 Smash in Montreal

MONTREAL, Jan. 8.—There is nothing that French-Canadians like better as an occasion for celebrating than New Year's, and Montreal theatres shared in the benefit. The leader was the Palace with a take of $13,000 on "The Littlest Rebel," but Loew's was practically as strong at $12,500 with a combination bill topped by "Three Kids and a Queen."

The Capitol registered $10,500 with "Collegiate" and "Scrooge." The Princess broke up the week to start "If You Could Only Cook" on New Year's Day and made $5,500 for the first four days. These statistics do not include holiday midnight shows where special attractions were presented.

Chief opposition to theatres this week were the night clubs which did a roaring trade. Three hockey games also competed with the cinemas.

Total first run business was $47,000. Average is $41,500.

Estimated takings for the week ending Jan. 4:

"COLLEGIATE" (Para.)
"SCROOGE" (Para.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $10,500. (Average, $9,500)

"UNE NUIT D'AMOUR" (French)
"SPANISH CAPE MYSTERY" (Republic)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. Stage: "Continental Revels." **Gross.** $5,500. (Average, $3,500)

"THREE KIDS AND A QUEEN" (Univ.)
"SHIP CAFE" (Para.)
LOEW'S—(3,115), 30c-34c-40c-50c-60c, 7 days. Stage: The "Four Seasons" vaudeville unit. **Gross:** $12,500. (Average, $10,500)

"THE LITTLEST REBEL" (20th-Fox)
PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $13,000. (Average, $11,000)

"IF YOU COULD ONLY COOK" (Col.)
"ESCAPE FROM DEVIL'S ISLAND" (Col.)
PRINCESS—(2,272), 30c-35c-50c-65c, 4 days. **Gross:** $5,500. (Average, 7 days, $7,000)

Bruce Merman Producer

HOLLYWOOD, Jan. 8.—Bruce Merman will be the associate producer for two series of shorts to be released by Edwin Carewe through churches and schools. Both series start Feb. 1. Twelve one-reelers will be dramatizations of current events. The second set of one-reelers will be in color and titled "See America First." Carewe has a Federal permit to photograph the national parks for this series.

Takes Auction Night

BOSTON, Jan. 8. — David Manley, former manager of the Thompson Square in Somerville, has taken over distribution of Auction Night in New England. Keith's Theatre in Portland was the first spot to try the scheme. M. & P. Theatres Corp. has put it in a number of houses.

Minneapolis' Best "Bride," Burns & Allen

MINNEAPOLIS, Jan. 8.—With moderating weather and holiday spirit, business picked up here, and the Minnesota, with a combination of "The Bride Comes Home" and Burns and Allen, took $12,000. This was up by $2,000.

Other Minneapolis houses failed to demonstrate anything better than par, but St. Paul had a fine $6,500 gross on "A Night at the Opera" at the Paramount, and was $1,000 up with a take of $5,000 on "I Dream Too Much" at the Orpheum.

Total first run business in Minneapolis was $28,000. Average is $24,500. Total first run business in St. Paul was $18,200. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Jan. 1:
"SCROOGE" (Para.)
WORLD—(400), 25c-55c, 7 days, 2nd week. **Gross:** $3,000. (Average, $3,000)

Week Ending Jan. 2:
"IT'S IN THE AIR" (M-G-M)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Jan. 3:
"THE BRIDE COMES HOME" (Para.)
MINNESOTA—(4,000), 25c-55c, 7 days. Stage: Burns and Allen. **Gross:** $12,000. (Average, $10,000)

"SYLVIA SCARLETT" (Radio)
ORPHEUM—(2,900), 25c-40c, 7 days. Stage: Ada Leonard. **Gross:** $6,000. (Average, $5,500)

"AH, WILDERNESS" (M-G-M)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

St. Paul:

Week Ending Jan. 3:
"A NIGHT AT THE OPERA" (M-G-M)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

"FRISCO KID" (W. B.)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)

"IT'S IN THE AIR" (M-G-M)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"I DREAM TOO MUCH" (Radio)
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

"THE MAN WHO KNEW TOO MUCH" (G. B.)
WORLD—(400), 25c-35c, 7 days, 2nd week. **Gross:** $1,700. (Average, $1,500)

"Cities" Tops Pittsburgh's Holiday Spurt

PITTSBURGH, Jan. 8.—Grosses all over town went soaring for New Year's week, with the midnight shows selling out everywhere and the holiday take the best here in several seasons.

Way out in front were the Penn, Stanley and the Fulton. The Penn had "A Tale of Two Cities" and piled up $17,000, while the Fulton, reopening after a shutdown of two weeks, sailed along to $7,500 with "The Littlest Rebel." The picture was held for a second week and may remain a third. At the Stanley, a stage show including Fifi Dorsay, Ed Lowry and Stepin Fetchit was given as much credit as "Whipsaw" for the excellent $28,000.

While other houses weren't so fortunate, they managed to show a fair profit. On four days with "Navy Wife" and Ray Perkins' amateurs, the Alvin claimed $7,000 while the Davis got $3,720 with "Pursuit" and "Frisco Waterfront" and the Warner around $5,300 with "Mary Burns, Fugitive" and "Stars Over Broadway."

Total first run grosses were $68,520. Average is $48,500.

Estimated takings for the week ending Jan. 2:

"NAVY WIFE" (20th-Fox)
ALVIN—(2,000), 25c-55c, 4 days. Stage: Ray Perkins and his CBS amateur winners. **Gross:** $7,000. (Average, 7 days, $9,000)

"PURSUIT" (M-G-M)
"FRISCO WATERFRONT" (Republic)
DAVIS—(1,750), 25c-40c, 7 days. **Gross:** $3,720. (Average, $3,500)

"THE LITTLEST REBEL" (20th-Fox)
FULTON—(1,700), 15c-40c, 7 days. **Gross:** $7,500. (Average, $4,000)

"A TALE OF TWO CITIES" (M-G-M)
PENN—(3,300), 25c-40c, 7 days. **Gross:** $17,000. (Average, $12,000)

"WHIPSAW" (M-G-M)
STANLEY—(3,600), 25c-55c, 7 days. Stage: Ed Lowry, Fifi Dorsay, Stepin Fetchit, Rio Brothers, 12 Aristocrats. **Gross:** $28,000. (Average, $18,500)

"MARY BURNS, FUGITIVE" (Para.)
"STARS OVER BROADWAY" (W.B.)
WARNER—(2,000), 25c-40c, 7 days. **Gross:** $5,300. (Average, $5,000)

BY ORDER OF SUPREME COURT: NEW YORK COUNTY

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Vs. PHOTOCOLOR CORPORATION, PHOTOCOLOR PICTURES, Inc., et al

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• EXCERPT from review of Frank Buck's new picture, "FANG AND CLAW," in "Variety's" 30th Anniversary Issue, January 1, 1936.

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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 8 NEW YORK, FRIDAY, JANUARY 10, 1936 TEN CENTS

Reisman Sees Increase in World Films

Conditions Abroad Show A Marked Upturn

By PHIL REISMAN
V.-P., RKO Export Corp.

One of the most hopeful omens for 1936 has been the gradual internationalization of American production executives. Cold figures have convinced them that pictures of the walk and talk variety, pictures with overabundant dialogue, pictures of a highly sophisticated type are very definitely failures at overseas box-offices. Cold figures have also convinced them that pictures which tell their story principally through visual appeal, pictures with a mini-



(*Continued on page 12*)

John Gilbert Dies Of Heart Failure

HOLLYWOOD, Jan. 9.—John Gilbert, for many years one of the screen's foremost actors, died at his home in Beverly Hills this morning of heart failure. He was 38 years old.

Gilbert, whose real name was Jack Pringle, was born in Logan, Utah, and educated in various public schools and Hitchcock Military Academy at San Rafael, Cal. Besides his career as a film player, Gilbert appeared on the stage and was a film producer and writer. One of his earliest screen

(*Continued on page 12*)

Tickets with Ads

Seattle, Jan. 9.—Free tickets to the Paramount and other Hamrick-Evergreen houses are being offered to advertisers in the morning *Post-Intelligencer's* (Hearst) classified ad column. Advertisers using the classified column for four successive days are given two tickets. The total cost of the advertisement can be as low as 60 cents.

Fox Theatres Claims Cut to $2,949,103

10 Disallowed Entirely, Report Discloses

Of 50 claims against Fox Theatres Corp. aggregating $24,285,033 on which hearings have been held to date, 10 were disallowed in their entirety and the remainder were reduced to $2,949,103, it was disclosed in a report filed with the Federal court here yesterday by Milton C. Weisman, Fox Theatres receiver.

In addition to the claims already heard, there are 14 claims aggregating $9,379,474 which have yet to be heard and reported on. Claims which accounted for the principal reductions were those of Union Guardian Trust Co. for $10,663,346, which was reduced to $1,111,641; St. Louis Union Trust Co. for $7,819,283, reduced to $764,845; Ridgewood Operating Co., Inc., for $550,000, reduced to $11,568; Franklin Operating Co., Inc., for $816,666, reduced to $25,399, and Philadelphia Co. for Guaranteeing Mortgages, for $389,436, reduced to $30,134. These five claimants have been the only ones in the group of 50 to file exceptions with the court in connection with the reductions made on their claims.

Other large reductions in the claims

(*Continued on page 12*)

Bay State Group to Oppose Censorship

BOSTON, Jan. 9.—The Massachusetts Theatre Alliance has been organized here for the purpose of checking censorship. David Crosby Atkins heads the group. Two moves are already underway. A petition is being framed so that public opinion may register itself "to protect the interests of the theatre." A bill seeking the modification of present statutes is being drawn up for filing with the Legislature within a few days.

RCA-Arcturus Case Ends in Wilmington

WILMINGTON, Del., Jan. 9.—Three years of litigation between RCA and Arcturus Radio Tube Co. was settled before Judge Rodney in Superior Court here today when Arcturus confessed judgment in the amount of $104,247.40.

James R. Morford acted as local counsel for RCA. Clarence A. Southerland represented Arcturus.

Pictorial Family

London, Jan. 1.—John W. Gossage, managing director of Reunion Films, Ltd., is about the only individual in the world's trade who can claim that his family has been in pictures for four generations:

His great-grandfather was J. W. Tate, the sugar magnate, who gave the famous Tate Gallery and art collection to the public.

Northwest Has Hope for Gain Close to '29

SEATTLE, Jan. 9.—The best business since 1929! That is the prediction for the industry in Seattle and the Pacific northwest for 1936, based on present indices and surveys of the prospects for the immediate future.

Show business will improve primarily because general conditions are improving in this territory, according to leaders in the theatre field. However, exhibitors are predicting gains in greater proportion, perhaps, than general business increases.

Hamrick-Evergreen, operating in larger northwest centers and smaller inland cities, has already begun to feel the effects of better grosses. John Hamrick and Frank L. Newman, Sr., both predict a good year. Product will contribute to better business.

Jensen-VonHerberg, operating both first run and neighborhood houses, expect 1936 to reach new high levels, according to General Manager Leroy V. Johnson. Their Liberty, key first run house, has shown greatly increased patronage during recent weeks, even at slightly advanced admissions for better attractions. Engagements of

(*Continued on page 12*)

Carr May Accept Post in England

HOLLYWOOD, Jan. 9.—The possibility of Trem Carr transferring his activities to England is seen in his statement to MOTION PICTURE DAILY today. He has received offers from two English firms. He said his future plans were still uncertain, but that he was most interested in going to Europe for a vacation. He had planned to sail earlier but decided to remain here to clear up old business.

It is possible he may accept one of several offers here before leaving. Mrs. Carr is awaiting him in New York.

Hardy Opens Case for U.S. At St. Louis

Reed and Phillips Reply For Warners, Para.

By RED KANN

ST. LOUIS, Jan. 9.—If today's developments in the equity proceedings by the Government against Warners, Paramount and RKO indicate the rate of speed at which this action is to be tried it looks like a long, hard winter in St. Louis for an array of film men who, by personal and business preference, elect to be elsewhere.

For today was the day on which opening statements of opposing counsel were to be cleared away and early witnesses for the Government placed on the stand. The plan, if not the hope, was to have the full array of local exchange managers testify to the interstate commerce angle in the sale and distribution of motion pictures. The managers were on hand, as instructed, but were dismissed shortly after the third day of the proceedings had started when it became apparent there would be no call for their testimony.

The session today divided into three parts. The entire morning was turned

(*Continued on page 7*)

Houses Will Drop Games If Lottery

Members of the I. T. O. A. operating Bronx theatres will abandon any cash giveaway game which is proved to be in violation of the law, as a result of an agreement made yesterday with District Attorney Samuel J. Foley.

Under the arrangement Foley has agreed not to make arrests but to issue summonses only in the event of bringing new complaints against I. T. O. A. member theatres operating cash giveaway games, it was said,

(*Continued on page 12*)

Heat in Florida

Delray Beach, Fla., Jan. 9.—"Delray Beach now enjoys the distinction of having the only heated theatre in South Florida," Manager E. C. Hall says, "the Delray having completed the installation of electrical heating equipment in connection with its air-conditioning system."

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Ampa Resumes with Many Entertainers

Ampa members, rested after the holiday period, resumed their weekly lunches yesterday at Jack Dempsey's with an all-entertainment program, and the show was so good most of the members on the employed list forgot they had jobs and failed to walk out.

A pair of colored boys nearly stole the show, and came back for encores after the regular program had been finished. One, Bill Bailey, was a dancer, and the other, Percy Dander, sang and played the piano.

Arthur Kaye, impersonator and comedy recorder for Terrytoons, did a number of impersonations, Edith Drake sang, and Marian Burns did some clever dancing.

Among the celebrities introduced were: Charles Lamont was introduced as Shirley Temple's first director; Mrs. Lamont (Estelle Bradley); William Bakewell; Dennie Moore, comedienne who is in "Sylvia Scarlett"; Hugh Allen, Paul Terry, Frank Moser and Philip A. Scheib.

Party for Rene Clair

Rene Clair, French director, will be guest at a party at the Waldorf-Astoria this afternoon, after which he will play host at a showing of his first production in English, for Alexander Korda, "The Ghost Goes West" at the Rivoli. D. S. H. Brickell, Roger B. Stevens and J. C. Donnelly of the British Consulate; Charles de Fontnouvelle, French consul-general, Eddie Cantor and Douglas Fairbanks, will attend.

Purely Personal

ARTHUR A. LEE and GEORGE W. WEEKS, G. B. executives, back from their tour of exchanges, left again to attend the Variety Club dinner in Philadelphia tonight. A. P. WAXMAN, G. B. advertising head, will also attend.

•

LEE GOLDBERG of Big Feature Rights Corp., will distribute "Custer's Last Stand" in the Indianapolis territory. He will also handle "The Clutching Hand" and "Jungle Perils," two other Stage and Screen productions.

•

SYLVIA SIDNEY, who has been in town for the past week, leaves for Hollywood today to see the rushes on her latest picture, "The Trail of the Lonesome Pine."

•

WILL H. HAYS has had to defer his planned departure for the coast and may not leave until late next week.

•

DENNIE MOORE, RKO player, will be interviewed over WMCA tonight by SAM TAYLOR.

•

EDWARD GOLDEN left for Chicago yesterday. He is due back next Wednesday.

•

GEORGE R. BATCHELLER, SR., has left for the coast. He will be gone six weeks.

•

CHARLES LAMONT, Chesterfield director, leaves for the coast Sunday.

•

HY DAAB is due in from the coast late today or tomorrow.

•

. . . *Los Angeles*

MILTON ARTHUR has sold his Studio theatre in Prescott, Ariz., to HARRY NACE, Publix associate in Phoenix and Tucson.

ADOLPH RAMISH is expected soon from Honolulu.

NEWTON JACOBS, Radio manager, is building a very handsome dog house in his back yard to house his daughter's Christmas purp.

NEWT LEVI, Warner manager, always holds the watch on the exchange fire drill which takes 17 seconds to clear the building.

FRANK ULLMAN has sold his Westmoreland to Perkins Enterprises, Inc.

JACK ANDERSON, former Universal salesman, has joined the local G. B. staff.

JACK DILLON, manager of the Twentieth Century-Fox exchange, is in Methodist Hospital recovering from influenza.

GEORGE CALVARES is handling "The Pace that Kills" for WILLIE KENT in California, Arizona and Nevada.

•

. . . *London*

THOMAS ORMISTON has resigned from the governing body of the British Film Institute and W. R. FULLER, general secretary of the C. E. A., has been nominated to succeed him.

JEFFREY BERNARD will be the new captain of the Screen Golfing Society.

O'Brien Succeeds Berg

Ken O'Brien, who has been assistant to Gregory Dickson, has succeeded Herb Berg as trade paper contact for United Artists.

Seek Examination In Columbia Suit

Papers asking for examination of Jo Swerling and Al Rogell, both of Los Angeles, were filed in Federal court yesterday on behalf of Jack Cohn, vice-president of Columbia Pictures Corp., in connection with a plagiarism suit brought by Jack Allman, short story writer, against Columbia. The complaint alleges that prior to Sept. 26, 1931, Allman wrote an original story, "The Salvage of the Sagomar," which appeared in the Argosy Magazine, and was copyrighted by Frank Munsey Co. and that in February, 1934, the copyright was assigned to the plaintiff, who alleges that in April, 1933, Columbia produced "Below the Sea," which plagiarised his story. He asks an accounting and damages.

The defendant denies all material allegations and contends that Allman was not the original author of "The Salvage of the Sagomar." Cohn's affidavit states that the author of the story of the defendant's picture was Swerling, now in the employ of Columbia, and that Rogell was the director. The affidavit says, "We seek to prove that there was no access to the plaintiff's story at any time and that Swerling and Rogell never saw or read his story."

Cullman Urges Films Drop Art "Humbug"

Art consciousness in films is self-consciousness in producers, and usually stands in the way of the making of a good picture, Howard S. Cullman, receiver of the Roxy, told students of the School of Education, N. Y. U., last night.

"Personally, I would like very much to see the films divested of their esthetic humbug," Cullman said. "Nowhere does the pretentiousness of the films assume more absurd and ruinous proportions than in the columns of some of our motion picture critics. The fault," he said, "lies with the producers, who, because their wares are expensive, insist that they be regarded as something important. Thus, they invite criticism on a highbrow basis for products which actually do not rate more than the cursory attentions of a reporter.

"With rare exceptions," Cullman said, "the film industry produces its more admirable results, not in its moods of esthetic aspiration, but in its moments of unaffected and straightforward showmanship."

Critics Hear Waller

Critics of the New York dailies and the trade press and representatives of a number of musical magazines listened to "swing" music at the Warwick yesterday afternoon as demonstrated by "Fats" Waller.

It seems that "swing" music is quite the rage in Europe and is making headway here, so Twentieth Century-Fox has him featured in "King of Burlesque."

About 100 guests seemed to like Waller's playing and singing.

Gassoff Takes Pelham

The Pelham Picture House, Pelham, has been taken over by Harry Gassoff. Gassoff also operates the Highland in the town of the same name. Larry Goldberg formerly ran the Pelham house.

Plan to Turn Closed Banks Into Theatres

CHICAGO, Jan. 9.—Plans now under way here call for the remodeling of many of Chicago's 70-odd bank buildings, which closed during the depression, into modern theatres. These bank buildings, most of which were erected in recent years and are modern, have ideal locations. They can generally be converted into theatres seating 500 to 1,000.

Charles Sedell, theatre real estate promoter, is planning to turn a number of these into theatres and other concerns are interested. Companies in charge of the receivership of these banks are understood to be willing to lease the buildings on a 20-year basis. If the plans take definite shape, some of the new theatres will replace those now in operation.

Great States is planning to open the majority of the 13 houses it owns which are now dark. More than $200,000 will be spent to refurnish and remodel them during the year. A sharp increase in business is the reason for the plan, which marks the circuit's first activity of this sort in many years.

M. & P. Takes Maine House

BOSTON, Jan. 9.—M. & P.-Public have taken over the Empire in Waterville, Me., from the Empire Theatre Corp. for reopening as a first run house.

The State, in Presque Isle, Me., has been renovated by L. W. Bridgham, who recently took it over. After a half-dozen dark months, the Nordica, in Freeport, Me., has been transferred from A. Proviencher to Harland V. Higgins to be opened four days weekly on single billings.

Theatre Firm Formed

BEDFORD, Va., Jan. 9.—Bedford Theatres, Inc., has been formed here with Dan Weinberg as president. Other incorporators are: Isaac Weinberg, secretary, and Manuel Weinberg.

Ault House to Light

AULT, Colo., Jan. 9.—The Princess is being reopened by H. A. Johnson and F. H. Hendrickson. The house has been closed for several years.

Buy Marietta, O., Site

MARIETTA, O., Jan. 9.—The Marietta Concrete Corp. has purchased a Second St. site for a theatre. Schine will operate.

Form Amytis Amusement

ST. LOUIS, Jan. 9. — Amytis Amusement Corp. has been formed here by R. M. Nelson, G. Bier and V. E. Bier.

Buy Canton, N. C., Strand

CANTON, .N. C., Jan. 9.—The Strand has been purchased by J. E. Massie from Mr. and Mrs. W. R. Sherrill.

Otterson on Coast

HOLLYWOOD, Jan. 9.—John E. Otterson arrived here today and immediately went into conference with Paramount studio executives.

How to Pack 'em in-



GIVE 'EM ROMANCE
with
"Rose of the Rancho"



PUT ON A BIG SHOW
with "Anything Goes"


GIVE 'EM THOSE CURVES
AND A CHANGE OF FACE
with "Klondike Lou"
SPEAK TO TH
OF LOVE with
"Da
MAKE THE WHOLE
FAMILY LAUGH with
"The Milky Way"



GIVE 'EM DOUBLE THEIR MONEY'S WORTH with *"Trail of the Lonesome Pine"*



THRILL 'EM with *"Thirteen Hours by Air"*



CHARM THEIR EARS with *"Give Us This Night"*

Paramount Pictures

—and to prove we're talking facts...read the next page.

Already Packing 'em in





"COLLEGIATE"

Crowds jam Paramount Theatre, Salt Lake City, Utah, to beat last year's Christmas week by 40% . . . Customers crowd Palace Theatre, Dallas, Texas, to beat last year's New Year's week by 35% . . . Thousands pack Capitol Theatre, Worcester, Mass., beating last year's Christmas week by 138% . . . Customers pack Michigan Theatre, Detroit, Mich., beating last year's New Year's week by 40% . . . Patrons pack Metropolitan Theatre, Houston, Texas, to beat last year's New Year's week by 106% . . . Thousands flock to Paramount Theatre, Los Angeles, California, making the best business in eight months.

"THE BRIDE COMES HOME"

Crowds jam Paramount Theatre, Salt Lake City, Utah, beating last year's New Year's week by 52% . . . Customers pack Fox Theatre, Atlanta, Georgia, to beat last year's New Year's week by 85% . . . Patrons flock to Metropolitan Theatre, Houston, Texas, beating last year's Christmas week by 34% . . . Thousands crowd Majestic Theatre, San Antonio, Texas, to beat last year's Christmas week by 28% . . . Crowds jam Minnesota Theatre, Minneapolis, Minn., to biggest business since house re-opened . . . Patrons pack Paramount Theatre, New York, N. Y., to best business in a year.

In other words, we're talking facts when we say:

It Pays to Play a Paramount Picture!

Paramount Pictures

Hardy Opens Case for U.S. At St. Louis

(*Continued from page* 1)

over to Russell Hardy for the Government and the afternoon to ex-Senator James A. Reed for Warners, and Louis Phillips for Paramount.

Hardy took two hours to re-hash allegations contained in his opening in the criminal proceedings. Those who sat through the first case found it generally identical with his earlier presentation with an occasional deletion as to names. Thus it was that, in firing conspiracy charges at Warners, he made specific mention of Herman Starr, Gradwell L. Sears and Abel Cary Thomas, all originally indicted, and subsequently acquitted, except Thomas, who had not stood trial because of illness, but no reference to Harry M. Warner, fourth indicted Warner official and also cleared of the misdemeanor charge with his associate executives.

"Attack by Wealth"

Keynoting his presentation was the statement by Hardy at one point that, "this case is an attack by great wealth on a relatively puny business," later describing Warners, Paramount and RKO as "large corporate clusters." By citation of assets and theatre holdings he endeavored to demonstrate his point. The statistics he marshalled included the statement that the average number of features produced in the last four years totaled 340; that during the fiscal year 1934 and 1935 Warners had produced 60 or 16.2 per cent, Paramount 65 or 17.5 per cent and RKO 50 or 15.1 per cent, making a grand total of 175 or 48.8 per cent of the entire number available. Allowing for Metro and United Artists at Loew's here, Hardy's proffered conclusion was that Warners, with only two theatres, had available virtually 50 per cent of the first run product, while Fanchon & Marco with its five houses had to be content with approximately 25 per cent.

In the afternoon and during his presentation, Phillips hit back at Hardy's charges by computing the total feature output as between 600 and 700, produced by 20 or more companies of which eight were majors. Of this annual output he asserted the three defendant companies produced between 140 and 150.

Reed Speaks 90 Minutes

Reed spoke for 90 minutes, emphasizing highlights as he saw them with pointed finger. In considerable detail he outlined Warners' experience in the local theatre field and took the position that the company's entry into the first run field by leaseholds on the Orpheum and Shubert-Rialto were necessitated by the alleged monopoly created by the F. & M. interests. He contended Warners had to deal with this group or remain out of the city and asserted it had been the decision not to sell the plaintiff because of the continued "enmity" of Harry Koplar over a long period of years.

He described as another purpose of the present action an effort to compel Paramount and RKO to cancel their film deals with Warners in this city, thereby compelling a sale with F. & M. or "abandon the city." This and many other points were not new, having already been covered in the first case.

Large segments of Phillips' opening, as in the case of both Hardy and Reed, had been gone over in the indictment proceedings by William R. Gentry, special local counsel for Paramount. It was Phillips' first appearance in any court in about a year and the general consensus of opinion among film men present was that he did a thoroughly representative job.

Says Para. Within Rights

He argued Paramount was entirely within its rights in having canceled its franchise with Skouras Super Theatre Corp. on the ground the latter company had failed to pay its bills and had ultimately gone into receivership. This was by way of explaining how Paramount figured it had been entirely within its rights in subsequently selling its pictures to the landlords of the Ambassador, Missouri and New Grand Central and to Tom K. Smith, receiver for these properties. The Government allegation is that this franchise was one of the chief assets of the theatres. Paramount counsel asserted F. & M. were not "parties or privies to the franchise agreements" and that Skouras Super Theatres had had no power to assign the franchise elsewhere.

RKO Statement Next

Phillips constantly maintained Paramount had never attended any of the various bondholders' meetings at which reorganization plans for the three theatres had been discussed; that Paramount had never purchased any of the bonds nor had it made any threats or negotiated for theatres in St. Louis and that therefore it could not have been a party to any alleged conspiracy. He charged Paramount had been indicted on perjured testimony of Harry C. Arthur. Arthur, Marco Wolff and Jack Partington for the second time did not attend the sessions until a few minutes before court adjourned. Herman Starr arrived from New York today and appeared in the afternoon, as did Gradwell L. Sears, who came in from Chicago. Spyros Skouras, who will be the first important Government witness unless Hardy switches his strategy, reached here from New York but repaired to the Park Plaza, not the Federal Building. Another arrival was Gordon E. Youngman, New York staff lawyer for RKO, with a Florida tan. Ernest L. Wilkinson, F. & M. attorney from Washington, checked in for the first time, during the last half-hour.

The opening statement for RKO is yet to be heard. This is to be the first order of business on Friday. Following that will come arguments by counsel for the Ambassador and Missouri, who is seeking to quash subpoenaes calling for records sought by the Warners. Reed solicited a Saturday adjournment for personal reasons. Federal Judge Joseph West Molyneaux denied it, stating quickly he was for the elimination of as many delays as possible. Jacob M. Lashly, special RKO counsel, sought a recess next Wednesday, when another case in Springfield, Mo., will require his presence. This also was denied.

New York film men found some solace in this, but not much. There is considerable resentment making the rounds over the enforced stay here while arguments over legal points delay the testimony of witnesses. The general opinion is that Government counsel must have known of the improbability of calling witnesses for the first four or five days.

In the meantime, the ranks show every evidence of swelling in number. Harry M. Warner will testify again, according to Reed. George J. Schaefer and Neil F. Agnew likewise will return; not under subpoena but as Paramount witnesses.

Starr flew back to New York tonight, when he found he was not needed to testify at once. Frederick W. Wood was confined to his bed and is not expected in court tomorrow.

Some Jump!

St. Louis, Jan. 9.—"The scene now shifts from St. Louis to New York," intoned Russell Hardy in the middle of his opening statement for the Government here today.

Federal Judge Joseph West Molyneaux called a five-minute recess.

"It takes more time than that for that kind of a jump," remarked one observer.

ITO Plans Action Against Fox Zoning

KANSAS CITY, Jan. 9.—After re-electing all officers here today, the I.T.O. voted to proceed with legal efforts to break up what it termed the "unfair zoning and clearance" of Fox-Midwest.

President Rolsky will confer with attorneys within the next few days to outline the course which the litigation will take. Members who have bought protection over other independents are to relinquish immediately. Some members are reported to have already done this.

Variety Officials Selected by Harris

PITTSBURGH, Jan. 9.—Four national representatives of Variety Club have been appointed by John H. Harris, national chief barker.

They are: Harry Goldstein, for Pittsburgh, Columbus and Cincinnati; Jack Flynn, for Cleveland, Detroit, Albany and Buffalo; Carter Barron, for Washington, D. C., and Philadelphia; J. E. Fontaine, for Milwaukee, Minneapolis and Indianapolis; R. C. LiBeau, for St. Louis, Kansas City, DesMoines and Omaha.

Louisiana Women to Probe Bank Nights

NEW ORLEANS, Jan. 9.—Bank Night in neighborhood houses is to be investigated by a committee of the Louisiana Council of Motion Pictures. One of the things that started the probe was the fact that a six-year-old child recently won $105 at a show.

Minnesota at $31,326

Through error it was stated that the gross at the Minnesota, Minneapolis, for the week ending Jan. 3 was $12,000. It should have been $31,326. The screen attraction was "The Bride Comes Home" and the stage show was headed by Burns and Allen.

Seek Adjustment of Matinee Time Fight

ST. LOUIS, Jan. 9.—Fred Wehrenberg, president of the M. P. T. O. of St. Louis, Eastern Missouri and Southern Illinois, today was seeking a conference with Harry Arthur of F. & M. to solve the problem resulting from the extension of the matinee at the F. & M. Ambassador, Missouri and Fox from 6 to 7:30 P. M. Some exhibition contracts provide that matinee time and prices end at 6 P.M. and certain second and subsequent runs are considering refusing to play films where the matinee time has not been observed by first runs.

Arthur was invited to an exhibitor conference on the matter yesterday, attended by distributor representatives, but could not attend. Arthur shifted the time when outlying houses failed to eliminate exhibition practices to which he objected, claiming his original return to the 6 P. M. time was contingent on the elimination of the practices. Wehrenberg said Arthur did not give the exhibitors sufficient time to adjust the matter.

Spoor Set to Make 3-Dimension Films

CHICAGO, Jan. 9.—George K. Spoor declared here today that he would begin the production of three-dimensional films within 30 days. It is planned to film stage plays performed in a New York studio, which will be the center of the venture. Later, according to Spoor, full length operas will be produced with the original casts.

Wanger Adds to Space

HOLLYWOOD, Jan. 9.—Walter Wanger has taken over another building on the General Service lot to house his directors. Raoul Walsh is preparing for "Big Brown Eyes." William Seiter has "The Moon's Our Home" in production. Al Santell is preparing "Spendthrift." Edwin Ludwig is preparing "Brazen." Aubrey Scotto is starting "Palm Springs." Joseph Santley is waiting for an assignment, and Anton Litvak will direct "Sahara."

Franchot Sonotone Head

C. P. Franchot, vice-president and general counsel of Sonotone Corp., was appointed president yesterday to fill the vacancy caused by the recent death of Dr. Hugo Lieber. The company's annual meeting of stockholders is scheduled for next month.

Bill Pine East

ST. LOUIS, Jan. 9.—Bill Pine, Paramount studio publicity head, left here by air for New York tonight after looking in on the equity hearing. He is coming east to discuss plans for new product, including "Desire," with Marlene Dietrich.

Sign Elizabeth Russell

HOLLYWOOD, Jan. 9.—Paramount has signed Elizabeth Russell, sister of Rosalind Russell, to a term contract. Miss Russell is currently appearing on the New York stage, but will report to the studio Feb. 2.

To Have Stage Shows

BRIDGEPORT, Jan. 9.—Loew's Majestic will inaugurate stage shows Jan. 17.



"C'EST BEAU, MISTER
"C'EST MAGNIFIQUE

Right Again, Jimmie! "Magnificent" Is th
for These Trade Reviews on Warner Bro

"All connected with this picture can take bows . . . Perfect entertain

"Loaded with suspense . . . from the picture palaces to the shooting g

"A film to delight the hearts of showmen. Strong appeal both f

"Sure-fire . . . thrill-packed . . . Excellent filmfare . . . should
—S

"Has everything! Cagney and O'Brien at their best in reall

"Greatest air film since 'Hell's Angels'. Cagney, O'Brien top eve
—Ji

FROM THE THRILLER THAT MADE BROADW

CEILING Z

JAMES Starring

CAGNEY and O'

With June Tr
Henry Wadsw
By the only avic
Directed by th

Another big show ready and waiting to follow the sensational runs of "Captain Blood," the holdover hit from
WARNER BROS.

AGNEY!"

MY DEAR O'BRIEN!"

nly Word

Latest Hit!

... it can't miss."
—*Variety Daily*

es it's box-office."
—*Film Daily*

n and women."
Motion Picture Daily

ndout business."
en's Trade Review

h voltage stuff."
awcett Publications

g they've done."
Fidler, Radio Critic

SAY ITS PRAYERS!

ERO

PAT

RIEN

Stuart Erwin • Barton MacLane
• Martha Tibbetts • Isabel Jewel
aywright—LT.-COMM. FRANK WEAD.
ious war ace — HOWARD HAWKS



Some 'Truckin'"!

Serializations now running daily in key papers from coast to coast are just one item in the big-space publicity and ad build-up that will precede the Jan. 25th release of this COSMOPOLITAN PRODUCTION

A First National Picture

THE BOX OFFICE GOES 'ROUN

$ WHOA HO LISTEN TO

VARIETY

Fancy B'way B.O. 'Obsession,' 10 Days, $135,000;

Radio City Music Hall

VARIETY

Auto City Vibrates Beaucoup B. O., 'Obsession' 29G

Behind good exploitation with strong local angle on author of book, 'Magnificent Obsession,' is pulling in a terrific $29,000 this stanza at Fox.

MUSIC
D and AROUND
HO O-O-O
HE GROSSES SING!

VARIETY

'OBSESSION' IN BUFFALO A WOW $16,000

'Magnificent Obsession' at the Lafayette has developed into a heavy sock. All records for the house are going by the boards, the nearest approach being 'Sin Takes a Holiday' five years ago at 35c. top. Starting with New Year's Eve show the picture had been doing consistent turnaway business.

Lafayette (Ind.) (3,400; 25)—'Magnificent Obsession' (U). Far and away the outstanding attraction of the town and the best the house has had in years; near riot at probably over $16,000. Last week.

VARIETY

ST. L. CHEERFUL, 'OBSESH' $14,000,

Estimates for This Week

Fox (F&M) (5,038; 25-35-55)—'Magnificent Obsession' (U). Can't miss $14,000 for a very good week.

Fox Theatres Claims Cut to $2,949,103

(Continued from page 1)

include one for $430,941 filed by A. C. Blumenthal and counsel, which was disallowed entirely; a claim of the Continental Bank & Trust Co. of N. Y. for $2,675,000, which was allowed at $891,925; one for $304,903 by Criterion Advertising Co., allowed at $12,555; one by J. A. Lacy for $250,000, disallowed entirely; one by the State of New York for $111,927, allowed at $607, and one by Fox West Coast Service Corp. for $39,355, disallowed entirely.

The largest of the 14 claims against Fox Theatres remaining to be heard include one by Burroughs and Boas for $2,304,184; Chicago Title & Trust Co., $1,159,380; Halsey, Stuart & Co., Inc., $1,000,000; Lexington Ave. & 59th St. Corp., $1,250,000; Roxy Theatre Noteholders Protective Committee, $1,138,100, and Trust Co. of Georgia, $1,032,563.

Receiver's Report Itemized

The receiver's report lists cash on hand of $780,217, as of Dec. 31, last. This includes a cash balance of $645,410 on hand at the time of the receiver's last report, June 30, 1935, and a payment of $150,000 received in November from United Artists Theatre Circuit, Inc., in settlement of Fox Theatres' claim against Fox Metropolitan Playhouses, under which Fox Theatres relinquished its option to acquire 50 per cent of the stock of Metropolitan Playhouses, the reorganized Fox Met company. The stock was taken up by United Artists Theatre Circuit and K-A-O.

Cash receipts during the six months period covered by the report amounted to $190,082 and disbursements were $55,274. The report notes that operations under the receiver include the Academy of Music, New York; Elizabeth, Elizabeth, N. J.; the Broadway and 165th St., New York; the Isis, Denver, and Nelson, Springfield, Mass.

Extend Fox Receivership

The receivership of Fox Theatres Corp. was extended yesterday for another six months, ending July 12, under an order signed by Federal Judge Martin T. Manton. Milton C. Weisman, attorney, continues as receiver of the company.

Bank Night Suit Jan. 28

BOSTON, Jan. 9.—The infringement suit brought by Bank Night against Parlay Cash Night is set for hearing here in Federal District Court on Jan. 28. George S. Ryan, attorney for the plaintiff, seeks the banning of the rival giveaway and an accounting. Harry Bloomberg and Meyer Gruber are promoters of Parlay Cash Night.

Steiner with Selznick

HOLLYWOOD, Jan. 9.—David O. Selznick has arranged with Radio for the services of Max Steiner to arrange the musical score for Selznick International's film, "Little Lord Fauntleroy."

John Gilbert Dies Of Heart Failure

(Continued from page 1)

roles in a career going back nearly 20 years was in "Apostle of Vengeance" for Ince in 1917. He played in "Heart of the Hills" for First National in 1919 and in "The Count of Monte Cristo" for Fox in 1922. From there he went to M-G-M, where he appeared in a long series of films, both silent and talking.

Among the outstanding pictures were: "He Who Gets Slapped," "The Merry Widow" and "The Big Parade," in 1925; and later in "His Glorious Night," "The Hollywood Revue," "Redemption" and "The Big Parade" in sound, "Fast Workers" and "Queen Christina," in 1934. Last year he appeared in "The Captain Hates the Sea" for Columbia. In recent months he has been inactive. He had been married to Leatrice Joy, Ina Claire and Virginia Bruce, each marriage ending in divorce.

R. G. Canti Dead

LONDON, Jan. 9. — Dr. Ronald George Canti, a pioneer in making films for scientific research, notably on cancer, is dead here at the age of 52. He was one of the first to apply the film technique to microscopy for demonstrating changes in the bacteria in living tissues. He himself made the machines for this work, and showed his films before the Royal Society here and similar organizations in other countries. In 1929 and 1930 one of his films was shown before medical audiences in the United States.

William Rudolph Passes

William Rudolph, 60, once publicity agent for Clara Kimball Young and numerous other stars of the silent films, died of a heart attack at his room in the Hotel Edison Wednesday night.

Lambs Appeal Tax To Supreme Court

WASHINGTON, Jan. 9.—Lambs Club in New York has appealed to the Supreme Court for a review of a decision of the Court of Claims, which last November held against the club in the assessment of a tax of $101,121. The brief, submitted by Harvey L. Rabbitt, local attorney, contends the Lambs is not a social, athletic or sporting organization within the meaning of the Internal Revenue laws, but serves as an actors' exchange or clearing house. It is, says the brief, "equivalent to an employment agency, a place where members meet producers and managers and sell their plays and procure employment."

Brandt Closing Deal On Italian Pictures

Arrangements by which Joe Brandt will handle a selected list of Italian productions for distribution here will be completed within the next few days, Brandt said yesterday. Preliminary arrangements were made during Brandt's recent trip to Italy.

Brandt, who returned from Hollywood Wednesday, said that he would arrange financing for one picture to be made by E. B. Derr and Charles Sullivan if an acceptable story could be acquired.

Reisman Predicts International Films

(Continued from page 1)

mum of dialogue and a maximum of action which lend themselves readily to superimposing and dubbing, musical pictures, operatic and popular, are very definitely box-office successes. As such pictures have proven equally successful locally, a greater percentage of suitable world product should come out of Hollywood this year than at any time in the past.

Conditions generally throughout foreign countries continue to show a definite upturn. If this progress continues, and we have every reason to believe that it will unless a major catastrophe occurs in Europe or Asia to upset present gains, more money will be available for entertainment. This in turn will result in increased theatre patronage but only for product in harmony with the ideology and tastes of our foreign audiences.

There will be competition from improved foreign product and from pictures produced to meet existing quota requirements in particular countries. We shall probably suffer from obstructive legislation in other quarters. Despite these handicaps, the world public has been educated to demand the artistic and technical perfection found primarily in Hollywood-produced pictures, and American pictures will, for this reason, continue to dominate the world market in 1936 provided our producers continue to stress the international angle in their forthcoming product.

Houses Will Drop Games If Lottery

(Continued from page 1)

furthermore, only one summons will be issued against the operator of each type of giveaway so that a speedy test of the legality of all cash games now in use may be had. Any game then held by the courts to be a lottery will be abandoned by the member theatres in the Bronx, it was said.

An appeal of a $250 fine imposed on the Tremont recently is pending for the operation of Dough Nite and this game will not necessarily be banned by I. T. O. A. houses until the appeal is decided. Foley met with representatives of I. T. O. A. and major metropolitan circuits on Tuesday and warned against continuance of the cash giveaways in Bronx theatres.

F. & M. Shows Gain In Chicago Houses

CHICAGO, Jan. 9.—Fanchon & Marco units will be headlined in three local theatres here the week of Feb. 14. Al Pearce and his gang will be at the Palace, Olsen & Johnson at the Uptown and Jackie Coogan and Betty Grable in their "Hollywood Secrets" show at the Oriental.

F. & M. is now supplying 100 per cent of the stage talent for all RKO theatres in Chicago in connection with the RKO first run films. F. & M. talent is also featured in many of the B. & K. situations and will shortly supply all talent for that circuit, according to John A. Schultz of the F. & M. office here.

Northwest Has Hope for Gain Close to '29

(Continued from page 1)

two weeks and more for certain films are common, and will become more general during the coming season, Johnson predicts.

Another satisfactory picture is presented by John Danz and Roy Cooper, general manager of the Danz circuit. These houses, under the name of Sterling Chain Theatres, Inc., operate on a second run basis in the downtown area and also in the neighborhood districts of Seattle. Their 1935 business was the best in the company's history, they report, and they predict that 1936 will surpass the year just ended by at least 15 per cent.

Exhibitors in smaller towns are feeling the effects of better conditions, according to exchange managers. These men, report a much better feeling among exhibitors as a result of improved general conditions.

Wide Business Progress

Here are a few facts pertaining to the territory, particularly Seattle and the state of Washington, that indicate a steady improvement in 1936:

Washington farmers in 1935 increased their total revenues by more than $7,000,000.

Salmon packers ended the year with substantial price increases that will continue into 1936.

Seattle real estate values made a sharp rebound from former low levels and real estate bonds are now making recoveries.

The lumber industry is entering 1936 with a rush of orders, with shingle manufacturers expecting the biggest volume since the post-war building boom.

Volume of goods moving over Seattle docks in 1935 was greater by 500,000 tons than the previous year. A similar increase is expected in 1936.

Bank earnings showed substantial recoveries in 1935, and leading bankers of the territory predict an increase of 10 to 15 per cent in transactions during 1936.

Retail sales volumes are expected to reach 1929 levels during the present year, according to leading store executives.

Northwest car loadings continue to increase, and it is predicted that the percentage of gain during the first quarter of 1936 over the comparable quarter of 1935 will exceed that of any other section of the nation.

With these facts in mind and with many films better than ever before, it is felt locally that the hopes and expectations for 1936 are based on a foundation of fact.

"U" Picks New Title

HOLLYWOOD, Jan. 9.—Universal has changed the title of the new Sally Eilers-James Dunn film, "Tomorrow Is a Better Day," to "Don't Get Personal."

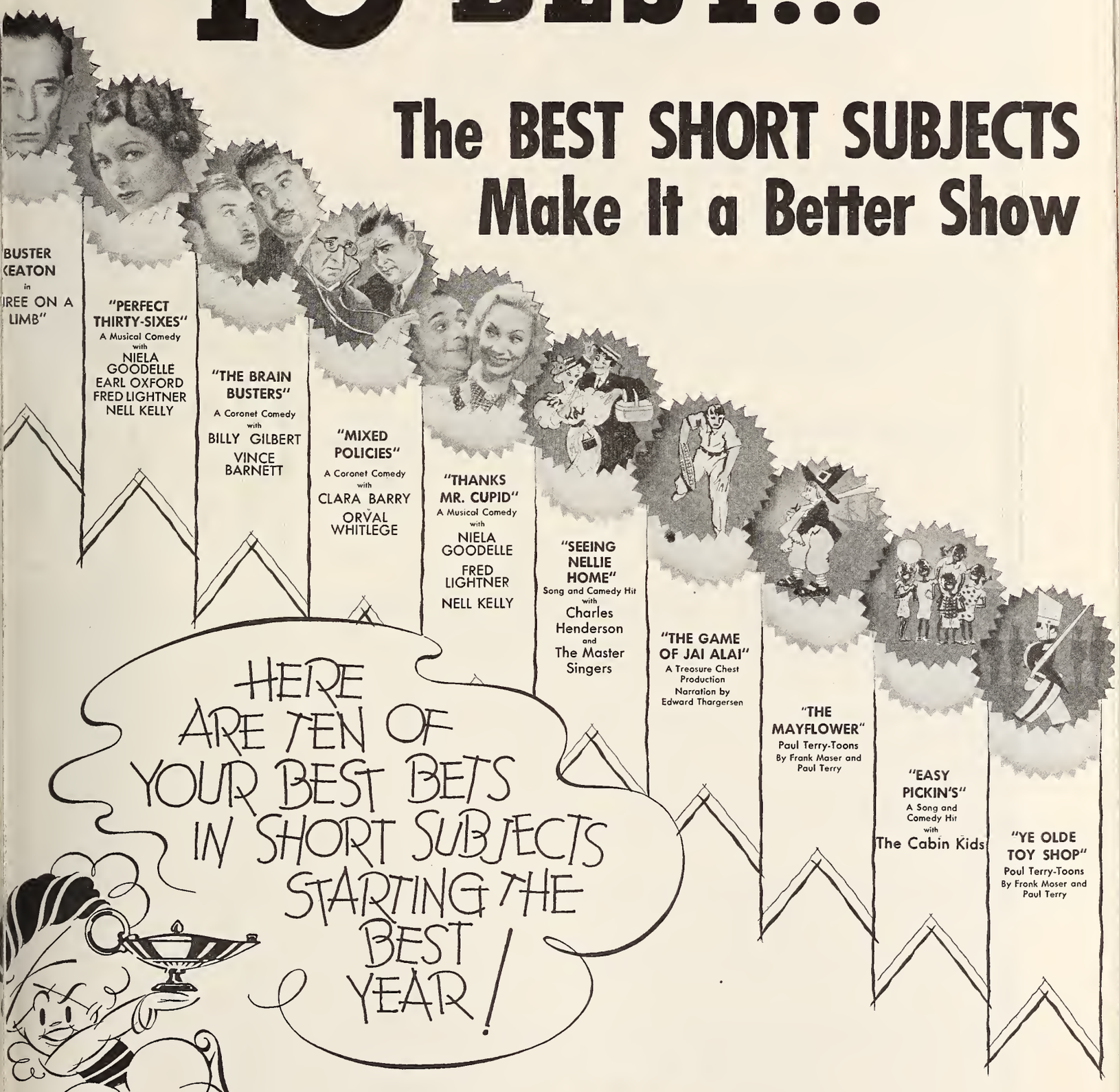
Gulf Bays Chartered

ST. PETERSBURG, Fla., Jan. 9.—Gulf Bays Amusement Corp., has been formed here by E. M. Peters, E. G. Peters and E. R. McNealey.

Even When You're Playing One of the Year's

10 BEST...

The BEST SHORT SUBJECTS Make It a Better Show



Educational Pictures
THE SPICE OF THE PROGRAM

Distributed in U.S.A. by
20TH Century-Fox Film Corparation

Presented by
E. W. HAMMONS

HAIL THE NEW COAST-TO

20th Century-Fox gives the trade a new wonder-show. Returns from early showings prove its super-charged box office power. Grab it . . . date it . . . push it . . . and break your records, too!

PHILADELPHIA (*Fox Theatre*) Broke every house record for the last five years!

BUFFALO (*Century Theatre*) By far the biggest of any Fox picture this season!

COLUMBUS (*Loew's Broad*) Topped everything but record-holding "Steamboat Round the Bend".

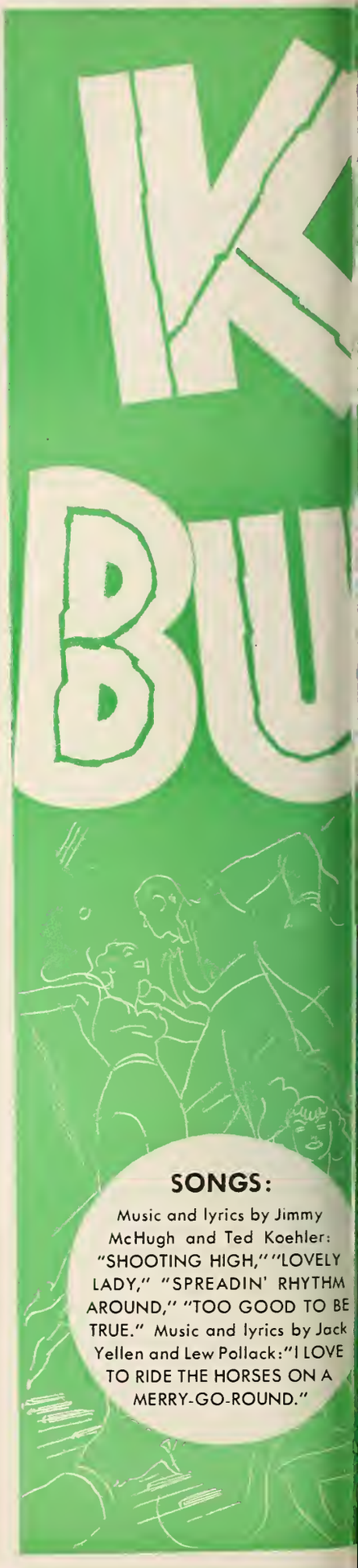
LOUISVILLE (*Strand Theatre*) Beat everything but Will Rogers' biggest.

KANSAS CITY (*Uptown Theatre*) Tremendous business almost equalled "Steamboat Round the Bend" record.

MILWAUKEE (*Wisconsin Theatre*) Beat everything in months.

LOS ANGELES (*Chinese and Loew's State*) Positively sensational day-and-date showing tops everything in sight!

No wonder "TIME" names it: "One of the year's best musicals!"



OAST BOX OFFICE KING!

NG OF
RLESQUE

Starring

WARNER BAXTER

(Even greater than in "42nd Street")

ALICE FAYE · JACK OAKIE

MONA BARRIE · ARLINE JUDGE

GREGORY RATOFF · DIXIE DUNBAR

HERBERT MUNDIN · FATS WALLER

NICK LONG, JR. · KENNY BAKER

Associate Producer: Kenneth Macgowan. **Directed by Sidney Lanfield**

Screen play by Gene Markey and Harry Tugend. From a story by Vina Delmar. Dances and ensembles created and staged by Sammy Lee

A FOX PICTURE **Darryl F. Zanuck in Charge of Production**

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Variety Club

Buffalo

BUFFALO, Jan. 9—JAKE LEVINE, manager of the Embassy, has been named chief barker for 1934.

Other officers are: First vice-president, JOHN SITTERLEY; second vice-president, ROBERT MURPHY; secretary-treasurer, E. J. HARTIG; directors, CARL KEMPKE, NATE SAUBER, HARRY DIXON, HARRY SEEDEM, KEN ROBINSON, BYRON INTERBITZEN and HERBERT WEBSTER.

New trustees are: EDWARD P. O'SHEA, SIDNEY SAMSON and JACK KAPLAN. The new board of governors includes: MURRAY WHITEMAN, VINCENT MCFAUL, CHARLES HAYMAN, HARRY ALTMAN, RALPH MAW and HERBERT SILVERBERG.

Opening of the new quarters was the occasion of a party attended by about 200 at which Mayor GEORGE ZIMMERMAN and Sheriff WILLIAM EBERHART were added to the roster.

Des Moines

DES MOINES, Jan. 9.—Induction of the new Variety Club here has been set for Jan. 27, according to W. E. BENFORD, chief barker.

JOHN H. HARRIS, national chief barker, is scheduled to be present.

The tent now has about 80 members and is located in enlarged quarters in the Hotel Savery.

Detroit

DETROIT, Jan. 9.—Seven new members have been elected to Variety Club. They are BEN and LOU COHEN, EVERETT E. LUNDBERG, JACK R. WAUGH, JR., CHARLES C. PERRY, JOSEPH B. KRUL and HERMAN C. MERRITT.

Philadelphia

PHILADELPHIA, Jan. 9. — Gov. GEORGE H. EARLE, Mayor-elect DAVIS WILSON, U. S. Senator JAMES J. DAVIS, CONNIE MACK, manager of the Athletics; JIMMY WILSON, manager of the Phillies; JIMMY FOXX, first baseman of the Athletics; HANS LOBERT, Phillies' coach; AL SCHACHT, Washington Senators' coach; GEORGE JESSEL, KEN MURRAY, BOB HALL and others have promised to attend the annual banquet at the Bellevue-Stratford, Jan. 12.

Reservations have been received from practically all the New York offices of film companies, and an attendance of at least 1,000 is expected. The proceeds will go to charity.

Chief Barker JAMES D. CLARK will be inducted into office. Retiring Chief Barker EARLE SWEIGERT tendered a dinner to members at the Penn A. C.

At the time of the annual dinner at the Bellevue-Stratford, the women's auxiliary will have a dinner at the Warwick.

ABE EINSTEIN has been made chairman of the information committee to succeed OSCAR NEUFELD, resigned.

ITO Benefit Planned

KANSAS CITY, Jan. 9.—W. D. Fulton has been made chairman of a committee of the I. T. O. to plan a midnight show at all independent theatres for the purpose of replenishing the treasury. Other members are James Rigney and Edward S. Young.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Rose Marie"

(*M-G-M*)

HOLLYWOOD, Jan. 9.—Hunt Stromberg's production and W. S. Van Dyke's direction have turned this popular operetta into a picture of smash hit calibre. The story is ideally suited for the talents of Nelson Eddy and Jeanette MacDonald and unfolds on the screen as a gripping romance with the musical interludes spotted for their maximum entertainment advantage. Though the screen play differs from the stage version, Frances Goodrich, Albert Hackett and Alice Duer Miller, the adapters, have used the wider scope of the medium to concentrate on the main theme and paint their characterizations with swift, sure strokes.

The plot concerns the efforts of Miss MacDonald, an operatic diva, to reach the side of her brother, James Stewart, who is a fugitive from justice hunted by Eddy, a Northwest mountie. Summoned at the close of a "Romeo and Juliet" performance, she leaves for the woods guided by George Regas. Deserted by Regas, she is saved from drowning by Eddy, who knows her identity and errand. Eddy, placing duty above everything, arrests Stewart, which separates the lovers, who are not reunited until Miss MacDonald has collapsed during a performance of "Tosca" and has returned to the woods to recuperate. Embellishing this outline, bits of "Romeo and Juliet," "Tosca" and an Indian dance ceremony are logically introduced as well as a north woods cabaret sequence in which Gilda Grey does a specialty. Two new numbers by Herbert Stothart and Gus Kahn augment the original Friml-Hammerstein score, but "The Indian Love Call" remains as the outstanding number and is introduced several times to aid the plot development.

Supporting performances are capably given by Reginald Owen, Una O'Connor, Alan Mowbray, and Allan Jones, whose appearance as Miss MacDonald's operatic leading man, seems all too brief.

With definite appeal for all, the picture should draw even those who are not confirmed movie-goers.

Production Code Seal No. 1,871. Running time, 108 minutes. "G."

"Sylvia Scarlett," which opened at the Radio City Music Hall yesterday morning, was reviewed on Jan. 3.

"Riffraff," which was previewed by wire from Hollywood on Dec. 20, opens this morning at the Capitol.

"The Ghost Goes West," last night's preview at the Rivoli, was reviewed by cable from London on Dec. 18.

"Rose of the Rancho," now current at the Paramount, was reviewed on Jan. 4.

"The Crime of Dr. Crespi," this morning's opener at the Rialto, was reviewed on Sept. 24.

Ohio License Forms Encounter Setback

COLUMBUS, Jan. 9.—Despite the fact that the new admission tax law, which became effective Dec. 20, requires the licensing of all places of amusement where the three per cent impost is assessable, the Ohio Tax Commission will not have the licenses ready before the end of January.

Three forms of license will be issued. The itinerary forms will be for traveling shows; the temporary forms for single entertainments, or single series not extending longer than 10 days, and the permanent forms for regularly established theatres, dance halls, amusement parks, golf courses and swimming pools.

The fee for each type of license will be $1.

Charlotte Club Resumes

CHARLOTTE, Jan. 9.—The Jesters Club has resumed its winter meetings with a luncheon. Entertainment was provided by Helen Poole's dancing studio, John M. McAllister (Philco Phil) and Clarence Etters. City Traffic Manager D. E. Skinner spoke. The club was active during the holidays in aiding the poor families in the city.

Ontario Ticket Tax Reaches $1,743,420

TORONTO, Jan. 9.—The Ontario government profited nicely from the amusements tax, launched last June, despite several concessions subsequently granted when exhibitors raised a prolonged outcry.

A year-end report showed that for the nine months ending Dec. 31, the collections were $1,743,420 as compared with only $555,460 for the same nine months of 1934.

The fiscal year does not terminate until March 31 and the budget estimate on the amusement levy for the whole 12 months was $937,000, thus the "expectancy" has been almost doubled with three more months to go. The fiscal year of 1934-5 saw an amusements tax take of $750,000.

Birmingham Shows Stop

BIRMINGHAM, Jan. 9. — Birmingham's roadshow season has come to an abrupt stop.

"Life Begins at 8:40" and "The Student Prince" have stopped. It is understood the companies of Katharine Cornell and Eva LaGallienne will not come here.

Only one show has been profitable.

Short Subjects

"Somewhere in Dreamland"

(*Paramount*)

There are some new departures in handling color in this cartoon. Using the ordinary method of photographing drawings, this effort goes on to the construction and blending of sets, which, richly colored and imaginatively presented, lend a novel note.

The story has a poor boy and girl enduring the hardships of poverty until they are asleep. Slumber takes them to a land of child's delight where there are all the sweets and entertainment they could desire. They awake back in their poor home, but kind tradespeople have greatly improved it. This is a delightful short that will please children and grownups alike. Production Code Seal, No. 0587. Running time, 8 mins. "G."

"The Game of Jai-Alai"

(*Educational*)

Portraying the fast action of the Mexican game from its inception to the modern way it is played, this is an interesting exhibition of something that is new to most audiences. It begins with a comic take-off and covering technique, and the development of the bat used in play, it winds up with a professional game in Mexico City. Production Code Seal, No. 0818. Running time, 9 mins. "G."

Arthur Quinn Advanced

NORFOLK DOWNS, Mass., Jan. 9.—Arthur Quinn has been named manager of the Regent here which has become subsequent run to the Wollaston, another M. P. house, in Wollaston. Quinn was formerly assistant manager at the Strand in Dorchester.

Wall Street

Big Board Gains Continue

	High	Low	Close	Net Change
Columbia	43¾	43	43	— ½
Consolidated	6⅜	6	6⅜	+ ⅛
Consolidated, pfd.	19½	12¼	19¼	+ ¾
Eastman Kodak	159½	159½	159½	—1
K-A-O, pfd.	80	80	80	.....
Loew's, Inc.	54¾	53⅝	54	.....
Paramount	10⅞	10⅜	10⅝	+ ⅛
Paramount 1 pfd.	83	81½	82½	+ ⅝
Paramount 2 pfd.	12⅝	11⅞	12½	+ ⅛
Pathe Film	8	7½	7	— ⅛
RKO	6⅞	5⅞	6⅞	+1
20th Century-Fox.	26⅞	25⅝	26	+ ¾
20th Century, pfd.	38⅛	34⅜	36⅛	+ ⅛
Universal, pfd.	53	52	52	— ¼
Warner Bros.	10⅝	10	10⅜	+ ⅜
Warner, pfd	52	50¾	52	+1

Sonotone, Trans-Lux Up on Curb

	High	Low	Close	Net Change
Sentry Control	9/16	9/16	9/16	.....
Sonotone	1⅞	1¾	1⅞	+ ⅛
Technicolor	20½	19½	19⅝	— ⅞
Trans-Lux	3½	3⅜	3½	+ ¼

Bonds on Upgrade

	High	Low	Close	Net Change
General Theatre 6s '40	23¾	23¼	23½	+ ¾
General Theatre 6s '40 ctf	24⅛	22¾	23½	+1¼
Keith B. F. 6s '46	96	95	95½	+ ½
Loew's 6s '41 ww deb rights	104	103¾	103¾	— ½
Paramount B'way 3s '55	59⅝	58⅞	59	+ ¼
Paramount Pict. 6s '55	95½	94¾	94¾	.....
RKO 6s '41 pp	82⅜	80½	82⅜	+ ⅜
Warner Bros. 6s '39 wd	88½	88	88¾	+ ¼

(Quotations at close of Jan. 9)

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tionally posted with "Spy" advertising will help

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Greta NISSEN IN

SPY 77

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ON ALVARADO
CARL DIEHL
Directed by ARTHUR WOODS

BIP
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AN ALLIANCE FILM

FIRST DIVISION

RY H. THOMAS, PRESIDENT • EXECUTIVE OFFICES • RKO BUILDING • RADIO CITY, N.Y.

WHAT THE PICTURE DID FOR ME

First National

CASE OF THE LUCKY LEGS, THE: Warren William, Genevieve Tobin—Pleased a lot of people who follow the adventures of Perry Mason. Drew well and they asked for more of this type. Played November 11-12.—Mayme P. Musselman, Princess Theatre, Lincoln, Kan. Small town patronage.

OIL FOR THE LAMPS OF CHINA: Josephir Hutchinson, Pat O'Brien, Jean Muir—This is a sv one. Everyone pleased even though it is a little l It certainly boosted Pat in this village, but we do think anything could boost Josephine Hutchir Played October 30-31.—Talisman Theatre, Rosec Miss. Small town patronage.

GB Pictures

ALIAS BULLDOG DRUMMOND: Jack Fay Wray—Wow! What a nightmare. W they (cash customers) will come back.—Reg ton, Strand Theatre, Ransom, Kansas. Rur age.

Invincible

GHOST WALKS, THE: John Miljan. —A dandy program picture. Excellent ing. Holds the interest, and has goo rial. It sent them out laughing. Ge motto for showmen was: "Always le ing when you say goodbye." Sound gers. Running time, 65 minutes.— Globe Theatre, Holyoke, Mass. Gen

Metro-Goldwyn-

AFTER OFFICE HOURS: Cla Bennett—Anyone who don't like ailment. Lots of everything, sure does his stuff and Connie Rankin, Plaza Theatre, Tilb General patronage.

ANNA KARENINA: Gret —Didn't draw but you can't or the stars. Rather slow- town picture. Should have some older picture. Play P. Musselman, Princess Th town patronage.

ANNA KARENINA: Freddie Bartholomew—T we have shown in the customers to come to se No over acting. Right I your public. Played N tre, Rosedale, Miss. S.

BARRETTS OF WI ma Shearer, Fredric picture, as we all kn ness. If it don't it w you a lot of good. V received many favora Plaza Theatre, Til patronage.

BONNIE SCOTL glorified two-reel co tain following that lematical how long of a type.—A. E. bia, City, Ind.

BROADWAY Merkel, Robert musical of the y mosa, Iowa. C

CALM YO Robert Youn yes, yes, an men in earl Saturday Played Se tre, Camb

CHINA Beery— ter Mc expect Harlo Octol Carr

Barometers of

¶ The box-office pulse of the motion picture industry is consistently and accurately reflected in these two straight-from-the-exhibitor features of Motion Picture Herald.

¶ They provide the final gauge of talent value in authentic, concise form as reported by those who sell motion pictures direct to the public.

¶ "What The Picture Did For Me" is a picture reporting service conducted by exhibitors and for exhibitors.

MOTION PICTURE

• A Quigley Publication

THEATRE RECEIPTS

eatres | Current Week | Previous Week | High and Low Gross

045,250, a decrease of
November '6, 193-.

ERALD *expressly forbidden*)

(Tabulation covers period from January, 1934)
(Dates are 1935 unless otherwise specified.)

High 9-7 "Hot Tip" (plus stage show "Folies Bergere")	35,000
w 8-3 "A Dog of Flanders" and "What Price Crime"	4,000
gh 1-6-34 "Lady Killer" and "Girl Without a Room"	12,000
w 7-20 "Don't Bet on Blondes" and "Ladies Crave Excitement"	2,500
gh 9-7 "Top Hat"	33,000
8-17 "Jalna" (6 days)	5,500
1-16 "Mutiny on the Bounty"	24,500
"Sanders of the River" and "Unknown Woman"	7,500
"Private Worlds"	41,000
"Men Without Names"	14,000
4 "Lady Killer" and "Girl Without a Room"	12,000
Don't Bet on Blondes" and adies Crave Excitement"	4,000
"Design for Living"	26,000
"Music in the Air"	5,000
k of the Vampire" and lette"	8,200
Love" and g of Flanders"	3,800
tiny on the Bounty"	22,000
entlemen Are Born" "Marie Galante"	3,800
House of Rothschild"	18,000
"	4,000
Married Her Boss"	17,000
s Gentlemen" and Wives"	4,100
's Paw"	16,000
rough"	3,000
issue)	
ves Me Not"	66,000
Day Princess	19,000
Ladies"	9,000
ork Night"	3,000
Vanted"	25,500
owes' Amateurs)	
Nurse"	12,000
	32,500
Kernels"	8,000
Others"	27,000
rlude"	6,000
Precious Thing	19,000
w"	8,000
hschild"	30,000
ove Story"	10,000
Boss"	7,500
	1,400
	27,500
e"	2,900
	39,000
deet"	4,000
"	28,000
Juan"	3,500
y"	12,000
	2,000
	9,000
	600
	16,500
	800
	17,500
	4,000
	500
	100
	00

the Industry

Only those representing theatres that are 100% independent may participate.

¶ "Theatre Receipts" is a tabulation of grosses of individual pictures in key cities, representing 8,000 bookings in 157 key theatres.

¶ Each is a definite guide to the nation-wide trade value of the finished product. Hence both are followed by every branch of the industry—exhibition, distribution and production alike—by showmen, by actor and director as well.

HERALD

New York - Hollywood - Chicago - London





IT'S GOOD SENSE TO PLAY THE FAVORITE!

Again this year's check-up at the Box-Office finds Leo at the front—by a wide margin. This magazine lists all the industry's Box-Office Champions from 1930 up to June of 1935. *Out of a total of 79 Box-Office Champs listed, M-G-M has 21 and the nearest competitor has 13.* That doesn't even cover the second half of 1935 which included such hits as "China Seas", "Broadway Melody of 1936", "Mutiny on the Bounty", "A Tale of Two Cities", "A Night at the Opera", "Ah Wilderness", "Whipsaw", "Riffraff," and others.



"AND 1936 COMES IN LIKE A LION!"

For instance: ROSE MARIE *with* Jeanette MacDonald, Nelson Eddy; SMALL TOWN GIRL *with* Janet Gaynor; TARZAN ESCAPES *with* Johnny Weissmuller; THE GREAT ZIEGFELD *with* William Powell, Myrna Loy, Luise Rainer; WIFE VS. SECRETARY *with* Clark Gable, Jean Harlow, Myrna Loy; ROBIN HOOD OF ELDORADO *with* Warner Baxter; GORGEOUS HUSSY *with* Joan Crawford; ROMEO AND JULIET *with* Norma Shearer, Leslie Howard; THE GOOD EARTH *with* Paul Muni, Luise Rainer and more!

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 9 NEW YORK, SATURDAY, JANUARY 11, 1936 TEN CENTS

Circuit Moves Are Marked in West, Midwest

Expansion and Personnel Changes Numerous

Circuit expansion moves in the midwest and west, numerous shifts in personnel and reopening and reconstruction of theatres have gained momentum with the opening of the New Year.

In Chicago Essaness has made a number of changes in the past few days. Sam Harris has been moved from the American to the Byrd, Elmer Immerman has gone from the Byrd to the Davis and Harry Neill has been made manager of the Crawford. Kermit Githens is acting manager of the American and Harry Wren is the new assistant at the Sheridan.

Supervisors for Essaness now in-

(*Continued on page 2*)

H. L. Clarke Heard By Sabath Probers

Harley L. Clarke, former head of Fox Film Corp., was questioned yesterday by counsel for the Sabath Congressional Committee for the investigation of real estate reorganizations in connection with the recent reorganization of General Theatres Equipment Co. The examination of Clarke will be resumed Monday in a continuation of the closed hearings which have been conducted by the committee for the past month.

Murray W. Garsson, counsel for the committee, said that no arrangements had been made yet for the resumption of open hearings due to the attendance of members of the committee at sessions of Congress.

Jack L. Warner Is Married to Ann Page

Jack L. Warner, vice-president in charge of production for Warners, was married to Ann Page of Los Angeles yesterday at 5 P. M. at Armonk, in Westchester County. A few friends attended the ceremony. It is understood the couple will spend a short honeymoon in Palm Beach, and then will go to the Warner home at Beverly Hills.

Rev. Dr. Leonard Schwartz officiated. Regina Crewe was matron of honor and her husband, Herbert Knight Cruikshank, was best man. The couple attended a reception at the Cruikshank home.

Mystery Trip of Arthur, Wolff, Partington Stirs Speculation

St. Louis, Jan. 10.—A mysterious trip to New York and return of Harry C. Arthur, Jack Partington and Marco Wolff is stirring speculation among some of those attending the equity proceedings here against Warners, Paramount and RKO.

It is reported a sudden telephone call hurried them east by air Monday night only a handful of hours after they arrived under subpoena as witnesses for the Government. Arthur and Wolff returned on Thursday as the resumed session on that day was drawing to a close. Partington may have come with them, but if so it was not in evidence around the Federal Court building.

During recesses today two additional interesting incidents took place in the corridor. One was a short but intense conversation between Arthur and Spyros Skouras, followed shortly thereafter by another engrossing talk between Arthur and William T. Powers, attorney for Skouras.

While Russell Hardy is keeping other film men cooling their heels and restlessly awaiting call to the witness box, Arthur, Partington and Wolff either had no trouble or sufficient reason for getting temporary releases from the Government attorney.

Variety Dinner To Draw Notables

PHILADELPHIA, Jan. 10.—The first annual banquet of the Philadelphia Tent of the Variety Club, Sunday, from advance notices, shows promise of being an outstanding function.

The Bellevue-Stratford will be the gathering place of over 1,000 Variety Club members and an imposing array of guests of honor from this and nearby states, the world of sports, journalism and the theatre.

Outstanding figures who will at-

(*Continued on page 2*)

"Bride" at $40,000 In Para. Holdover

"The Bride Comes Home" held up in a big way in its second week at the Paramount with a take of $40,000, the best showing among the Broadway houses.

"A Tale of Two Cities" took $29,000 in its second week at the Capitol. "Dangerous," also a holdover, at the Rivoli, was good for $14,500.

"First a Girl" and a stage show at the Roxy garnered $31,000. "Captain Blood" was strong in its second week at the Strand with a take of $29,200.

N. Y. Moves on Sale Tax Upset Ohio ITO

NEW YORK, Jan. 10.—Word from New York that exchanges are collecting the New York City sales tax on all transactions has disturbed members of the Independent Theatre Owners of Ohio, because of the fear that the State Tax Commission may use this as a precedent here.

A few days before the sales tax went into effect here the I. T. O.

(*Continued on page 2*)

Standard to Decide On Deal Next Week

A decision as to whether or not Standard Capital Co. and associates will exercise their option to purchase control of Universal will be made probably by the end of next week, J. Cheever Cowdin, head of Standard, said yesterday.

Cowdin said that the study of Universal's financial position and working capital requirements, bearing upon an exercise of the option, is still incomplete. Standard has been at work on

(*Continued on page 2*)

Fox May Use Cash in Retiring Debentures

Twentieth Century-Fox Film Corp. may retire its $1,696,600 of convertible six per cent debentures due April 1 with cash on hand, rather than with new financing, it was reported yesterday. In addition, it was said that discussions have been held on the possibility of reducing $1,556,300 of Fox Realty Corp. of California sinking fund 6s and $748,900 of Fox Film Realty Corp. sinking fund 6s, both due in 1942, with new issues at a lower rate of interest.

Private Services For Gilbert Today

HOLLYWOOD, Jan. 10. — Private funeral services for John Gilbert, who died yesterday of heart failure, will be held tomorrow in a Beverly Hills chapel, with only relatives and close friends attending by invitation. Rev. Neal Dodd of the Church of the Angels will officiate. Constriction of a heart artery was given as the immediate cause of death by his physician, Dr. Leo Madison.

Dysart Takes Stand First At St. Louis

Hardy Gains Exclusion Of Witnesses

By RED KANN

ST. LOUIS, Jan. 10.—After three days of arguments over preliminary motions and the opening statements of various counsel, the Government late this afternoon got going on its equity proceedings against Warners, Paramount and RKO, when Thomas N. Dysart, president of the Chamber of Commerce, took the stand as the first witness. The defendant companies are combatting a conspiracy in a restraint of trade charge.

As the day started Russell Hardy, Government attorney, moved for the exclusion of witnesses during the taking of testimony on the ground that some of the leading Government witnesses in the criminal trial had been accused of lack of veracity and perjury. In view of this he argued against witnesses at large remaining in the courtroom while others were either testifying or under cross-examination.

Ex-Senator James A. Reed for Warners, and George S. Leisure for RKO immediately objected. It seemed they had the convenience of the wit-

(*Continued on page 3*)

Government to Call Zukor to St. Louis

ST. LOUIS, Jan. 10.—The Government today issued a subpoena for Adolph Zukor which was airmailed to the U. S. Marshal's office in Manhattan.

Stewart McDonald of Warners' home office arrived here last night from the east and will spend a few days attending the equity proceedings.

Al Friedlander stopped over here today on a tour of exchanges and will leave by plane tonight for Pittsburgh. He will return to New York Monday.

Hutchinson Departs For Stay in Europe

W. J. Hutchinson, recently appointed foreign manager for Twentieth Century-Fox, left yesterday for England to be gone about two months.

While in England he will arrange for the installation of his successor in charge of the company's activities in England. He also will make a tour of the European branches of the company. He was accompanied by Ralph Knapp.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

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Clair, Party Guest, To Be Here 10 Days

Rene Clair was guest of honor at a reception given yesterday by United Artists at the Waldorf-Astoria. He came over from England for the opening of "The Ghost Goes West" at the Rivoli last night. The reception drew about 100 newspaper, fan magazine and trade paper writers.

Last night Clair had as his guests at the Rivoli D. S. H. Brickell, Roger B. Stevens and J. C. Donnelly of the British consulate, Charles de Fontnouvelle, French consul-general; Eddie Cantor, Douglas Fairbanks, Edward G. Robinson, Romola Nijinsky, Tilly Losch, Ethel Merman, Eric Linden and Parkyakarkus.

Clair said yesterday that he would remain in New York about 10 days to obtain the American reaction to his first picture in English.

Clair, who is under contract to Alexander Korda for a series of three pictures, declared that his next film venture would be a story centered on life in early London. He will start this at the new Korda studio in Denham in May.

Michael Saks Is Dead

Michael Saks, 56, for more than 20 years a leading figure in the Yiddish theatre field, died Thursday of pneumonia in the Beth Israel Hospital. During his career he managed such stars as Molly Picon, Boris Thomashefsky, Aaron Lebedeff and Leon Blank.

Purely Personal

RUBINOFF will hold open house tomorrow at his Riverside Drive pent house. The maestro will celebrate his fifth anniversary on the air.

•

DAVID SARNOFF sails for Bermuda today on the *Monarch of Bermuda.* Also on that boat is MRS. J. G. BLYSTONE.

•

HARRY M. GOETZ is en route to California to confer with EDWARD SMALL on Reliance's "The Last of the Mohicans."

•

RICHARD DE ROCHEMONT, March of Time European head has arrived here for a stay of several weeks.

•

DAVE PALFREYMAN joins the local contingent heading for the Variety Club dinner at Philadelphia tomorrow.

•

IRVING BERLIN left for the coast yesterday to preview his latest musical, "Follow the Fleet."

•

EDDIE GILMORE, former Loew publicist, is now with the Associated Press.

•

JOE GINS, Universal salesman, will leave soon for Pittsburgh to join Columbia.

•

SARAH LEVINSON, secretary to ARTHUR DETITTA of Fox Movietone, has gone to Florida for a month.

•

RAY BELL of Loew's publicity staff is the father of a girl—a Christmas present.

•

KITTY CARLISLE arrives here tomorrow for a brief vacation.

•

PAUL ROBESON, and SOL A. ROSENBLATT, sail today on the *Ile de France.*

•

DOUGLAS FAIRBANKS leaves for the coast tomorrow.

Final Title Change

HOLLYWOOD, Jan. 10.—The final title of "Don't Bet on Love," starring Wendy Barrie and Gene Raymond, is "Love on a Bet."

Paramount Changes Titles

HOLLYWOOD, Jan. 10.—Marlene Dietrich's next for Paramount, at present in work as "Invitation to Happiness," has been changed to "I Loved a Soldier." The new Mae West film, made as "Klondike Lou," has been renamed "Klondike Annie."

Fox Midwest Men Meet

KANSAS CITY, Jan. 10.—Thirty-one men of L. J. McCarthy's Kansas City district of Fox Midwest met here this week to discuss plans and outline activities for the ensuing quarter. The meetings are held about every three or four months.

RKO Signs Olsen

HOLLYWOOD, Jan. 10.—Moroni Olsen, stage player, has been signed to a long term contract by Radio. He is in the new Richard Dix film, tentatively titled "Mother Lode."

N. Y. Moves on Sale Tax Upset Ohio ITO

(*Continued from page* 1)

succeeded in getting a ruling that film sales were not taxable. It is figured that $250,000 a year was saved thereby.

Members are being urged to prepare for the worst by putting aside a reserve fund in case the commission decides to attempt to collect the three per cent tax.

Kentucky Sees Tax End

LOUISVILLE, Jan. 10.—Repeal of the three per cent retail sales tax in Kentucky, one of the first major official acts of Gov. Asa Chandler, who recently went into office, will be accomplished during the next week, it is expected.

The repeal bills, introduced into both branches of the General Assembly a few days ago, have been reported favorably by committees, and have had their first "constitutional readings."

The bills are expected to pass the Senate by the end of this week, and will have no difficulty in the House, it is predicted.

Suit on Bankruptcy Of FWC Up on Feb. 3

LOS ANGELES, Jan. 10.—Hearing on the motion of T. L. Talley, L. L. Bard and the Corbar Corp. to have the Fox West Coast bankruptcy set aside, has been placed on the calendar for Feb. 3. The motion will be heard by Federal Judge George Cosgrave, Attorneys R. Dean Warner and William H. Neblett, who represent Talley and Bard, have based the motion on the pleadings, records, files, and the recovery suit charging conspiracy of Chase National Bank, Fox Films, National Theatres, Wesco and F. W. C. Theatres.

Notables to Gather For Variety Dinner

(*Continued from page* 1)

tend are Governors Nice of Maryland and George H. Earle of Pennsylvania, State Senator Frank Harris, Mayor S. Davis Wilson, Supreme Court Justice Ferdinand Pecora, Revenue Secretary Jack Kelly and Judge Harry Kalodner. Other notables include Police Superintendent Shooey Malone, Baseball Players Jimmy Foxx, Jimmy Wilson and Al Schacht, and Jack Dempsey.

The theatre and Broadway will be represented by George Jessel, Mark Hellinger, Ed Sullivan and Harry Hershfield.

Standard to Decide On Deal Next Week

(*Continued from page* 1)

this study since acquiring the option early in November.

Officials of Universal yesterday said that they had been advised of no decision by the option holders yet and added that they were still dealing with Standard's request for additional information on the basis that the option right continues alive and in effect until its expiration date, Feb. 1.

Kathryn CarverMarried

Kathryn Carver was married to Paul Vincent Hall early yesterday at Armonk. After the ceremony the couple returned to New York.

Circuit Moves Are Marked in West, Midwest

(*Continued from page* 1)

clude Herbert Ellisburg, James Booth, Edward Nikodem, Thomas Hungerford, Ralph Smith and Charles Shapiro.

The Northcenter has been moved up a week and will play pictures on "C" time. This puts the house in the same rating with the Devon. Since Essaness has first booking of U. A. product on the Chicago North Side many of the circuit's houses have been advanced to higher admissions and rating in the clearance schedules. B. & K. did not buy any U. A. product for this season, except in non-competitive spots.

Another shift in the Chicago territory is the reopening of the Grove, Elgin, Ill., by Jules J. Rubens for Great States. The house had been dark for seven years.

St. Louis Territory Active

Changes also have been numerous of late in the St. Louis territory. Remodeling and reopening has included the Kirkwood, Kirkwood, Mo.; Lyric, Casey, Ill.; Ritz, Ironton, Mo.; Avenue, East St. Louis, Ill.; Princess, Meredosis, Ill.; Gem, Winfield, Mo. Transfers in this territory include: Artcraft, Ashland, Ill., from Hall & Hart to D. E. Wilson; Echo, Des Plaines, Ill., from Ben Conney to H. Balaban; Wilmington, Wilmington, Ill., to F. W. Anderson; Rialto, Smithville, Mo., from Edna Hartman to H. N. Slater, and Gem, New London, Mo., from I. J. Gardner to C. A. Greenles, Jr.

In the Kansas City territory new sound and projection equipment have been installed at the Family, Kirksville, Mo., by Frank Anderson; the De Soto, De Soto, Kan., by W. W. Weldon, and new seats have been put in by Harry Musgrave at Minneapolis, Kan. George Nescher is building a new house at Valley Falls, Kan. Sam Sosna and Louis Sosna have leased the Empress at Moberly, Mo. Elmer Bills, whose Lyric at Salisbury, Mo., was burned recently, is putting on shows temporarily at the Opera House. He will rebuild.

Many Reopenings Slated

At Cook, Neb., John L. Zoz is soon to reopen the re-equipped Cook. At Plattsmouth, Neb., N. F. Westerlund has taken over the Opera House and has reopened it as the Cass after renovations and re-equipment. In Omaha the A. L. Snider circuit has reopened the Victoria after repairing fire damage in the booth.

Managerial shifts in the Intermountain Division of F. W. C. have been numerous. Otto Brown, resigned, has been replaced at the Fox, McCook, Neb., by John Taylor. Edward Voorhies has been shifted from the Coronado, Las Vegas, N. M., to the Strand, Denver. Ben Benda gets the Coronado. Si Sanders has been moved from the Strand, Rawlins, Col., to the Denver poster department. Harold Jones goes to Nampa, Idaho, from the Babcock, Billings, Mont., to manage the Majestic and Adelaide, which have been leased by Fox Intermountain.

Dysart Takes Stand First At St. Louis

(*Continued from page* 1)

nesses in mind. Judge Joseph West Molyneaux, following his practice in previous instances, however, granted the Government's request.

Exceptions sought by defense counsel followed. Reed obtained exemptions for Abel Cary Thomas, who will testify for Warners later; Sam B. Jeffries, special local counsel, who will likewise take the stand as the case progresses and Miles Albean, member of the Warner home office legal staff. Leisure was granted the same courtesy on behalf of Gordon E. Youngman of RKO's New York legal battery and an assistant in this case. He is another slated to take the stand for his company. Louis Phillips, Paramount home office counsel, obtained the identical privilege for Austin C. Keough, who is expected to return some time next week.

Exempt Trade Press

Freedom of the trade press was temporarily jeopardized. Having made no distinctions in his sweeping request, three trade paper men found themselves embraced in the court's ruling on Hardy's move. One was William Ornstein of MOTION PICTURE DAILY; the second was DAVID F. BARRETT of St. Louis and the third this correspondent. Ornstein petitioned Reed to intervene on behalf of the group.

Upon bringing the circumstance to the attention of the court, Judge Molyneaux instantly exempted the three. Later the court observed it would have been unfair to have barred them.

A motion argued at length by Ernest L. Wilkinson, attorney for the Eden Theatre Co., which operates the Fox, and William O'Hara, representing the St. Louis Ambassador Theatre Co., Inc., and St. Louis Missouri Theatre Co., to quash subpoenaes for various corporate records and leases sought by Warners was denied by the court, which declared it an expediency to have available all documents which may have a bearing on the admissibility of evidence.

Wood Wins Point

Frederick H. Wood, still suffering from his attack of the grippe, entered the proceedings for the first time in arguing for the production of these records. He won the point for his clients, Warners.

Today's session was the longest. It started as usual at 10 o'clock, resuming at two and terminating at 5:10 P. M. Jacob M. Lashly, RKO special counsel, and the only one representing the defendants who did not get an opportunity to make his opening statement on Thursday, today took eighty minutes to do that very thing. In essentials, his opening followed along the general lines of Paramount's.

Dysart, chairman of the bondholders' committee for the Ambassador, Missouri and New Grand Central, testified for about two hours. He was quizzed, and explained various leasing proposals and reorganization plans submitted to him at various times by Allen L. Snyder, Lawrence Stern & Co. of Chicago, acting for the Skouras Brothers, and Clarence M. Turley and Warner, who submitted schemes for reorganization on three different occasions.

Hardy shifted his program in calling Dysart first. The anticipation had been that Spyros Skouras would be the initial important witness for the Government after local exchange managers had testified about the interstate commerce aspects of distribution. Even the branch managers have not been called, although dutifully they again appeared on deck today.

With the exclusion of most witnesses this afternoon and the introduction in testimony of proposed plans for the three theatres, attendance fell to a new low. The gallery dwindled steadily.

As the end of the session neared a tally disclosed seven spectators, four of whom were non-participating lawyers. Legal talent on the active side of the rail totaled 16.

Reed, as on Thursday, again sought a recess tomorrow. Judge Molyneaux, reiterating his desire to speed the hearing, determined to hold court until noon Saturday, when Dysart resumes.

On the Lighter Side

By BILL ORNSTEIN

ST. LOUIS, Jan. 10.—NED E. DEPINET, expected sooner, has not arrived, but is due here early next week. Ditto for Colonel "BILL" MALLARD, head of RKO's home office legal staff.

✚

Although Wednesday was marked by a recess, it was no holiday for the defense counsel. They were kept on the go turning over subpoenaed records to the Government and preparing at large for future developments.

✚

FREDERICK H. WOOD'S arrival Wednesday eliminated the necessity for pinch hitting on anyone's part, including LOUIS PHILLIPS who continues to maintain his 100 per cent batting average for Paramount.

✚

AUSTIN C. KEOUGH has gone east, but is expected to return.

✚

DWIGHT L. SAVAGE, one of the Government counsel in the unsuccessful criminal trial, passed through en route to Tyler, Tex., on Federal business not related to the film industry. He dropped in on RUSSELL HARDY and his staff between trains.

✚

RALPH C. LIBEAU, Paramount district manager in this area, was here for a two-day conference with MAURICE SCHWEITZER, the company's local manager, but had no time to visit the courtroom as he did in the misdemeanor trial.

✚

GEORGE S. LEISURE, RALSTON IRVINE, RUSSELL DOOR and JOHN HOLLAND, who comprise the RKO legal fraternity here, have moved from the Chase to the adjacent Park Plaza where the New York contingent is stopping. IRVINE is a member of LEISURE'S Washington office and DOOR and HOLLAND of his New York office.

✚

CRESSON E. SMITH'S mail from New York was virtually the only batch to get through, what with fog and rain here. "Merely RKO efficiency," he remarked.

✚

ERNEST WILKINSON, Washington lawyer who represented F. & M. in the criminal trial, is not here for the civil proceedings.

✚

SAM DEMBOW, effete Easterner, has solved the food problem. RENE, the Cuban head waiter in The Merry-Go-Round of the Park Plaza, has been taken into camp with gastronomical results de luxe.

✚

Diligent research has unearthed the existence here of a subsidiary of the Yost Amusement Co. of New Orleans. This confirms the reported expansion of this circuit north.

An Anniversary

St. Louis, Jan. 10.—Saturday will mark the first anniversary of the handing down of the criminal indictments which subsequently led into the trial of Warners, Paramount, RKO and various of their executives, including Harry M. Warner, Abel Cary Thomas, Herman Starr, Gradwell L. Sears, Ned E. Depinet and George J. Schaefer. Acquitted on this charge, the three companies are still in St. Louis, this time fighting civil proceedings, predicated on the same charge.

Browne, Nick to Miami

HOLLYWOOD, Jan. 10. — George Browne and John P. Nick, I. A. T. S. E. executives, leave here for Miami tomorrow, to attend the I. A. meet. Browne's attitude toward first cameramen joining the I. A. continutes pessimistic, although cameramen are reported anxious to join. Browne's stand in closing the doors to them is reported due to the group's opposition to the I. A. during the union's fight for studio jurisdiction.

U. A. Dickering for European Pictures

LONDON, Jan. 3.—Continuing the policy so successfully followed in U. K., United Artists is on the point of completing contracts with producers in the chief Continental countries which will give them native product to distribute in all these markets.

In Paris Murray Silverstone has made a deal with Bernard Natan and another with new interests backed by the Havas news agency. Similar contracts will give U. A. product in Spain, Czechoslovakia, Italy and Belgium. These subjects will be for native release.

* * *

Executives of the Cinematograph Exhibitors' Ass'n met editors of the newsreels here to discuss means of controlling the transmission of news items by television. No statement was issued, but it is believed agreement was reached on the basis that no cooperation will be given to the British Broadcasting Corp. for the transmission of newsreel items until a given period after release. Experimental television broadcasts will begin in a short time.

* * *

The estate of the late E. E. Shortt, K. C., who was president of the British Board of Film Censors, has been returned at £7,506.

Tannen for "Two Flags"

HOLLYWOOD, Jan. 10. — Twentieth Century-Fox has signed Julius Tannen to a long term contract. His first assignment will be in "Under Two Flags." J. Edward Bromberg, from the New York stage has also been added to that picture.

Birmingham Looks For 15-20% Gains

BIRMINGHAM, Jan. 10.—The best estimates of local exhibitors is that business here will be 15 to 20 per cent better in 1936 than for last year. They base this partly on the comeback of the durable goods industries increasing the demand for steel and iron which the Birmingham district produces. Having been harder hit than many cities for several years, Birmingham is now due for a season of prosperity, it is agreed.

Admissions which dropped to a new low are now on the upswing, according to N. H. Waters of the N. H. Waters Enterprises. He says that prices in some cases had already been increased 25 per cent and that this naturally has helped. However, he pointed out that exhibitors are having to pay more for films. He said unusually cold weather has hurt business for the past month.

Frank Merritt, operating four theatres, wondered whether producers would be able to turn out pictures as fine as those of 1935 and he said this would affect business. His houses got the breaks on some of the top-notchers the past year.

All general trade indices point upward. Bank clearings are ahead of anything since 1929. Christmas retail sales were 18 per cent ahead of the preceding year. Automobile sales are 100 per cent ahead. The people have more money and the amusement world is sure to draw its share of every dollar spent.

Bay State Deposits Up

BOSTON, Jan. 10.—An increase of over $98,000,000 in deposits of 484 state banks in Massachusetts, not including credit unions, has been reported by Bank Commissioner Henry H. Pierce for the past year.

The total jumped in 1935 to $3,231,000,000. Savings bank deposits increased to $2,087,000,000. Credit unions accounted for another $12,000,000. Theatremen regard these figures as proof of improved conditions.

Schlesinger Expands

HOLLYWOOD, Jan. 10.—Leon Schlesinger has augmented his animating staff for "Loonie Toons" and "Merrie Melodies" with another unit of 25 animators. Fred Avery will supervise.

Schlesinger now has 100 animators turning out cartoons for Warner release.

Odlum Loses Appeal Against Questioning

The appellate division yesterday affirmed an order of the N. Y. Supreme Court directing Floyd B. Odlum and other officers and directors of the Atlas Corp. to submit to oral examination in advance of trial of a stockholder's suit which attacked the right of the company to participate in the underwriting of Paramount securities.

The action was brought by William F. Walsh, an attorney and a stockholder in Atlas. Walsh charged that the Paramount underwriting was "speculative" and not in line with the investment purposes for which Atlas was formed. Walsh's attorney said that the examination of the Atlas officials would be begun within the next few days unless the defendants exercised their right to take a further appeal on the Supreme Court's order to the Court of Appeals.

Seeks Injunction Against Bank Night

BOSTON, Jan. 10.—An application for an injunction against Bank Night in New England was filed in District Court here today by B. G. Film Co., headed by Meyer Gruber and Harry Bloomberg. This is the latest move in the infringement suit brought by Affiliated Distributors, Inc., against Parlay and Cash Night.

Hearing is set for Monday, when, according to Bloomberg, the defendant in the action that seeks to prohibit the operation of Cash Night and transfer the profits to Bank Night will attempt to stop Bank Night from publishing warnings that Cash Night is an infringement and its users liable to prosecution.

Trans-Lux Not Party To Suit, States SEC

WASHINGTON, Jan. 10.—A suit filed in N. Y. Federal Court against Torr & Co. and various individuals over transactions in Trans-Lux Daylight Screen Corp. stock by the Securities and Exchange Commission does not in any way involve the stock, a statement by the commission indicates.

The commission was prompted to issue a statement as a result of numerous inquiries from stockholders.

"The commission wishes to emphasize the fact that neither the Trans-Lux Daylight Pictures Screen Corp. nor its management is a defendant in this suit," the statement concludes.

Studios, Technical Men Act on Awards

HOLLYWOOD, Jan. 10.—Studio heads, technical department heads and equipment manufacturing companies have been requested to submit nominations for the scientific or technical award by the Academy.

Nominations must be for a device, method, formula, discovery or invention of outstanding value which has been actually employed in production during 1935.

Carl Dreher is chairman of the board of judges.

Jones Buys Vanderbilt

Martin Jones has purchased the Vanderbilt, 148 West 48th St., at a price said to be in excess of $300,000. Jones is producer of "Mulatto," now running at the Vanderbilt.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Strike Me Pink"

(Goldwyn-U. A.)

HOLLYWOOD, Jan. 10.—Eddie Cantor's latest effort combines horseplay, slapstick, straight comedy, beautiful girls, dancing and photography that provide smash entertainment.

Cantor is cast as a meek campus tailor who acuires courage from a correspondence school course and goes on to manage an amusement park. Complications are provided by the efforts of Brian Donlevy as head of a gambling ring, to install slot machines at the park. The story thread is used mostly to motivate an exciting chase which climaxes and ends the picture.

In this chase Cantor and Parkyakarkus are first pursued on a roller coaster and then in a captive balloon, with full comedy and dramatic suspense derived from the apparent danger of falling from great heights. Prior to the chase highlight comedy is provided in a sequence in which Clyde Hager does a bit as a barker and a sequence where Cantor and Sidney H. Fields play a ghostly poker game.

A slight love theme is carried on by Sally Eilers, who wins the comedian at the finish, and Ethel Merman, whom Cantor woos first. The musical numbers are well spotted and photographed with unusual beauty, making the dance routine seem new. Miss Merman's first number, "High and Low," is made particularly effective by unusual camera angles and Richard Day's art direction.

The screen play by Frank Butler, Walter De Leon and Francis Martin, from the Clarence Budington Kelland novel, occasionally crossed the border of strict good taste in dialogue and situation, but is a capable job for the most part. Supporting performances by Gordon Jones, William Frawley and Helen Lowell seemed best in the large cast.

The production is on a lavish scale and should click in all situations.

Production Code Seal No. 1,860. Running time, 100 minutes. "G."

Looking 'em Over

"The Invisible Ray"

(Universal)

Boris Karloff and Bela Lugosi in this picture delve into the mysteries of advanced science. Karloff's discovery of an invisible ray, which permits him to look far back into time, and find the source of a new all-powerful radium "X," is the motivating theme of the film. When the element takes its toll of his mentality, and he murderously pursues those who, he believes, wronged him, the film takes on its active phase. Blended is romance, action, murder, but without mystery for the audience, and the eventual sacrifice of her son by a mother, for the good of others, against a background which moves from an elaborate, ultra-scientific laboratory, to the wilds of Africa, then to Paris. On the whole the film is good entertainment, interest-holding and salable, and largely without the "horror" theme which has featured many of the films of Karloff and Lugosi.

Frances Drake plays Karloff's wife; Frank Lawton, a young explorer with whom she falls in love, and Walter Kingsford, Beulah Bondi, Violet Kemble Cooper and Nydia Westman are in chief supporting roles. Lambert Hillyer directed from a story by Howard Higgin and Douglas Hodges and the screen play by John Calton.

Karloff invites Lugosi, scientist, to see his ray. It shows the location in Africa of the new element. Karloff, leaving the expedition there, finds the element, is poisoned by it, his touch causing death. Lugosi prepares an antidote for him which Karloff must use constantly. When his wife leaves with Lawton and Lugosi uses the element in healing, Karloff, now mentally affected, plans revenge. He arranges his own "death," then kills three of the six he calls his enemies and then Lugosi. He is about to kill his wife when his mother appears, smashes his needed antidote, and causes his death.

Production Code Seal No. 1,746. Running time, 75 minutes. "G."

Chaplin Opening Soon

"Modern Times," Charlie Chaplin film, is expected to open in about three weeks simultaneously in New York and London. Originally the film was set for the Rivoli here Jan. 16.

Elman Closes Two Deals

CHICAGO, Jan. 10.—Henry Elman, president of the Capitol Film Exchange, Inc., here, has closed deals for "Custer's Last Stand" with B. & K. and Publix Great States circuits.

St. Louis on Single Feature Basis Now

ST. LOUIS, Jan. 10.—This city, a stronghold of double features, is on a single feature basis this week, at least insofar as its downtown first runs are concerned. The change, a temporary one, probably will be continued next week. Reported as the reason is a current shortage of product.

Currently, Loew's is playing "A Tale of Two Cities"; the Fox, "Magnificent Obsession"; the Ambassador, "Paddy O'Day" with Henry Armetta heading the stage show; the Shubert, "The Bride Comes Home," and the Orpheum, "I Dream Too Much." The second run Missouri is playing "Thanks a Million" with six acts headed by Louise Beavers, colored player, who appeared in "Imitation of Life."

The Fox on Saturday inaugurates Bank Night and will hold it each succeeding Saturday thereafter.

Stage Shows Out of Most Fox Theatres

ST. LOUIS, Jan. 10.—Aside from two or three situations, stage shows are out of all Fox affiliated and controlled theatres with the switch of the Warfield, San Francisco, to straight sound, E. L. Alperson, eastern film buyer for National Theatres, declared today.

The shift in San Francisco went into effect early in the week.

Dunning Suit Dismissed

LOS ANGELES, Jan. 10.—The suit brought by Associated Process Patents, Inc., against Dunning Process Co. for infringement of patents was dismissed with costs awarded to the defendant when brought up for final hearing in Federal Court here. Judge Paul J. McCormick granted the dismissal at the request of the plaintiff. The action has been pending for several years.

Wall Street

Gains Dominate Trading

	High	Low	Close	Net Change
Columbia	43½	43½	43½	+ ½
Columbia, pfd	51	49¼	50⅝	+1½
Consolidated	6½	6⅜	6⅜	.....
Consolidated, pfd.	19½	19	19	— ¼
Eastman Kodak	163½	161	161½	+2
Loew's, Inc.	54¼	54⅛	54⅛	+ ⅛
Paramount	10⅞	10⅝	10⅝	.....
Paramount 1 pfd.	82	81¾	82	— ½
Paramount 2 pfd.	12⅝	12⅜	12⅝	+ ⅛
Pathe Film	7⅞	7⅝	7¾	+ ⅛
RKO	7¼	6¾	7	+ ⅛
20th Century-Fox.	27	26¼	26½	— ¼
20th Century, pfd.	36⅜	35⅛	35⅛	— ⅞
Warner Bros.	10⅝	10¼	10½	+ ⅛
Warner, pfd.	51⅞	51⅞	51⅞	— ⅛

Trans-Lux Up ¼

	High	Low	Close	Net Change
Sonotone	1⅞	1⅞	1⅞	.....
Technicolor	19¾	19⅛	19⅝	.....
Trans-Lux	3½	3¾	+ ¼	

General Theatre Bonds Close Even

	High	Low	Close	Net Change
General Theatre 6s '40	25¼	23¾	25¼	+1¾
General Theatre 6s '40 ctf	25¼	23¾	25¼	+1¼
Keith B. F. 6s '46	96⅛	95⅞	96⅛	+ ⅝
Loew's 6s '41 ww deb rights	104¼	103¾	104¼	+ ½
Paramount B'way 3s '55	60	58¾	58¾	— ¼
Paramount Pict. 6s '55	95	94½	94½	— ¼
Warner Bros. 6s '39 wd	88½	88	88½	+ ¼

(Quotations at close of Jan. 10)

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Testimony of Dysart Ended At St. Louis

First Witness Stresses Reorganizing Plans

By RED KANN

St. Louis, Jan. 12.—The Government on Saturday completed the direct examination of Thomas N. Dysart, its first witness, and cross-examination by ex-Senator James A. Reed, co-counsel for Warners, began, in a two-hour session lacking in interest and devoid of new angles.

After one hour and 15 minutes, Russell Hardy, Government attorney, turned the witness over to the defense.

The cross-examination, conducted by Reed from his chair with the consent of Judge Joseph West Molyneaux,

(*Continued on page 3*)

Laughton Winner in Actors' Guild Vote

Hollywood, Jan. 12.—The Screen Actors' Guild has selected Charles Laughton for the best performance of December in the monthly poll conducted by its members. Laughton received the honor for his role in "Mutiny on the Bounty" in a vote involving 18 players in 14 pictures.

Kay Francis received first honorable mention for her part in Warners' "I Found Stella Parrish" and Eddie Quillan got second mention for "Mutiny on the Bounty."

The Screen Writers' Guild voted "Mutiny on the Bounty" the best screen play of December. Talbot Jennings, Jules Furthman and Carey Wilson did the adaptation. "So Red the Rose" received first honorable mention with the honors going to Laurence Stallings, Maxwell Anderson and Edward Justus Mayer. Joel Sayre and John Twist received second mention for "Annie Oakley."

Sennwald, "Times" Film Critic, Dies

Andre David Sennwald, 28, film critic of the *New York Times,* died early Sunday of illuminating gas poisoning, shortly before the spark-ignited gas wrecked his penthouse apartment at 670 West End Ave.

Sennwald was educated at N. Y. U. and Columbia, joining the *Times* shortly after graduation in 1930. The funeral will be held at 11 A. M. tomorrow from Campbell's Funeral Church. Burial will be in Ferncliff Cemetary, Westchester. He is survived by his widow, his parents and three brothers.

Year's Start Tips Grosses To New High of $1,918,729

New Year's week was a tonic—in spots a sensational tonic that more than doubled the previous week's grosses—among all the 30 key spots reporting to Motion Picture Daily, except St. Paul. Bad weather there explained the lethargy.

The total take for the 30 cities was $1,918,729. For the Christmas week it was $1,228,199.

The New Year total is by far the highest for the current season which began in September. It tops the previous high mark of $1,766,910, set up the first week in December, by $151,819.

Some of the increases over Christmas week were remarkable. In New York the New Year's take was $423,000. For the previous week is was $186,200. Boston, Chicago, Denver, Lincoln, Philadelphia and Pittsburgh (where the new Sunday opening law was a help), Providence and Washington also showed striking gains.

[*Comparative Tabulation on page 7*]

Kentuckians Study Gains; Expect More

Louisville, Jan. 12.—The consensus of opinion among theatre and exchangemen in the Louisville and Kentucky territory is that 1936 will bring a definite rise in grosses. The public interest has quickened with increased payrolls and consequently has more money to spend for amusements, they agree.

Farmers are getting higher prices for tobacco and thousands in and around Louisville are employed in tobacco processing and cigarette manufacturing by local factories. During 1935, the report of the Louisville Industrial Foundation shows that 18 new manufactories were established, while 61 older plants improved and expanded their facilities.

Sixty-nine conventions with a potential drawing power of 31,000, are

(*Continued on page 2*)

Missouri Sales Tax Returns Show Gains

Kansas City, Jan. 12.—Fifty-five thousand Missouri retailers—including theatres—which is 3,873 more than in October, paid $915,300 under the one per cent sales tax during November, compared with $866,440 the preceding month. A third of it goes to the school fund, the remainder to general revenue. Sales tax returns are expected to exceed $1,000,000 for December.

The legislature appropriated $2,500,000 at the last session for old age pensions, part to come from the sales tax. A limit of $30 a month was placed on the amount going to pensioners. Recommendations in the state auditor's office range from $7 to $12 a month.

No Hope Seen For New Move On Regulation

Plans for voluntary advancement by the industry of any method of self-regulation are regarded in responsible exhibitor and distributor quarters as being definitely stalemated at this time and dependent for revival on either the establishment of legal precedents, the passage of enabling Federal legislation, recurrence of a trade emergency, or cooperation by distributors, in the opinion of these authorities.

Industry apathy on the subject in the face of a number of efforts made since the demise of the NRA to advance a plan of self-regulation has become self-evident enough in recent months to lead erstwhile champions of the move to question, even, whether a regulatory code is needed by the industry. Even the definite plan proposed by M.P.T.O.A. for local self-regulation through exhibitor and distributor representatives delegated with sufficient authority to settle disputes within their own territories has met with no response from distributors and only indifferent cooperation from exhibitors, it is pointed out.

Numbers of industry leaders who

(*Continued on page 3*)

Fitelson Is Forming An Independent Unit

Plans for the formation of a new producing-distributing organization utilizing major company facilities will be advanced by William Fitelson, New York film attorney for the organizing group, who leaves for Hollywood today to confer with leading independent producers on the project.

English and American capital has been secured to finance the production

(*Continued on page 3*)

Open Houses May Go Over 15,000 Mark

Big Increase Expected in Film Board Report

Indications that the total number of theatres in operation in the U. S. at the end of 1935 might pass the 15,000 mark are contained in the annual reports of the Film Boards of Trade which are now being compiled by the M.P.P.D.A., but will not be completed much before the end of the week.

The nearly complete reports now on hand definitely reveal that the total of 14,552 theatres which were open on Jan. 1, 1935, will be increased by more than 400 theatres which have been opened during the year.

The grand total of theatres a year ago, both open and closed, was 18,263. This number is not expected to reflect as great a change as that in the number of open theatres alone, as the increase in the latter was due largely to the remodeling and reopening of old theatres rather than to new construction. Seating capacity of the open theatres may pass the 10,000,000 mark, according to present indications of the incomplete Film Board reports.

Virtual extinction of the silent theatre is also expected to be revealed in the report. There were only 51 silent theatres open in the U. S. a year ago and this number will show a further decrease during 1935, it is anticipated.

Christmas Grosses Set London Record

By BRUCE ALLAN

London, Jan. 4.—Aided by favorable weather and a lineup of good attractions, theatres in the West End of London had one of the most successful Christmas seasons in history.

The Empire, Leicester Square, M-G-M shopwindow, broke all its records on Boxing Day (Dec. 26)

(*Continued on page 3*)

Harry Carr Passes; Heart Attack Fatal

Los Angeles, Jan. 12.—Harry Carr, who conducted a column in the *Los Angeles Times,* and was at one time a writer and supervisor of stories for D. W. Griffith, Cecil B. DeMille, Mack Sennett and Jesse Lasky, is dead here of a heart ailment. He was 58. He was the author of numerous books. He is survived by his widow, two children and three grandchildren.

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Hearing Postponed On Madison Houses

MADISON, Wis., Jan. 12.—Hearing in the Beecroft Building Co. reorganization was postponed in Federal court this week when Judge Patrick T. Stone announced that the second bondholders' protective committee, appointed by the court, had not completed its recommendations.

Counsel representing the first voluntary bondholders' committee announced that negotiations are in progress for a new lease on the Orpheum, Strand and Parkway on terms which, it was declared, will be more advantageous than the present arrangement with the Ashley Theatres Co. Saxe Amusement Management, Inc., Milwaukee, has indicated that it is willing to operate the houses.

MITCHELL MAY, Jr. COMPANY
INC.
SPECIALISTS IN
FILM and THEATRE
INSURANCE
75 Maiden Lane, New York
Los Angeles, 510 W. 6th Street, Cal.

Check Matinee Time Change in St. Louis

ST. LOUIS, Jan. 12.—Following a conference with Harry C. Arthur, operator of the Ambassador, Missouri and Fox here, a committee representing the M. P. T. O. of Southern Illinois agreed to check up on independent theatres alleged to be moving up their matinee time in accordance with an agreement reached last fall. The committee consists of Fred Wehrenberg and the Mandell brothers. Following the survey they will again confer with Arthur in an effort to induce his return to the 6 o'clock matinee change replacing the 7:30 shift now in effect. At the moment Arthur is firm for the later hour change.

The Missouri and Fox have inaugurated Bank Night and the Ambassador begins the giveaway tomorrow.

Bank Night Termed As Legal in Racine

RACINE, Wis., Jan. 12.—Indications that attempts to ban Bank Night at several local houses here will be unsuccessful is seen in an opinion from the district attorney's office which declared that the plan is legal where all are afforded the same chance to participate in the cash award, irrespective of whether they purchase a ticket to the theatre.

Both the Rialto and Capitol here are featuring Bank Night weekly, while at least four other houses, including the Uptown, Granada, Crown and Mainstreet, are offering giveaways in the form of the gift ware. The latter two houses advertise free pop corn balls, candy and toys for the kiddies attending Sunday matinees.

Grants Examination In Master Art Suit

Justice Bernard L. Shientag in N. Y. Supreme Court has set Jan. 16-17 as the dates for examination before trial of Herman Robbins of National Screen Service and Charles L. Casanave of American Display Co., on petition of Master Art Products, as part of Master Art's suit for an injunction, alleging violation of an agreement that American Display would not engage in the lobby display business for five years from 1932.

The complaint says that National Screen has financed American Display in that business, the latter being in competition with Master Art. The court at the same time denied a defense request for examination of the books of Master Art.

To Hear New Sound

A new type of sound recording, developed by J. A. Miller of the American Mechanographic Co., will be demonstrated Wednesday at the next meeting of the Atlantic Coast section of the S. M. P. E. Members will meet in the Eastman Kodak offices, Madison Ave., for dinner and then go to the rooms of the Electrical Ass'n. in the Grand Central Palace for the meeting.

Vance King on Awards

HOLLYWOOD, Jan. 12.—Vance King will handle publicity on the Academy awards this year, as he did last. Nomination blanks were mailed out over the weekend.

Purely Personal

MARTIN MOONEY, who has to do a 30-day term in the Tombs for failure to disclose his source of information regarding rackets in this city, will arrive today from the coast. While incarcerated he will do a prison story for Warners.

•

HY DAAB, newly appointed advertising and publicity director for Columbia, arrived from the coast Saturday to take over his new post immediately.

•

WELDON HEYBURN opens at the Lyceum tomorrow night in "I Want a Policeman." He has been signed by M-G-M.

•

H. L. ROBERTS, JR., has been appointed head of the creative department of Audio Prod.

•

. . . *Atlanta*

HENRY B. GLOVER, Republic salesman, has been transferred to Memphis, as exchange manager.

HARRY C. SIMPSON, salesman for National Screen, has a swollen jaw; tooth trouble.

IKE KATZ of Paragon Film Exchange has opened an exchange in Charlotte, with HENRY WISE in charge.

CLARENCE EISEMAN, branch manager for U. A., has changed his sales force around, placing HARRY BROWN in the Alabama and West Tennessee sector, JACK EMENHEISER in North Georgia and East Tennessee and FRED CRESWELL in South Georgia and Florida. MIKE CARMICHAEL resigned Jan. 1.

C. E. PEPPIATT, former branch manager here for Warners, has succeeded W. M. RICHARDSON at First Division.

RILEY DAVIS of the Theatrical Printing Co., tried a bird hunt on one of the coldest of the recent cold days, and bagged one bird in an all-day foray. He blames the dogs.

•

. . . *Denver*

TOMMY MILTON, Victory manager, is vacationing in Ohio and adjoining states.

BUD KELLY, former manager of the Park, is now running a filling station.

OLLIE WOG, former salesman here, will return to the film business as salesman for G. B.

HOBART GATES of the Garlock, Custer, S. D., was among those on film row recently. Others include: B. P. MCCORMACK, Canon City, Colo.; ELDON MENAGH, Fort Lupton, Col.; S. L. HESSBECK, Chappell, Neb.; SANDY BIELLA, Louisville, Col., and J. F. CARPER, Lafayette, Col.

GEORGE MCCORMACK, son and right hand man of B. P. MCCORMACK, was married recently to MARINE WOOD, of Canon City.

LON T. FIDLER, manager of Distinctive Screen Attractions, is on business in Texas. He says he is taking a vacation at the same time.

•

. . . *London*

JAMES B. SLOAN, from British National, is the new manager at the Boot-B.N. Pinewood studio at Iver.

CLARENCE ELDER is now director of studios for B.I.P. at Elstree. He was art director. He takes over duties recently relinquished by P. C. STAPLETON.

MAX GLASS, from Berlin and Paris is establishing a British production unit, with "John Halifax, Gentleman" as its first story.

Kentuckians Study Gains; Expect More

(*Continued from page 1*)

scheduled here for 1936, it was announced by G. W. Huey, of the Louisville Convention and Publicity League. Plans have been under way for several months to make the second annual Derby Festival Week of national interest. Heretofore, Louisville's biggest moment has been the Kentucky Derby with visitors coming to the city from all points of the compass. Their stay was short, in most instances visitors arriving by train, automobile, boat, and airplane only a few hours before the big race and departing for home immediately after the winner was made known. Derby Festival Week is being designed to offer the visitor a full week of entertainment with each day crowded by special events. Theatres profit from the throng of visitors and are lending their co-operation to make Derby Festival Week a success.

Distillers Approach Peak

Kentucky's distilling industry has attained a production nearly equal to its peak of pre-prohibition days with 44 firms operating 48 distilling plants at the close of the year. Leaders of that industry plan a continuance of expansion during 1936, although some plans are being held in abeyance pending adoption by the legislature, which meets this month, of a new liquor control law as a result of the repeal of the state prohibition amendment at the November election. Actual employment in distilling plants alone is placed at 5,000 for Kentucky, not including allied industries.

Equipment Dealers Optimistic

New theatre construction in Louisville and Kentucky has been practically at a standstill and 1936 probably will not bring any change in this situation. While all downtown theatres are operating with but one exception, no plans for new enterprises have been announced. General improvement has been made in sound and projection equipment and equipment dealers report a 50 per cent increase in volume of business over 1934. They confidently predict that 1936 will also bring a substantial increase over 1935 and are expanding their quarters and staffs to take care of the increased trade.

From conversations with various theatre managers, it is gathered that 1936 is looked upon as a "boom" year for the exhibitor. They state as their opinion that more money is being put into circulation and that, since picturegoers are going to get their share, the exhibitor, in turn, will get his.

All exhibitors report a definite improvement in the quality of the product now coming out.

Testimony of Dysart Ended At St. Louis

(*Continued from page* 1)

dealt with various meetings held in connection with Warner proposals of re-organization for the Ambassador, Missouri and New Grand Central. Reed's line of questioning concentrated on the establishment of the assertion that on Sept. 18, 1933, Warners had come to a definite agreement with the bondholders' committee on a reorganization plan for these three theatre properties except for three points.

One of the three unsettled points was the length of time during which the new bonds were to be non-cumulative. Warners, Dysart testified, wanted a three-year term and the bondholders favored a shorter period. The second concerned control of the voting trust. The witness said Warners wanted four of seven and the bondholders likewise. The third point concerned the price Warners were to pay for 60 per cent of the stock in the new corporation which was to be organized, Dysart continued.

Dysart to Florida

Reed endeavored to bring out that the agreement with the bondholders' committee, when reduced to writing and submitted to the Warner home office in New York, was at variance with the terms first reached on Sept. 18. This brought to a close Dysart's testimony for the day. He was released for a Florida vacation by agreements, but will return next Saturday. At that time Paramount counsel will cross-query him on one or two angles. RKO is not interested in his testimony for Dysart has not even mentioned the company in either direct or cross-examination.

Hardy's objections to the introduction of testimony pertaining to theatres other than those in the complaint were denied by the court, thereby indicating a possible wider scope in which defense counsel might build its argument. This became evident when Reed, over Hardy's demurrer, succeeded in getting Dysart to answer a question relating to the operation of the St. Louis Theatre, one of the five houses controlled locally by F. & M., but not a party to this action.

Overrules Objection

The Government's objection to Reed's introduction of testimony relative to receivership suits filed by Harry Koplar against the St. Louis Amusement Co., controlled by Warners at the time, was likewise overruled. The Warner contention in the current action is that because of these two suits no early bid for reorganization of the Ambassador, Missouri, and, New Grand Central was possible. The contention further is that Koplar, by means of the receivership actions, took away the equity and control Warners had in the 20 neighborhood theatres which constitute St. Louis Amusement Co. It is for this proferred reason Warners have since refused to have any business dealings with Koplar or any of his associates.

By comparing the Allen L. Snyder bid with various Warner propositions for the three houses Dysart explained why the bondholders' committee, of which he is chairman, accepted the former bid. He said it provided for fixed rentals and weekly settlements of 15 per cent in contrast with no fixed rentals or percentage of the gross in the Warner proposals.

J. M. Ulmer and B. D. Gordan, Cleveland lawyers who will testify about a meeting in Herman Starr's New York office at which references to the St. Louis situation allegedly had been made, now are slated to be the Government's first witnesses on Monday.

Joseph Bernhard, general manager of Warner Theatres, and Joseph Hawen, lawyer for Warners, arrived late Friday night.

Skouras to New York

ST. LOUIS, Jan. 12.—Spyros Skouras flew to New York on Saturday afternoon to clean up personal business. He will return here tomorrow, and after testifying will go to the coast with Rick Ricketson and Elmer C. Rhoden for a vacation.

Houses to Close in Nice

NICE, France, Jan. 12.—Exhibitors here have voted a lockout in protest against taxation. All houses will be closed until reductions are made. About 20 houses are involved, the exhibitors claiming they are taxed about 20 per cent instead of the two per cent charged other businesses.

March, Baxter Co-Starred

HOLLYWOOD, Jan. 12.—Twentieth Century-Fox will co-star Fredric March and Warner Baxter in "Wooden Crosses," from a story by William Faulkner and Joel Sayre. Howard Hawks will direct. Production starts within three weeks.

Building Record Set

BEEVILLE, Tex., Jan. 12.—A record in building and equipping a theatre was made in Beeville when the Rialto opened recently, exactly one week from the day work was started on the playhouse. Hall Industries, which has a number of theatres in southwest Texas, operates.

On the Lighter Side

By BILL ORNSTEIN

ST. LOUIS, Jan. 12.— Mrs. JAMES A. REED pays regular visits to the court when her husband, the former senator from Missouri and special counsel for Warners, argues at length.

+

EDDIE ALPERSON finds the activity here killing. He was busy today. Had two telegrams to answer.

+

IRVING LESSER thought it strange that "The Music Goes 'Round and 'Round" hadn't reached this city.

+

SAM DEMBOW, CRESS SMITH and EDDIE ALPERSON are rapidly going balmy from it. SAM even had JOE, the pianist in the The Merry-Go-Round cocktail bar longhand the lyrics for him.

+

Some of the gang are seriously considering hiring ROSSINI, the magician in the Park Plaza's floor show, to teach them tricks. Time is hanging heavily on their hands. It's up to RUSSELL HARDY to dispose of them, but the Government prosecutor is not in a disposing mood.

+

JACOB M. LASHLY, RKO counsel, is suffering from a cold. DINTY MOORE, city manager for Warner Theatres, is getting over his.

+

BILL PINE got a load of court procedure in between 'planes. The courtroom couldn't dodge his very blue shirt and red tie.

BILL flew in from Hollywood, was grounded at Winslow, Ariz. and again at Kansas City. His tally shows there was no time at all saved.

+

SAMUEL W. FORDYCE, one of Paramount's local counsel, is recovering nicely from his pneumonia siege, but will not take part in the hearings for another week.

Christmas Grosses Set London Record

(*Continued from page* 1)

with "Mutiny on the Bounty." "The Ghost Goes West" was another outstanding success, at Leicester Square. "Top Hat," Carlton; "Thanks a Million," Tivoli; "The Melody Lingers On," London Pavilion; "Curly Top," Marble Arch Pavilion; "David Copperfield," Stoll P. T.; "Anna Karenina," Astoria; "The Guv'nor," New Gallery; "Music Hath Charms," Regal, and "Our Little Girl," Dominion; were among the Christmas week features.

* * *

With the signing of Nora Swinburne for the part of Joanna in "The Beloved Vagabond," Toeplitz Prod. has completed the leads for this Maurice Chevalier production. Already cast are Margaret Lockwood (Blanquette), and Desmond Tester (Asticot). Kurt Bernhardt, director, has started shooting at the A.T.P. Studios, Ealing.

K. C. Club Ball Set

KANSAS CITY, Jan. 12.—The annual Variety Club Charity Ball is set for Feb. 17 at the Pla-Mor. General chairman is Arthur Cole. George Baker, Variety Club's chief barker, is chairman of the entertainment committee; Frank Hensler of M-G-M, chairman of the ticket committee, and Paul Bayzman, *Box-Office*, publicity.

Plan Dance Next Month

CLEVELAND, Jan. 12.—I. J. Schmertz, newly elected president of the Variety Club, is making arrangements for a dance in February to celebrate the installation of the new officers.

"Time" Preview Is Set

The editors of "The March of Time" will hold a preview showing of their first release of the new year, tomorrow afternoon at the Hotel Madison.

No Hope Seen For New Move On Regulation

(*Continued from page* 1)

heretofore have viewed a trade practice code as desirable, admittedly are beginning to lose interest either because of the absence of a spontaneous industry demand for such a code or because the means for obtaining one are not immediately apparent. Even the M.P.T.O.A. which has been most active in championing efforts to devise a trade practice code is finding its hopes for immediate action dimmed and, according to present plans, probably will hold no annual convention this year because of a lack "of urgent industry problems requiring discussion." Even a meeting of the organization's directors or executive committee is said to be problematical at this time.

Much of the continuing effort to obtain a trade practice code is now confined to those who see a possible regulation of the industry by legislation, some of which would be inimical to the industry, furthered if a self-regulation plan is not devised in the near future.

Distributor Cooperation Needed

Unrestricted distributor cooperation is held to be the most needed factor in the advancement of any move for self-regulation and there appears to be little chance of this being obtained unless enabling legislation is enacted by the Government or definite legal precedent develops which would define the extent to which distributors could participate in the development and enforcement of a trade practice code. Many industry leaders believe that the current conspiracy trial at St. Louis, regardless of its outcome, will be a guide in this respect. Meanwhile, widespread improvements in earnings definitely has dulled the demand for a plan of self-regulation and unless one or another of the above-mentioned factors develops, only another business emergency is regarded as being capable of reviving it.

Fitelson Is Forming An Independent Unit

(*Continued from page* 1)

of six to 12 features annually, budgeted at from $200,000 to $250,000, Fitelson said. Efforts will be made to obtain producers now associated with major studios who can make one or two pictures a year outside of their regular contract schedules. This selected list of producers whom Fitelson will confer with on his coast visit will own 50 per cent of the new company. Distribution would be through a major company on a percentage basis.

Fitelson said that he was unable to disclose at this time the identity of the principals in the new company, which is now in the process of being organized.

Rename Chatterton Film

HOLLYWOOD, Jan. 12.—Columbia is changing the title of the Ruth Chatterton film, "No More Yesterdays," to "Lady of Secrets."

"Face" with Vaude Smash Boston Draw

BOSTON, Jan. 12.—The RKO Boston, back on a vaudeville basis, did capacity business all week, in spite of a driving rain which set in Thursday. The take went up to $33,000 with "Another Face" on the screen and a bill headed by "Broadway Revels" with Jane Froman. This is $18,000 over normal.

"A Tale of Two Cities" pulled $16,500, up by $3,500, at Loew's Orpheum, and turned in the same figure, over par by $4,500, at Loew's State. The Metropolitan, with "The Bride Comes Home" and a stage show headed by Phil Spitalny's air unit, was over normal by $10,000 on a gross of $32,000.

Total first run business was $111,500. Average is $85,500.

Estimated takings for the week ending Jan. 10:

"CAPTAIN BLOOD" (F. N.)
FENWAY—(1,382), 30-50c, 7 days. **Gross:** $6,000. (Average, $4,500)
"I DREAM TOO MUCH" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $14,000. (Average, $12,000)
"A TALE OF TWO CITIES" (M-G-M)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $16,500. (Average, $13,000)
"A TALE OF TWO CITIES" (M-G-M)
LOEW'S STATE — (3,537), 25c-65c, 7 days. **Gross:** $16,500. (Average, $12,000)
"THE BRIDE COMES HOME" (Para.)
METROPOLITAN — (4,332), 35c-65c, 7 days. Stage: Phil Spitalny and his "Sweethearts of the Air." **Gross:** $32,000. (Average, $22,000)
"CAPTAIN BLOOD" (F. N.)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $10,000. (Average, $7,000)
"ANOTHER FACE" (Radio)
RKO BOSTON—(3,246), 35c-65c, 7 days. Stage: "Broadway Revels" with Jane Froman, Edward Rosenwald and his Grand Orchestra. **Gross:** $33,000. (Average, $15,000)

Wall Street

KAO Spurts 3 Pts. on Board

	High	Low	Close	Net Change
Columbia, vtc.....	43¾	43¾	43¾	+ ¼
Columbia, pfd.....	50⅜	50⅜	50⅜	— ¼
Consolidated Film.	6½	6⅜	6⅜	.....
Consolidated, pfd.	19¼	19	19	.....
Eastman Kodak...162		161½	161½	.....
Keith-Albee-Orpheum, pfd.....	83	83	83	+3
Loew's, Inc.....	53⅞	53⅜	53⅝	— ¾
Loew's, Inc., pfd..108		108	108	+1
Paramount	10¾	10½	10¾	+ ⅛
Paramount 1 pfd..	82¼	81¾	82	.....
Paramount 2 pfd..	12½	12⅛	12⅜	— ¼
Pathe Film.....	7¾	7⅝	7⅝	— ⅛
RKO	7½	6¾	6⅞	— ⅛
20th Century-Fox..	26½	25¾	25¾	— ¾
20th Century, pfd..	35⅞	34½	34½	— ⅝
Universal Pictures pfd.	55	52	55	+3
Warner Bros.....	10½	10¼	10¼	— ¼

Curb Issues Steady

	High	Low	Close	Net Change
Sentry Safety.....	11/16	11/16	11/16	+ ⅛
Sonotone	1⅞	1⅞	1⅞	.....
Technicolor	20	19¾	20	+ ⅜
Trans Lux.....	3¼	3¼	3¼	.....

Most Bonds Gain

	High	Low	Close	Net Change
General Theatre Equip. 6s '40....	26⅝	25	26¼	+1
General Theatre Equip. 6s '40 ctf.	26¼	25	25½	+ ¼
Keith B. F. 6s '46	96⅜	96⅜	96⅜	+ ¼
Loew's 6s 41 ww deb rights.....104½		104½	104½	+ ¼
Paramount Pictures 6s '55.....	94¾	94¾	94¾	+ ¼
RKO 6s '41 pp....	81	81	81	—1⅜
Warner Bros. 6s '39 wd.....	88½	88	88	— ½

(Quotations at close of Jan. 11.)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Lady Consents"

(*Radio*)

HOLLYWOOD, Jan. 12.—This is dramatic romance with smart dialogue and intriguing situations, a story of a woman's sacrifice that true love might triumph. It is convincingly portrayed with Ann Harding appearing to better advantage than has been her lot for some time. Herbert Marshall and Margaret Lindsay contribute telling performances. Edward Ellis has a fine part.

In the story Miss Harding consents to a divorce when she realizes that Marshall is infatuated with Miss Lindsay. The parting is a tragedy to humorously cynical Ellis, Marshall's father. As it becomes apparent that Miss Lindsay has married only for social position and luxury, Marshall and Miss Harding find life an empty thing. Miss Harding spurns Walter Abel's marriage pleas.

Miss Harding and Marshall meet at the death bed of Ellis and realize their love is the most important thing in their lives. This starts a seemingly compromising situation. Miss Lindsay listens to the gossip of Ilka Chase and Miss Harding wins back her man.

The story, by P. J. Wolfson and Anthony Veiller, is sophisticated, but at the same time appealing, and the screenplay by Wolfson has smart dialogue. Edward Kaufman's direction expertly balances romance and comedy, with nicely spaced drama that has more than ordinary appeal to women. The settings are sumptuous and are embellished by J. Roy Hunt's photography. Production Code Seal, No. 1,896. Running time, 75 minutes. "G."

Circuit Managers to Meet in Kansas City

KANSAS CITY, Jan. 12.—Commonwealth Amusement Corp., which operates 22 theatres in Missouri, Kansas and Iowa, will hold a meeting of managers here Jan. 15 and 16. The principal business will be a discussion of a new drive, "1936 History Makers Contest."

C. A. Schultz, vice-president, said the circuit would use all the good ideas originated by individual managers in a campaign which closed Dec. 28, and what new ones could be evolved. Managers who originated ideas will answer questions on them and their use by all managers will be discussed. Schultz will be in charge of the meeting. About 30 are expected to attend.

WICHITA, Kan., Jan. 12.—O. K. Mason, secretary-treasurer of the Commonwealth Amusement Corp., who recently underwent two major operations at Mayo Brothers Clinic, Rochester, Minn., has returned here for two or three weeks. He is expected back in his office in Kansas City sometime in February.

Officers Are Installed

HOLLYWOOD, Jan. 12.—Officers of the Troupers' Club for 1936 have been installed at the club rooms. Herbert Munson is president, Beatrice Ward vice-president; Adabelle Driver secretary; Louise DeVarney, treasurer, and Edward Kimball, Chaplain. L. E. Behymer is grand trouper.

Budgets Are Discussed

HOLLYWOOD, Jan. 12.—Budgets were discussed at a meeting here of the board of the Producers' Ass'n., consisting of the heads of all major studios. No action will be taken on the setting of budgets until the arrival here of Will H. Hays, between Jan. 20 and 25.

Charlotte Agrees Outlook Is Bright

CHARLOTTE, Jan. 12.—The verdict for 1936 in this territory is unanimous—it's going to be better than 1935, and 1935 was a decided improvement over recent years.

In fact, J. H. Holloway of National Theatre Supply says 1935 was "most satisfactory." His company covers a territory with about 300 theatres in the two Carolinas. Operators coming in to buy supplies are in "fine humor," he says, and are talking of profits ahead. He regards the equipment business as a barometer of conditions.

Twentieth Century-Fox executives agree that business will be "much better" in 1936. They admit they were surprised by the gains of 1935, but are certain they will continue.

Affiliated Producers, Inc., agrees that the outlook is excellent.

North Carolina Theatres, Inc., is so cheerful over the prospects that expansion moves have been started. The two latest acquisitions are the Carolina and Granada at Lexington, and Herbert Kinsey, head of the circuit, says its older units are in a healthy condition.

Republic men are enthusiastic. They say all their contacts in the territory confirm their opinion that distributors and exhibitors hereabouts are in for a good year.

"Obsession" Big Draw

ST. LOUIS, Jan. 12.—The Fox here had one of its best weeks in months, grossing $15,000 during the week ending Thursday, playing "Magnificent Obsession." The film is now in its second week.

Skouras, Rhoden to Sail

ST. LOUIS, Jan. 12.—Spyros Skouras and Elmer C. Rhoden are booked to sail from San Francisco for Honolulu on Jan. 17.

"Burlesque" $23,000 Hit, Philadelphia

PHILADELPHIA, Jan. 12.—The biggest New Year's Eve celebration since pre-prohibition days tilted grosses last week, though there was a marked decline in attendance after the holidays.

The best figure in town was "King of Burlesque" with $23,000 at the Fox. It was held a second week. "Riffraff," with $10,000 at the Stanton, also clicked big and was held.

"A Tale of Two Cities" continued strong through New Year's Eve and New Year's Day, but fell short of getting a three-week run. For its last nine days, it turned in $23,000, better than average business. "Captain Blood" ran 10 days instead of two weeks, and got $19,000 at the Stanley for the period.

Total first run business was $103,400. Average is $91,960.

Estimated takings for the week ending Jan. 9:

"I DREAM TOO MUCH" (Radio)
ALDINE—(1,200), 40c-55c-65c, 7 days, 2nd week. **Gross:** $7,000. (Average, $8,160)
"WHIPSAW" (M-G-M)
ARCADIA—(600), 25c-40c-50c, 7 days. (2nd run.) **Gross:** $3,300. (Average, $2,800)
"TALE OF TWO CITIES" (M-G-M)
BOYD—(2,400), 40c-55c, 9 days, 2nd week. **Gross:** $23,000. (Average, 7 days, $14,000)
"SEVEN KEYS TO BALDPATE" (Radio)
EARLE—(2,000), 25c-40c-50c, 7 days. Stage: Nina Olivette, Bartel-Hurst Foursome, Three Wiles, Al Gordon & His Racketeers, Meri Bell. **Gross:** $13,000. (Average, $14,000)
"KING OF BURLESQUE" (20th-Fox)
FOX—(3,000), 40c-55c-65c, 7 days. Stage: Three Sailors, Randall Sisters, Jackie Green, Selma Marlowe, Santschi & Buckley. **Gross:** $23,000. (Average, $14,000)
"KIND LADY" (M-G-M)
KARLTON—(1,000), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)
"ANOTHER FACE" (Radio)
KEITH'S—(2,000), 30c-40c-50c, 7 days. **Gross:** $2,100. (Average, $4,000)
"CAPTAIN BLOOD" (F. N.)
STANLEY—(3,700), 40c-55c, 10 days. **Gross:** $19,000. (Average, 7 days, $14,000)
"RIFFRAFF" (M-G-M)
STANTON—(1,700), 30c-40c-50c, 7 days. **Gross:** $10,000. (Average, $7,000)

McLucas Again Head Of Omaha Film Board

OMAHA, Jan. 12.—D. V. McLucas branch manager for United Artists, has been reelected president of the Omaha Film Board, and Clarence K. Olson, branch manager for Warners, has been renamed vice-president.

The board has voted to call for bids from contractors for rebuilding exchange vaults to take care of the new 2,000-foot reels. The matter has been turned over to Regina Molseed, secretary, to complete.

Chicago Men Take Up Long Reel Problems

CHICAGO, Jan. 12. — Distributors met today to discuss plans for installation of 2,000-foot reels. City ordinances and union requirements are causing difficulties. The unions want larger hubs on the spools and rear shutters on machines. At present a city ordinance prohibits more than 1,000-foot reels.

Distributors say these difficulties can be satisfactorily ironed out. Additional meetings are scheduled.

STRIKE ME PINK, *if I don't think that this is the biggest advertising campaign ever put behind any picture!*





Samuel Goldwyn

STARTS THE NEW YEAR WITH SMASHING SHOWMANSHIP AS 1,000 LINE ROTOGRAVURE ADS HERALD HIS $2,000,000 FROLIC OF FUN AND BEAUTY

YOU'VE NEVER SEEN EDDIE CANTOR IN A PICTURE LIKE THIS BEFORE!

The tailor-made story of a timid tailor who became a titan among men after taking a correspondence course on how to be brave!...Climb on the roller-coaster, folks for the fastest ride through funland you've ever enjoyed. Watch a horde of beautiful girls close in on Eddie . . . sway to the rhythm of the season's liveliest tunes . . . thrill to the moanin' low of torchy Ethel Merman . . . Parkyakarkus in the nearest seat for 2 hours of delirious fun!



SAMUEL GOLDWYN *presents*

Eddie Cantor

Here is the greatest Eddie Cantor story ever brought to the screen . . . adapted from Clarence Budington Kelland's hilarious Saturday Evening Post serial "Dreamland."

STRIKE ME PINK



THE GREATEST COMEDY OF THIS...OR ANY OTHER YEAR

with **ETHEL MERMAN • SALLY EILERS**
PARKYAKARKUS and the GORGEOUS GOLDWYN GIRLS

Music and lyrics by Harold Arlen and Lew Brown. Dance ensembles by Robert Alton.
Directed by NORMAN TAUROG

•

Hear Eddie sing "Calabash Pipe" and "The Lady Dances." Thrill to Ethel Merman's torchy rendition of *"First You Have Me High, Then You Have Me Low!" "Shake It Off With Rhythm."*

Released thru **UNITED ARTISTS**

ITHO IN U.S.A.

"Blood" Does $35,000 in 2 Coast Houses

Los Angeles, Jan. 12. — "Captain Blood" did standout business in the two Warner houses, getting $17,900 at the Hollywood, over par by $3,900, and $17,100 at the Downtown. The latter gross was $5,100 up.

Grosses were generally good. "I Dream too Much" hit $7,100, above the line by $3,900, at the Pantages.

"King of Burlesque" took a par $12,500 at the Chinese and reached $13,000 at Loew's State.

Total first run business was $96,559. Average is $86,150.

Estimated takings for the week ending Jan. 8:

"KING OF BURLESQUE" (20th-Fox)
CHINESE—(2,500), 30c-55c, 7 days. **Gross:** $12,500. (Average, $12,500)

"MR. HOBO" (G. B.)
4 STAR—(900), 30c-55c, 7 days, 2nd week. **Gross:** $3,200. (Average, $3,250)

"THE NEW GULLIVER" (Amkino)
GRAND INTERNAT'L—(750), 35c-40c, 7 days, 2nd week. **Gross:** $1,800. (Average, $1,200)

"I DREAM TOO MUCH" (Radio)
HILLSTREET—(2,700), 25c-40c, 7 days. **Gross:** $6,300. (Average, $8,000)

"KING OF BURLESQUE" (20th-Fox)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $13,000. (Average, $14,000)

"I DREAM TOO MUCH" (Radio)
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $7,100. (Average, $3,200)

"COLLEGIATE" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: 3 Stooges, Al Lyons and orchestra, F. & M. revue. **Gross:** $17,659. (Average, $18,000)

"CAPTAIN BLOOD" (F. N.)
WARNER BROS. (Hollywood)—(3,000), 25c-40c, 7 days. **Gross:** $17,900. (Average, $14,000)

"CAPTAIN BLOOD" (F. N.)
WARNER BROS. (Downtown) — (3,400), 25c-40c, 7 days. **Gross:** $17,100. (Average, $12,000)

"Collegiate" Big Hit in Providence

Providence, Jan. 12.—"Collegiate" was responsible for a bonanza week at the Strand where the gross was $12,000, exceeding par by $5,500.

The RKO Albee also found "I Dream Too Much" a smart attraction, taking $11,500, which betters the average take by $4,500. The Majestic was $3,000 over average with "Captain Blood" receiving $10,000. Both the Strand and the RKO Albee ran their bills for eight days, opening early to catch the holiday crowd.

Shirley Temple, whose "Littlest Rebel" moved down from the Majestic to Fay's, had a par week at $7,000 and "Riffraff" at Loew's State was close to its $12,000 par, catching $11,700.

Total first run business was $52,200. Average is $39,500.

Estimated takings for the week ending Jan. 9:

"RIFFRAFF" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $11,700. (Average, $12,000)

"I DREAM TOO MUCH" (Radio)
RKO ALBEE—(2,300), 15c-40c, 8 days. **Gross:** $11,500. (Average, $7,000)

"COLLEGIATE" (Para.)
STRAND—(2,300), 15c-40c, 8 days. **Gross:** $12,000. (Average, $6,500)

"THE LITTLEST REBEL" (20th-Fox)
FAYS—(1,600), 15c-40c, 7 days. Stage: "Varsity Club Revue." **Gross:** $7,000. (Average, $7,000)

"CAPTAIN BLOOD" (F. N.)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $10,000. (Average, $7,000)

Year's Start Tips Grosses To New High of $1,918,729

Comparative grosses for the last available periods:

	No. Theatres	Gross
Sept. 26-27	164	$1,655,050
Oct. 3-4	178	1,572,310
Oct. 10-11	178	1,452,499
Oct. 17-18	178	1,563,750
Oct. 24-25	180	1,534,575
Oct. 31-Nov. 1	186	1,544,724
Nov. 7-8	185	1,545,710
Nov. 14-15	183	1,722,305
Nov. 21-22	181	1,578,550
Nov. 28-29	181	1,593,860
Dec. 5-6	183	1,766,910
Dec. 12-13	180	1,434,785
Dec. 19-20	171	1,321,385
Dec. 26-27	175	1,228,199
Jan. 2-3	179	1,918,729

(*Copyright*, 1936, *Quigley Publications.*)

	Week Ending Jan. 2-3		Week Ending Dec. 26-27	
	No. Theatres	Gross	No. Theatres	Gross
Boston	7	$110,000	7	$74,500
Buffalo	5	45,700	5	34,699
Charlotte	3	17,500	3	14,500
Chicago	8	144,500	8	85,700
Cincinnati	9	62,500	9	43,500
Cleveland	5	61,250	5	36,750
Denver	6	32,700	6	8,600
Detroit	6	71,800	5	62,100
Houston	5	34,000	4	23,200
Indianapolis	5	29,500	5	22,000
Kansas City	5	40,300	5	34,100
Lincoln	5	11,700	5	5,450
Los Angeles	9	88,050	9	58,550
Louisville	7	26,000	7	22,700
Milwaukee	5	29,200	4	19,000
Minneapolis	5	28,000	5	29,000
Montreal	5	47,000	5	44,000
New Haven	4	21,500	4	13,500
New York	9	423,000	9	186,200
Oklahoma City	4	18,600	4	10,400
Omaha	3	21,700	3	13,700
Philadelphia	9	100,300	9	83,700
Pittsburgh	6	68,520	5	25,300
Portland	6	34,000	6	34,200
Providence	5	48,500	6	29,400
San Francisco	9	88,550	8	68,750
St. Louis	5	63,950	5	41,800
St. Paul	5	18,200	5	18,200
Seattle	7	39,600	7	26,700
Washington	7	92,600	7	58,000
	179	$1,918,729	175	$1,228,199

Lipscomb on "Lloyds"

Hollywood, Jan. 12. — Darryl F. Zanuck has assigned W. P. Lipscomb to write the screen play of "Lloyds of London." The script will be written from the novel, "The Bell Ringer," by Curtis Kenyon. The story deals with British shipping during the time of Lord Nelson.

"Drag-Net" for Tarzan

Hollywood, Jan. 12.—"The Drag-Net," Willard Mack play, has been acquired by the Burroughs-Tarzan unit. It will be filmed as the first feature release on a program scheduled to include 18 features and two serials for the independent market.

Lee to Train Dancers

Hollywood, Jan. 12.—Sammy Lee has been placed in charge of the M-G-M dancing school. He succeeds Dave Gould. The school will be enlarged, and all players who take part in musicals will be sent for instruction.

Reisenfeld Is Signed

Hollywood, Jan. 12. — Dr. Hugo Reisenfeld has been signed by Sol Lesser to supervise the musical score in the Bobby Breen film, "The Show Goes On." He will also compose two original songs for the picture.

Ben Carre will do the art direction.

Gross Quits Mayoralty

Cleveland, Jan. 12. — Louis C. Gross of Johnson, Gross and Solomon, film carriers, who was elected mayor of North Olmsted in the fall elections, resigned yesterday following a meeting at which the council refused to ratify his appointments for office.

Huban to Dorchester

Dorchester, Mass., Jan. 12.—Marvin Huban has been appointed assistant manager at the M. & P. Strand here. Frank McShane manages the house. Huban was formerly manager of the Regent in Norfolk Downs.

"Rebel" Gets Minneapolis' Top, $11,000

Minneapolis, Jan. 12. — "The Littlest Rebel" made the best showing in a quiet week on both sides of the river by going $1,000 over normal for a total of $11,000 at the Minnesota.

The only other attraction to get over par here was "La Maternelle" at the World which took $3,500.

In St. Paul "Show Them No Mercy" went to $2,000 at the Riviera, with no other first run getting anywhere. The weather was cold.

Total first run business in Minneapolis was $26,500. Average is $24,500. Total first run business in St. Paul was $16,000. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Jan. 8:

"LA MATERNELLE" (Metropolis)
WORLD—(400), 25c-55c, 7 days. **Gross:** $3,500. (Average, $3,000)

Week Ending Jan. 9:

"MISS PACIFIC FLEET" (W. B.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Jan. 10:

"THE LITTLEST REBEL" (20th-Fox)
MINNESOTA—(4,000), 25c-55c, 7 days. **Gross:** $11,000. (Average, $10,000)

"I DREAM TOO MUCH" (Radio)
ORPHEUM—(2,900), 25c-40c, 7 days. **Gross:** $5,000. (Average, $5,500)

"WHIPSAW" (M-G-M)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

St. Paul:

Week Ending Jan. 10:

"THANKS A MILLION" (20th-Fox)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"THE MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)

"SHOW THEM NO MERCY" (20th-Fox)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $2,000. (Average, $1,500)

"ONE WAY TICKET" (Col.)
ORPHEUM—(2,000), 25c-40c, 3 days. **Gross:** $1,500. (Average for week, $4,000)

"ESCAPE FROM DEVIL'S ISLAND" (Col.)
ORPHEUM—(2,000), 25c-40c, 4 days. **Gross:** $2,000. (Average for week, $4,000)

"THE RAINMAKERS" (Radio)
WORLD—(400), 25c-35c, 7 days. **Gross:** $1,500. (Average, $1,500)

Talk Cleveland Vaults

Cleveland, Jan. 12.—The Cleveland Film Board of Trade held its first meeting of the year to discuss changes necessary in the exchange vaults to take care of the new 2000-foot films which supersede the present 1000-foot film on April 1st. Frank D. Drew, M-G-M branch manager is president of the board.

M-G-M Re-Signs Three

Hollywood, Jan. 12.—M-G-M has given new term contracts to Robert Greig, Ann Loring and Eric Linden. Stanley Morner and Lorraine Bridges have been signed for a special number in "The Great Ziegfeld."

Warfield Drops Shows

San Francisco, Jan. 12.—The Warfield will abandon stage shows Jan. 16. The theatre has been doing a big business during the past few weeks with strong pictures.

THE BOOKING

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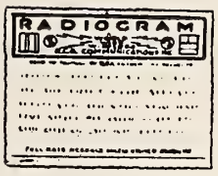
NEW YORK CITY, MUSIC HALL, Jan. 30 • CHICAGO, PALA

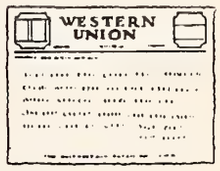
BALTIMORE, KEITH'S, Feb. 6 • RICHMOND, CAPITOL

ST. LOUIS, FOX, Feb. 7 • KANSAS CITY, TOWER, Feb.

ATLANTA, PARAMOUNT, Feb. 7 • WICHITA, MILLER

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CE, Jan. 30 • WASHINGTON, KEITH'S, Jan. 30 • BUFFALO, LAFAYETTE, Feb. 6
, Feb. 6 • PROVIDENCE, ALBEE, Feb. 6 • BOSTON, MEMORIAL, Feb. 7
7 • SAN FRANCISCO, ORPHEUM, Feb. 7 • SALT LAKE, ORPHEUM, Feb. 7
, March 1 • LOS ANGELES, PANTAGES AND HILL STREET, Feb. 5-12

"Face" with a Stage Revue Denver Smash

DENVER, Jan. 12.—In spite of a cold wave grosses skyrocketed, and a combination of "Another Face" on the Orpheum screen, with "French Folies," a revue, on the stage was a sensation. The $12,000 gross was $7,000 over par.

"Captain Blood" nearly doubled normal at the Denver at $9,000, and "The Bride Comes Home" was 100 per cent up with $8,000 at the Denham. "Mr. Hobo" did well at $3,500 in the Aladdin.

Total first run business was $37,000. Average is $19,500.

Estimated takings for the week ending Jan. 7:

"MR. HOBO" (G.B.)
ALADDIN—(1,500), 25c-35c-50c-60c, 7 days. **Gross:** $3,500. (Average, $2,000)

"THE LITTLEST REBEL" (20th-Fox)
BROADWAY—(1,500), 25c-40c, 7 days following a week at the Denver. **Gross:** $1,500. (Average, $1,000)

"THE BRIDE COMES HOME" (Para.)
DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $8,000. (Average, $4,000)

"CAPTAIN BLOOD" (F.N.)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $9,000. (Average, $5,000)

"ANOTHER FACE" (Radio)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. Stage: "Freuch Folies." **Gross:** $12,000. (Average, $5,000)

"IF YOU COULD ONLY COOK" (Col.)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $3,000. (Average, $2,500)

"Bride," "Dudley" $8,500, Portland

PORTLAND, Jan. 12. — "The Bride Comes Home" and "Your Uncle Dudley" in their initial week at the Orpheum, had a heavy take of $8,500, over the usual by $3,500.

"Tale of Two Cities" continued on into a second week at United Artists with a draw of $7,000, over normal by $2,000.

"A Night at the Opera" was held over for a second week at the Broadway to average business.

The joint bill of "Miss Pacific Fleet" and "Charlie Chan's Secret" grossed $7,500, over average by a full $2,500.

Total first run business was $34,000. Average is $24,700.

Estimated takings for the week ending Jan. 4:

"A NIGHT AT THE OPERA" (M-G-M)
BROADWAY — (1,912), 30c-35c-40c, 7 days, 2nd week. **Gross:** $5,000. (Average, $5,000)

"TOP HAT" (Radio)
"RECKLESS" (M-G-M)
(2nd Run)
BLUE MOUSE—(1,700), 20c-25c, 7 days. **Gross:** $2,000. (Average, $1,700)

"COLLEGIATE" (Para.)
"SHOW THEM NO MERCY" (20th-Fox)
MAYFAIR—(1,700), 30c-35c-40c, 7 days, 2nd downtown week. **Gross:** $4,000. (Average, $3,000)

"BRIDE COMES HOME" (20th-Fox)
"YOUR UNCLE DUDLEY" (Radio)
ORPHEUM—(1,700), 30c-35c-40c, 7 days. **Gross:** $8,500. (Average, $5,000)

"MISS PACIFIC FLEET" (W.B.)
"CHARLIE CHAN'S SECRET" (20th-Fox)
PARAMOUNT — (3,008), 30c-35c-40c, 7 days. **Gross:** $7,500. (Average, $5,000)

"TALE OF TWO CITIES" (M-G-M)
UNITED ARTISTS—(945), 30c-35c-40c, 7 days, 2nd week. **Gross:** $7,000. (Average, $5,000)

Out Hollywood Way

HOLLYWOOD, Jan. 12. — FRANCES DRAKE recovering from the flu. . . . Paramount extends HENRY ARTHUR'S contract. . . . He is working in "13 Hours by Air." . . . AL G. BARNES' circus chartered by Twentieth Century-Fox for "Charlie Chan at the Circus." . . . JEAN BENNETT, who appeared in "Valley Forge" on the New York stage, here to start Warner contract.

CHARLES BOYER burned by small explosion while working in "Invitation to Happiness," Paramount. . . . Twentieth Century-Fox will make 16mm. prints on "The Country Doctor". . . . CHARLES BICKFORD has bought two scripts which he will produce himself.

REV. JOHN O'DONNELL of Culver City signed by M-G-M as technical advisor for "Romeo and Juliet". . . . DAVID NIVEN gave MERLE OBERON an infra-red burglar alarm system for her Santa Monica home. . . . ELEANOR STEWART'S first under her new M-G-M contract is "Small Town Girl."

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Casting—CARY GRANT and LYNN OVERMAN in "Florida Special," Paramount. . . . HEATHER ANGEL has lead in "Plan 16," Radio. . . . BARRY JANE, RAY MAYER, TONY MARTIN and EDWARD BURNS in "Farmer in the Dell," Radio. . . . LOIS WILSON signed for "The Return of Jimmy Valentine," Republic. . . . STERLING HALLOWAY in WALTER WANGER'S "Palm Springs."

JIM DUGGAN, CLAIRE MCDOWELL and FRANK CRAVEN in M-G-M's "Small Town Girl". . . . Countess LIV DE MAIGRET and ERIK RHODES in "One Rainy Afternoon." Pickford-Lasky. . . . WALTER WANGER borrows CHARLES BUTTERWORTH from M-G-M for "The Moon's Our Home."

WILLIAM DAVISON, ADDISON RICHARDS, MARY TREEN, EDWARD SHUBERT and FLORENCE FAIR in "Murder by an Aristocrat," Warners. . . . ERROL FLYNN in "Anthony Adverse," same studio. . . . JANE DARWELL, SARA HADEN and PAUL STANTON in "The Matron's Report," Twentieth Century-Fox. . . . OLIN HOWLAND in Warners' "Snowed Under". . . . LUMSDEN HARE, GREGORY RATOFF, JOHN GARRADINE, ALBERT PETIT, GWENDOLEN LOGAN, JACK ADAIR and THOMAS BECK signed for "Under Two Flags," Twentieth Century-Fox. . . . SHIRLEY DEANE, J. CAROL NAISH, DRUE LAYTON and WADE BOTELER in "Charlie Chan at the Circus," same studio.

ROBERT MONTGOMERY lead in M-G-M's "Petticoat Fever". . . . ARTHUR LAKE added to "Small Town Girl," M-G-M. . . . BEN HALL and EDWARD BROPHY cast in "Kelly, the Second," PATSY KELLY'S first feature for HAL ROACH.

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Directors—RICHARD THORPE to direct M-G-M's "Gram." . . . KURT NEUMANN replaces ARTHUR GREVILLE COLLINS on SOL LESSER'S "The Show Goes On." . . . GORDON DOUGLAS, assistant director on "Our Gang" comedies, will be assistant to WILLIAM TERHUNE on "Kelly, the Second."

ALFRED E. GREEN to direct KAY FRANCIS in "The Green Princess," Warners. . . . JOSEPH KANE to do "G-Men of the Nineties" for Republic and BREEZE EASON assigned to "Red River Valley," same studio. . . . ROBERT FLOREY on "Reunion," Paramount. . . . WILLIAM MCGANN gets "The Gentleman from Big Bend," Warners.

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Contracts—MORONI OLSEN gets term pact, Radio. . . . Warners option CRAIG REYNOLDS and CARLYLE MOORE, JR. . . . NAT LEVINE signs MAE CLARKE for four Republic films. . . . M-G-M gives new pact to BRUCE CABOT. . . . JANE WITHERS given new ticket by Twentieth Century-Fox.

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Story Buy—HARRY SELBY'S "Pony Boy" bought by SAMUEL GOLDWYN for EDDIE CANTOR. . . . ARNOLD B. ARMSTRONG'S "All Bridges Burned" acquired by M-G-M. . . . WALTER WANGER gets an original by GENE TOWNE and GRAHAM BAKER called "History Is Made at Night."

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Writers—HOMER CROY signed by Republic to work on "The Harvester". . . . CLAUDE BINYON working on script of "Hard to Handle," Paramount.

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Title Change—HARRY SHERMAN sets "Call of the Prairie" as final title for fourth of "Hopalong Cassidy" pictures. . . . Formerly known as "Outcast of Twin Rivers."

Add to "Bohemian Girl"

HOLLYWOOD, Jan. 12. — Hal Roach has placed "The Bohemian Girl" back before the cameras for added scenes. Felix Knight, Mitchell Lewis and Zeffie Tillbury have been added to the cast for the new sequence. Laurel & Hardy are starred.

Donald Cook to Republic

HOLLYWOOD, Jan. 12.—Republic has signed Donald Cook to a one-year contract. The actor will make four pictures. His first assignment has not been announced.

Plans Niantic House

NIANTIC, Conn., Jan. 12. — George LeWitt, operator of the Strand, Plainville, will build a new 680-seat theatre here.

Screeno for Loew Lyric

BRIDGEPORT, Jan. 12.—The Lyric is the latest Loew house in this area to add Screeno.

The Barnum here and the Pickwick at Greenwich have abandoned Bank Night in favor of Movie Sweepstakes.

Poland Forms Supply Co.

KANSAS CITY, Jan. 12.—James Poland, in the film and supply business here for the past 22 years, and John C. Lynch have formed the Independent Theatre Supply Co.

Universal Signs LaCava

HOLLYWOOD, Jan. 12.—Universal has signed Gregory LaCava to direct "My Man Godfrey," which will star William Powell. Production is scheduled to start in March.

"Riffraff" on With "Stars" Seattle High

SEATTLE, Jan. 12.—A combination of "Riffraff" and "Stars Over Broadway" led the New Year pickup downtown with $8,100 at the Orpheum. This leaves average $2,100 astern.

"The Bride Comes Home" and "His Night Out" were good for $8,700, up by $1,700, at the Fifth Avenue. Two holdovers were still in the profit column. "Collegiate" and "Show Them No Mercy," in the second week of an extended run from the Orpheum, reached $4,200 at the Blue Mouse, and "The Littlest Rebel" and "Millions in the Air," at the Music Box in an extended run from the Fifth Avenue, took $4,250.

Total first run business was $37,150. Average is $33,500.

Estimated takings for the week ending Jan 19:

"COLLEGIATE" (Para.)
"SHOW THEM NO MERCY" (Fox)
BLUE MOUSE—(950), 25c-40c-55c, 8 days, 2nd week, extended run from Orpheum. **Gross:** $4,200. (Average, $4,000)

"THE BRIDE COMES HOME" (Para.)
"HIS NIGHT OUT" (Univ.)
FIFTH AVENUE—(2,500), 25c-40c-55c, 8 days. **Gross:** $8,700. (Average, $7,000)

"IF YOU COULD ONLY COOK" (Col.)
LIBERTY—(1,800), 15c-25c-35c-50c, 7 days, 2nd week. **Gross:** $4,350. (Average, $4,000)

"THE LITTLEST REBEL" (20th-Fox)
"MILLIONS IN THE AIR" (Para.)
MUSIC BOX—(950), 25c-40c-55c, 8 days, 2nd week, extended run from Fifth Avenue. **Gross:** $4,250. (Average, $4,000)

"RIFFRAFF" (M-G-M)
"STARS OVER BROADWAY" (W.B.)
ORPHEUM—(2,450), 25c-30c-40c, 9 days. **Gross:** $8,100. (Average, $6,000)

"HANGOVER MURDERS" (Univ.)
"NEVADA" (Para.)
PARAMOUNT — (3,050), 20c-25c-30c, 8 days. **Gross:** $5,250. (Average, $5,000)

"$1,000 A MINUTE" (Republic)
REX—(1,500), 15c-25c, 7 days. Stage: "Kit Kat Club Revue." **Gross:** $3,300. (Average, $3,500)

"Rebel" an $8,000 Wow in Charlotte

CHARLOTTE, Jan. 12. — Despite the worst weather in five years "The Littlest Rebel" ran 100 per cent over normal for a take of $8,000 at the Carolina.

"Captain Blood" also was an outstanding hit with a gross of $7,000, up by $3,000, at the Broadway.

"Show Them No Mercy" held its own with a $1,500 take at the Imperial for three days.

Total first run business was $17,500. Average is $11,000.

Estimated takings for the week ending Jan. 4:

"CAPTAIN BLOOD" (F. N.)
BROADWAY—(1,114), 25c-40c, 6 days. **Gross:** $7,000. (Average, $4,000)

"THE LITTLEST REBEL" (20th-Fox)
CAROLINA—(1,400), 25c-40c, 6 days. **Gross:** $8,000. (Average, $4,000)

"CORONADO" (Para.)
IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $1,000. (Average, $1,500)

"SHOW THEM NO MERCY" (20th-Fox)
IMPERIAL—(949), 25c, 3 days. **Gross:** $1,500. (Average, $1,500)

Cut Seating Capacity

PROVIDENCE, Jan. 12.—Renovations on the Columbia have reduced the seating capacity from 300 to 280. A. Annotti is now operating the house three days a week instead of seven.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 10 NEW YORK, MONDAY, JANUARY 13, 1936 TEN CENTS

Testimony of Dysart Ended At St. Louis

First Witness Stresses Reorganizing Plans

By RED KANN

ST. LOUIS, Jan. 12.—The Government on Saturday completed the direct examination of Thomas N. Dysart, its first witness, and cross-examination by ex-Senator James A. Reed, co-counsel for Warners, began, in a two-hour session lacking in interest and devoid of new angles.

After one hour and 15 minutes, Russell Hardy, Government attorney, turned the witness over to the defense.

The cross-examination, conducted by Reed from his chair with the consent of Judge Joseph West Molyneaux,

(*Continued on page 3*)

Laughton Winner in Actors' Guild Vote

HOLLYWOOD, Jan. 12.—The Screen Actors' Guild has selected Charles Laughton for the best performance of December in the monthly poll conducted by its members. Laughton received the honor for his role in "Mutiny on the Bounty" in a vote involving 18 players in 14 pictures.

Kay Francis received first honorable mention for her part in Warners' "I Found Stella Parrish" and Eddie Quillan got second mention for "Mutiny on the Bounty."

The Screen Writers' Guild voted "Mutiny on the Bounty" the best screen play of December. Talbot Jennings, Jules Furthman and Carey Wilson did the adaptation. "So Red the Rose" received first honorable mention with the honors going to Laurence Stallings, Maxwell Anderson and Edward Justus Mayer. Joel Sayre and John Twist received second mention for "Annie Oakley."

Kansas City Paper Drops Giveaway Ads

KANSAS CITY, Jan. 12.—On order of postal authorities, the *Kansas City Star-Times*, which carries the bulk of local theatre advertising and all the subsequent run advertising, has discontinued all references to cash giveaway schemes.

For some weeks Fox Midwest had been carrying an indirect reference to their Bank Night pool—"Extra Added Attraction Tonite," and since Christmas 14 independents have been calling attention to their Sweepstakes pool with "Associated Special Attraction 8:40."

Year's Start Tips Grosses To New High of $1,918,729

New Year's week was a tonic—in spots a sensational tonic that more than doubled the previous week's grosses—among all the 30 key spots reporting to MOTION PICTURE DAILY, except St. Paul. Bad weather there explained the lethargy.

The total take for the 30 cities was $1,918,729. For the Christmas week it was $1,228,199.

The New Year total is by far the highest for the current season which began in September. It tops the previous high mark of $1,766,910, set up the first week in December, by $151,819.

Some of the increases over Christmas week were remarkable. In New York the New Year's take was $423,000. For the previous week is was $186,200. Boston, Chicago, Denver, Lincoln, Philadelphia and Pittsburgh (where the new Sunday opening law was a help), Providence and Washington also showed striking gains.

[*Comparative Tabulation on page 7*]

Kentuckians Study Gains; Expect More

LOUISVILLE, Jan. 12.—The consensus of opinion among theatre and exchangemen in the Louisville and Kentucky territory is that 1936 will bring a definite rise in grosses. The public interest has quickened with increased payrolls and consequently has more money to spend for amusements, they agree.

Farmers are getting higher prices for tobacco and thousands in and around Louisville are employed in tobacco processing and cigarette manufacturing by local factories. During 1935, the report of the Louisville Industrial Foundation shows that 18 new manufactories were established, while 61 older plants improved and expanded their facilities.

Sixty-nine conventions with a potential drawing power of 31,000, are

(*Continued on page 2*)

Missouri Sales Tax Returns Show Gains

KANSAS CITY, Jan. 12.—Fifty-five thousand Missouri retailers—including theatres—which is 3,873 more than in October, paid $915,300 under the one per cent sales tax during November, compared with $866,440 the preceding month. A third of it goes to the school fund, the remainder to general revenue. Sales tax returns are expected to exceed $1,000,000 for December.

The legislature appropriated $2,500,000 at the last session for old age pensions, part to come from the sales tax. A limit of $30 a month was placed on the amount going to pensioners. Recommendations in the state auditor's office range from $7 to $12 a month.

No Hope Seen For New Move On Regulation

Plans for voluntary advancement by the industry of any method of self-regulation are regarded in responsible exhibitor and distributor quarters as being definitely stalemated at this time and dependent for revival on either the establishment of legal precedents, the passage of enabling Federal legislation, recurrence of a trade emergency, or cooperation by distributors, in the opinion of these authorities.

Industry apathy on the subject in the face of a number of efforts made since the demise of the NRA to advance a plan of self-regulation has become self-evident enough in recent months to lead erstwhile champions of the move to question, even, whether a regulatory code is needed by the industry. Even the definite plan proposed by M.P.T.O.A. for local self-regulation through exhibitor and distributor representatives delegated with sufficient authority to settle disputes within their own territories has met with no response from distributors and only indifferent cooperation from exhibitors, it is pointed out.

Numbers of industry leaders who

(*Continued on page 3*)

Fitelson Is Forming An Independent Unit

Plans for the formation of a new producing-distributing organization utilizing major company facilities will be advanced by William Fitelson, New York film attorney for the organizing group, who leaves for Hollywood today to confer with leading independent producers on the project.

English and American capital has been secured to finance the production

(*Continued on page 3*)

Open Houses May Go Over 15,000 Mark

Big Increase Expected in Film Board Report

Indications that the total number of theatres in operation in the U. S. at the end of 1935 might pass the 15,000 mark are contained in the annual reports of the Film Boards of Trade which are now being compiled by the M.P.P.D.A., but will not be completed much before the end of the week.

The nearly complete reports now on hand definitely reveal that the total of 14,552 theatres which were open on Jan. 1, 1935, will be increased by more than 400 theatres which have been opened during the year.

The grand total of theatres a year ago, both open and closed, was 18,263. This number is not expected to reflect as great a change as that in the number of open theatres alone, as the increase in the latter was due largely to the remodeling and reopening of old theatres rather than to new construction. Seating capacity of the open theatres may pass the 10,000,000 mark, according to present indications of the incomplete Film Board reports.

Virtual extinction of the silent theatre is also expected to be revealed in the report. There were only 51 silent theatres open in the U. S. a year ago and this number will show a further decrease during 1935, it is anticipated.

Christmas Grosses Set London Record

By BRUCE ALLAN

LONDON, Jan. 4.—Aided by favorable weather and a lineup of good attractions, theatres in the West End of London had one of the most successful Christmas seasons in history.

The Empire, Leicester Square, M-G-M shopwindow, broke all its records on Boxing Day (Dec. 26)

(*Continued on page 3*)

Harry Carr Passes; Heart Attack Fatal

Los ANGELES, Jan. 12.—Harry Carr, who conducted a column in the *Los Angeles Times*, and was at one time a writer and supervisor of stories for D. W. Griffith, Cecil B. DeMille, Mack Sennett and Jesse Lasky, is dead here of a heart ailment. He was 58. He was the author of numerous books. He is survived by his widow, two children and three grandchildren.

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Hearing Postponed On Madison Houses

MADISON, Wis., Jan. 12.—Hearing in the Beecroft Building Co. reorganization was postponed in Federal court this week when Judge Patrick T. Stone announced that the second bondholders' protective committee, appointed by the court, had not completed its recommendations.

Counsel representing the first voluntary bondholders' committee announced that negotiations are in progress for a new lease on the Orpheum, Strand and Parkway on terms which, it was declared, will be more advantageous than the present arrangement with the Ashley Theatres Co. Saxe Amusement Management, Inc., Milwaukee, has indicated that it is willing to operate the houses.

MITCHELL MAY, Jr. COMPANY
INC.
SPECIALISTS IN
FILM and THEATRE
INSURANCE
75 Maiden Lane New York
Los Angeles 510 W. 6th Street Cal.

Check Matinee Time Change in St. Louis

ST. LOUIS, Jan. 12.—Following a conference with Harry C. Arthur, operator of the Ambassador, Missouri and Fox here, a committee representing the M. P. T. O. of Southern Illinois agreed to check up on independent theatres alleged to be moving up their matinee time in accordance with an agreement reached last fall. The committee consists of Fred Wehrenberg and the Mandell brothers. Following the survey they will again confer with Arthur in an effort to induce his return to the 6 o'clock matinee change replacing the 7:30 shift now in effect. At the moment Arthur is firm for the later hour change.

The Missouri and Fox have inaugurated Bank Night and the Ambassador begins the giveaway tomorrow.

Bank Night Termed As Legal in Racine

RACINE, Wis., Jan. 12.—Indications that attempts to ban Bank Night at several local houses here will be unsuccessful is seen in an opinion from the district attorney's office which declared that the plan is legal where all are afforded the same chance to participate in the cash award, irrespective of whether they purchase a ticket to the theatre.

Both the Rialto and Capitol here are featuring Bank Night weekly, while at least four other houses, including the Uptown, Granada, Crown and Mainstreet, are offering giveaways in the form of the gift ware. The latter two houses advertise free pop corn balls, candy and toys for the kiddies attending Sunday matinees.

Grants Examination In Master Art Suit

Justice Bernard L. Shientag in N. Y. Supreme Court has set Jan. 16-17 as the dates for examination before trial of Herman Robbins of National Screen Service and Charles L. Casanave of American Display Co., on petition of Master Art Products, as part of Master Art's suit for an injunction, alleging violation of an agreement that American Display would not engage in the lobby display business for five years from 1932.

The complaint says that National Screen has financed American Display in that business, the latter being in competition with Master Art. The court at the same time denied a defense request for examination of the books of Master Art.

To Hear New Sound

A new type of sound recording, developed by J. A. Miller of the American Mechanographic Co., will be demonstrated Wednesday at the next meeting of the Atlantic Coast section of the S. M. P. E. Members will meet in the Eastman Kodak offices, Madison Ave., for dinner and then go to the rooms of the Electrical Ass'n. in the Grand Central Palace for the meeting.

Vance King on Awards

HOLLYWOOD, Jan. 12.—Vance King will handle publicity on the Academy awards this year, as he did last. Nomination blanks were mailed out over the weekend.

Purely Personal

MARTIN MOONEY, who has to do a 30-day term in the Tombs for failure to disclose his source of information regarding rackets in this city, will arrive today from the coast. While incarcerated he will do a prison story for Warners.

•

HY DAAB, newly appointed advertising and publicity director for Columbia, arrived from the coast Saturday to take over his new post immediately.

•

WELDON HEYBURN opens at the Lyceum tomorrow night in "I Want a Policeman." He has been signed by M-G-M.

•

H. L. ROBERTS, JR., has been appointed head of the creative department of Audio Prod.

•

. . . *Atlanta*

HENRY B. GLOVER, Republic salesman, has been transferred to Memphis, as exchange manager.

HARRY C. SIMPSON, salesman for National Screen, has a swollen jaw; tooth trouble.

IKE KATZ of Paragon Film Exchange has opened an exchange in Charlotte, with HENRY WISE in charge.

CLARENCE EISEMAN, branch manager for U. A., has changed his sales force around, placing HARRY BROWN in the Alabama and West Tennessee sector, JACK EMENHEISER in North Georgia and East Tennessee and FRED CRESWELL in South Georgia and Florida. MIKE CARMICHAEL resigned Jan. 1.

C. E. PEPPIATT, former branch manager here for Warners, has succeeded W. M. RICHARDSON at First Division.

RILEY DAVIS of the Theatrical Printing Co., tried a bird hunt on one of the coldest of the recent cold days, and bagged one bird in an all-day foray. He blames the dogs.

•

. . . *Denver*

TOMMY MILTON, Victory manager, is vacationing in Ohio and adjoining states.

BUD KELLY, former manager of the Park, is now running a filling station.

OLLIE WOG, former salesman here, will return to the film business as salesman for G. B.

HOBART GATES of the Garlock, Custer, S. D., was among those on film row recently. Others include: B. P. MCCORMACK, Canon City, Colo.; ELDON MENAGH, Fort Lupton, Col.; S. L. HESSBECK, Chappell, Neb.; SANDY BIELLA, Louisville, Col., and J. F. CARPER, Lafayette, Col.

GEORGE MCCORMACK, son and right hand man of B. P. MCCORMACK, was married recently to MARINE WOOD, of Canon City.

LON T. FIDLER, manager of Distinctive Screen Attractions, is on business in Texas. He says he is taking a vacation at the same time.

•

. . . *London*

JAMES B. SLOAN, from British National, is the new manager at the Boot-B.N. Pinewood studio at Iver.

CLARENCE ELDER is now director of studios for B.I.P. at Elstree. He was art director. He takes over duties recently relinquished by P. C. STAPLETON.

MAX GLASS, from Berlin and Paris is establishing a British production unit, with "John Halifax, Gentleman" as its first story.

Kentuckians Study Gains; Expect More

(*Continued from page 1*)

scheduled here for 1936, it was announced by G. W. Huey, of the Louisville Convention and Publicity League. Plans have been under way for several months to make the second annual Derby Festival Week of national interest. Heretofore, Louisville's biggest moment has been the Kentucky Derby with visitors coming to the city from all points of the compass. Their stay was short, in most instances visitors arriving by train, automobile, boat, and airplane only a few hours before the big race and departing for home immediately after the winner was made known. Derby Festival Week is being designed to offer the visitor a full week of entertainment with each day crowded by special events. Theatres profit from the throng of visitors and are lending their co-operation to make Derby Festival Week a success.

Distillers Approach Peak

Kentucky's distilling industry has attained a production nearly equal to its peak of pre-prohibition days with 44 firms operating 48 distilling plants at the close of the year. Leaders of that industry plan a continuance of expansion during 1936, although some plans are being held in abeyance pending adoption by the legislature, which meets this month, of a new liquor control law as a result of the repeal of the state prohibition amendment at the November election. Actual employment in distilling plants alone is placed at 5,000 for Kentucky, not including allied industries.

Equipment Dealers Optimistic

New theatre construction in Louisville and Kentucky has been practically at a standstill and 1936 probably will not bring any change in this situation. While all downtown theatres are operating with but one exception, no plans for new enterprises have been announced. General improvement has been made in sound and projection equipment and equipment dealers report a 50 per cent increase in volume of business over 1934. They confidently predict that 1936 will also bring a substantial increase over 1935 and are expanding their quarters and staffs to take care of the increased trade.

From conversations with various theatre managers, it is gathered that 1936 is looked upon as a "boom" year for the exhibitor. They state as their opinion that more money is being put into circulation and that, since picturegoers are going to get their share, the exhibitor, in turn, will get his.

All exhibitors report a definite improvement in the quality of the product now coming out.

Testimony of Dysart Ended At St. Louis

(*Continued from page 1*)

dealt with various meetings held in connection with Warner proposals of re-organization for the Ambassador, Missouri and New Grand Central. Reed's line of questioning concentrated on the establishment of the assertion that on Sept. 18, 1933, Warners had come to a definite agreement with the bondholders' committee on a reorganization plan for these three theatre properties except for three points.

One of the three unsettled points was the length of time during which the new bonds were to be non-cumulative. Warners, Dysart testified, wanted a three-year term and the bondholders favored a shorter period. The second concerned control of the voting trust. The witness said Warners wanted four of seven and the bondholders likewise. The third point concerned the price Warners were to pay for 60 per cent of the stock in the new corporation which was to be organized, Dysart continued.

Dysart to Florida

Reed endeavored to bring out that the agreement with the bondholders' committee, when reduced to writing and submitted to the Warner home office in New York, was at variance with the terms first reached on Sept. 18. This brought to a close Dysart's testimony for the day. He was released for a Florida vacation by agreements, but will return next Saturday. At that time Paramount counsel will cross-query him on one or two angles. RKO is not interested in his testimony for Dysart has not even mentioned the company in either direct or cross-examination.

Hardy's objections to the introduction of testimony pertaining to theatres other than those in the complaint were denied by the court, thereby indicating a possible wider scope in which defense counsel might build its argument. This became evident when Reed, over Hardy's demurrer, succeeded in getting Dysart to answer a question relating to the operation of the St. Louis Theatre, one of the five houses controlled locally by F. & M., but not a party to this action.

Overrules Objection

The Government's objection to Reed's introduction of testimony relative to receivership suits filed by Harry Koplar against the St. Louis Amusement Co., controlled by Warners at the time, was likewise overruled. The Warner contention in the current action is that because of these two suits no early bid for reorganization of the Ambassador, Missouri, and, New Grand Central was possible. The contention further is that Koplar, by means of the receivership actions, took away the equity and control Warners had in the 20 neighborhood theatres which constitute St. Louis Amusement Co. It is for this proferred reason Warners have since refused to have any business dealings with Koplar or any of his associates.

By comparing the Allen L. Snyder bid with various Warner propositions for the three houses Dysart explained why the bondholders' committee, of which he is chairman, accepted the former bid. He said it provided for fixed rentals and weekly settlements of 15 per cent in contrast with no fixed rentals or percentage of the gross in the Warner proposals.

J. M. Ulmer and B. D. Gordan, Cleveland lawyers who will testify about a meeting in Herman Starr's New York office at which references to the St. Louis situation allegedly had been made, now are slated to be the Government's first witnesses on Monday.

Joseph Bernhard, general manager of Warner Theatres, and Joseph Hawen, lawyer for Warners, arrived late Friday night.

Skouras to New York

ST. LOUIS, Jan. 12.—Spyros Skouras flew to New York on Saturday afternoon to clean up personal business. He will return here tomorrow, and after testifying will go to the coast with Rick Ricketson and Elmer C. Rhoden for a vacation.

Houses to Close in Nice

NICE, France, Jan. 12.—Exhibitors here have voted a lockout in protest against taxation. All houses will be closed until reductions are made. About 20 houses are involved, the exhibitors claiming they are taxed about 20 per cent instead of the two per cent charged other businesses.

March, Baxter Co-Starred

HOLLYWOOD, Jan. 12.—Twentieth Century-Fox will co-star Fredric March and Warner Baxter in "Wooden Crosses," from a story by William Faulkner and Joel Sayre. Howard Hawks will direct. Production starts within three weeks.

Building Record Set

BEEVILLE, Tex., Jan. 12.—A record in building and equipping a theatre was made in Beeville when the Rialto opened recently, exactly one week from the day work was started on the playhouse. Hall Industries, which has a number of theatres in southwest Texas, operates.

On the Lighter Side

By BILL ORNSTEIN

ST. LOUIS, Jan. 12.— Mrs. JAMES A. REED pays regular visits to the court when her husband, the former senator from Missouri and special counsel for Warners, argues at length.

+

EDDIE ALPERSON finds the activity here killing. He was busy today. Had two telegrams to answer.

+

IRVING LESSER thought it strange that "The Music Goes 'Round and 'Round" hadn't reached this city.

+

SAM DEMBOW, CRESS SMITH and EDDIE ALPERSON are rapidly going balmy from it. SAM even had JOE, the pianist in the The Merry-Go-Round cocktail bar longhand the lyrics for him.

+

Some of the gang are seriously considering hiring ROSSINI, the magician in the Park Plaza's floor show, to teach them tricks. Time is hanging heavily on their hands. It's up to RUSSELL HARDY to dispose of them, but the Government prosecutor is not in a disposing mood.

+

JACOB M. LASHLY, RKO counsel, is suffering from a cold. DINTY MOORE, city manager for Warner Theatres, is getting over his.

+

BILL PINE got a load of court procedure in between 'planes. The courtroom couldn't dodge his very blue shirt and red tie.

BILL flew in from Hollywood, was grounded at Winslow, Ariz. and again at Kansas City. His tally shows there was no time at all saved.

+

SAMUEL W. FORDYCE, one of Paramount's local counsel, is recovering nicely from his pneumonia siege, but will not take part in the hearings for another week.

Christmas Grosses Set London Record

(*Continued from page 1*)

with "Mutiny on the Bounty." "The Ghost Goes West" was another outstanding success, at Leicester Square. "Top Hat," Carlton; "Thanks a Million," Tivoli; "The Melody Lingers On," London Pavilion; "Curly Top," Marble Arch Pavilion; "David Copperfield," Stoll P. T.; "Anna Karenina," Astoria; "The Guv'nor," New Gallery; "Music Hath Charms," Regal, and "Our Little Girl," Dominion; were among the Christmas week features.

* * *

With the signing of Nora Swinburne for the part of Joanna in "The Beloved Vagabond," Toeplitz Prod. has completed the leads for this Maurice Chevalier production. Already cast are Margaret Lockwood (Blanquette), and Desmond Tester (Asticot). Kurt Bernhardt, director, has started shooting at the A.T.P. Studios, Ealing.

K. C. Club Ball Set

KANSAS CITY, Jan. 12.—The annual Variety Club Charity Ball is set for Feb. 17 at the Pla-Mor. General chairman is Arthur Cole. George Baker, Variety Club's chief barker, is chairman of the entertainment committee; Frank Hensler of M-G-M, chairman of the ticket committee, and Paul Bayzman, *Box-Office*, publicity.

Plan Dance Next Month

CLEVELAND, Jan. 12.—I. J. Schmertz, newly elected president of the Variety Club, is making arrangements for a dance in February to celebrate the installation of the new officers.

"Time" Preview Is Set

The editors of "The March of Time" will hold a preview showing of their first release of the new year, tomorrow afternoon at the Hotel Madison.

No Hope Seen For New Move On Regulation

(*Continued from page 1*)

heretofore have viewed a trade practice code as desirable, admittedly are beginning to lose interest either because of the absence of a spontaneous industry demand for such a code or because the means for obtaining one are not immediately apparent. Even the M.P.T.O.A. which has been most active in championing efforts to devise a trade practice code is finding its hopes for immediate action dimmed and, according to present plans, probably will hold no annual convention this year because of a lack "of urgent industry problems requiring discussion." Even a meeting of the organization's directors or executive committee is said to be problematical at this time.

Much of the continuing effort to obtain a trade practice code is now confined to those who see a possible regulation of the industry by legislation, some of which would be inimical to the industry, furthered if a self-regulation plan is not devised in the near future.

Distributor Cooperation Needed

Unrestricted distributor cooperation is held to be the most needed factor in the advancement of any move for self-regulation and there appears to be little chance of this being obtained unless enabling legislation is enacted by the Government or definite legal precedent develops which would define the extent to which distributors could participate in the development and enforcement of a trade practice code. Many industry leaders believe that the current conspiracy trial at St. Louis, regardless of its outcome, will be a guide in this respect. Meanwhile, widespread improvements in earnings definitely has dulled the demand for a plan of self-regulation and unless one or another of the above-mentioned factors develops, only another business emergency is regarded as being capable of reviving it.

Fitelson Is Forming An Independent Unit

(*Continued from page 1*)

of six to 12 features annually, budgeted at from $200,000 to $250,000, Fitelson said. Efforts will be made to obtain producers now associated with major studios who can make one or two pictures a year outside of their regular contract schedules. This selected list of producers whom Fitelson will confer with on his coast visit will own 50 per cent of the new company. Distribution would be through a major company on a percentage basis.

Fitelson said that he was unable to disclose at this time the identity of the principals in the new company, which is now in the process of being organized.

Rename Chatterton Film

HOLLYWOOD, Jan. 12.—Columbia is changing the title of the Ruth Chatterton film, "No More Yesterdays," to "Lady of Secrets."

"Face" with Vaude Smash Boston Draw

BOSTON, Jan. 12.—The RKO Boston, back on a vaudeville basis, did capacity business all week, in spite of a driving rain which set in Thursday. The take went up to $33,000 with "Another Face" on the screen and a bill headed by "Broadway Revels" with Jane Froman. This is $18,000 over normal.

"A Tale of Two Cities" pulled $16,500, up by $3,500, at Loew's Orpheum, and turned in the same figure, over par by $4,500, at Loew's State. The Metropolitan, with "The Bride Comes Home" and a stage show headed by Phil Spitalny's air unit, was over normal by $10,000 on a gross of $32,000.

Total first run business was $111,500. Average is $85,500.

Estimated takings for the week ending Jan. 10:

"CAPTAIN BLOOD" (F. N.)
FENWAY—(1,382), 30-50c, 7 days. **Gross:** $6,000. (Average, $4,500)
"I DREAM TOO MUCH" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $14,000. (Average, $12,000)
"A TALE OF TWO CITIES" (M-G-M)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $16,500. (Average, $13,000)
"A TALE OF TWO CITIES" (M-G-M)
LOEW'S STATE — (3,537), 25c-65c, 7 days. **Gross:** $16,500. (Average, $12,000)
"THE BRIDE COMES HOME" (Para.)
METROPOLITAN — (4,332), 35c-65c, 7 days. Stage: Phil Spitalny and his "Sweethearts of the Air." **Gross:** $32,000. (Average, $22,000)
"CAPTAIN BLOOD" (F. N.)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $10,000. (Average, $7,000)
"ANOTHER FACE" (Radio)
RKO BOSTON—(3,246), 35c-65c, 7 days. Stage: "Broadway Revels" with Jane Froman, Edward Rosenwald and his Grand Orchestra. **Gross:** $33,000. (Average, $15,000)

Wall Street

KAO Spurts 3 Pts. on Board

	High	Low	Close	Net Change
Columbia, vtc.....	43¾	43¾	43¾	+ ¼
Columbia, pfd.....	50⅜	50⅛	50⅜	— ¼
Consolidated Film.	6½	6⅜	6⅛	.....
Consolidated, pfd.	19¼	19	19	.....
Eastman Kodak...162		161½	161½	.....
Keith-Albee-Orpheum, pfd.....	83	83	83	+3
Loew's, Inc.....	53⅞	53⅛	53⅝	— ¾
Loew's, Inc., pfd..108		108	108	+1
Paramount	10¾	10½	10¾	+ ⅛
Paramount 1 pfd..	82¼	81¾	82	.....
Paramount 2 pfd..	12½	12⅛	12⅛	— ¼
Pathe Film.....	7¾	7⅝	7⅝	— ⅛
RKO	7½	6¾	6⅞	— ⅛
20th Century-Fox..	26½	25¾	25¾	— ¾
20th Century, pfd..	35⅞	34½	34½	— ⅝
Universal Pictures pfd.	55	52	55	+3
Warner Bros.....	10½	10¼	10¼	— ¼

Curb Issues Steady

	High	Low	Close	Net Change
Sentry Safety.....	11/16	11/16	11/16	+ ⅛
Sonotone	1⅞	1⅞	1⅞	.....
Technicolor	20	19¾	20	+ ⅜
Trans Lux.....	3¾	3¾	3¾	.....

Most Bonds Gain

	High	Low	Close	Net Change
General Theatre Equip. 6s '40....	26⅝	25	26¼	+1
General Theatre Equip. 6s '40 ctf.	26¼	25	25½	+ ¼
Keith B. F. 6s '46	96⅜	96⅜	96⅜	+ ¼
Loew's 6s 41 ww deb rights.....104½		104½	104½	+ ¼
Paramount Pictures 6s '55.....	94¾	94¾	94¾	+ ¼
RKO 6s '41 pp....	81	81	81	—1⅜
Warner Bros. 6s '39 wd.....	88½	88	88	— ½

(Quotations at close of Jan. 11.)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Lady Consents"

(*Radio*)

HOLLYWOOD, Jan. 12.—This is dramatic romance with smart dialogue and intriguing situations, a story of a woman's sacrifice that true love might triumph. It is convincingly portrayed with Ann Harding appearing to better advantage than has been her lot for some time. Herbert Marshall and Margaret Lindsay contribute telling performances. Edward Ellis has a fine part.

In the story Miss Harding consents to a divorce when she realizes that Marshall is infatuated with Miss Lindsay. The parting is a tragedy to humorously cynical Ellis, Marshall's father. As it becomes apparent that Miss Lindsay has married only for social position and luxury, Marshall and Miss Harding find life an empty thing. Miss Harding spurns Walter Abel's marriage pleas.

Miss Harding and Marshall meet at the death bed of Ellis and realize their love is the most important thing in their lives. This starts a seemingly compromising situation. Miss Lindsay listens to the gossip of Ilka Chase and Miss Harding wins back her man.

The story, by P. J. Wolfson and Anthony Veiller, is sophisticated, but at the same time appealing, and the screenplay by Wolfson has smart dialogue. Edward Kaufman's direction expertly balances romance and comedy, with nicely spaced drama that has more than ordinary appeal to women. The settings are sumptuous and are embellished by J. Roy Hunt's photography. Production Code Seal, No. 1,896. Running time, 75 minutes. "G."

Circuit Managers to Meet in Kansas City

KANSAS CITY, Jan. 12.—Commonwealth Amusement Corp., which operates 22 theatres in Missouri, Kansas and Iowa, will hold a meeting of managers here Jan. 15 and 16. The principal business will be a discussion of a new drive, "1936 History Makers Contest."

C. A. Schultz, vice-president, said the circuit would use all the good ideas originated by individual managers in a campaign which closed Dec. 28, and what new ones could be evolved. Managers who originated ideas will answer questions on them and their use by all managers will be discussed. Schultz will be in charge of the meeting. About 30 are expected to attend.

WICHITA, Kan., Jan. 12.—O. K. Mason, secretary-treasurer of the Commonwealth Amusement Corp., who recently underwent two major operations at Mayo Brothers Clinic, Rochester, Minn., has returned here for two or three weeks. He is expected back in his office in Kansas City sometime in February.

Officers Are Installed

HOLLYWOOD, Jan. 12.—Officers of the Troupers' Club for 1936 have been installed at the club rooms. Herbert Munson is president, Beatrice Ward vice-president; Adabelle Driver secretary; Louise DeVarney, treasurer, and Edward Kimball, Chaplain. L. E. Behymer is grand trouper.

Budgets Are Discussed

HOLLYWOOD, Jan. 12.—Budgets were discussed at a meeting here of the board of the Producers' Ass'n., consisting of the heads of all major studios. No action will be taken on the setting of budgets until the arrival here of Will H. Hays, between Jan. 20 and 25.

Charlotte Agrees Outlook Is Bright

CHARLOTTE, Jan. 12.—The verdict for 1936 in this territory is unanimous—it's going to be better than 1935, and 1935 was a decided improvement over recent years.

In fact, J. H. Holloway of National Theatre Supply says 1935 was "most satisfactory." His company covers a territory with about 300 theatres in the two Carolinas. Operators coming in to buy supplies are in "fine humor," he says, and are talking of profits ahead. He regards the equipment business as a barometer of conditions.

Twentieth Century-Fox executives agree that business will be "much better" in 1936. They admit they were surprised by the gains of 1935, but are certain they will continue.

Affiliated Producers, Inc., agrees that the outlook is excellent.

North Carolina Theatres, Inc., is so cheerful over the prospects that expansion moves have been started. The two latest acquisitions are the Carolina and Granada at Lexington, and Herbert Kinsey, head of the circuit, says its older units are in a healthy condition.

Republic men are enthusiastic. They say all their contacts in the territory confirm their opinion that distributors and exhibitors hereabouts are in for a good year.

"Obsession" Big Draw

ST. LOUIS, Jan. 12.—The Fox here had one of its best weeks in months, grossing $15,000 during the week ending Thursday, playing "Magnificent Obsession." The film is now in its second week.

Skouras, Rhoden to Sail

ST. LOUIS, Jan. 12.—Spyros Skouras and Elmer C. Rhoden are booked to sail from San Francisco for Honolulu on Jan. 17.

"Burlesque" $23,000 Hit, Philadelphia

PHILADELPHIA, Jan. 12.—The biggest New Year's Eve celebration since pre-prohibition days tilted grosses last week, though there was a marked decline in attendance after the holidays.

The best figure in town was "King of Burlesque" with $23,000 at the Fox. It was held a second week. "Riffraff," with $10,000 at the Stanton, also clicked big and was held.

"A Tale of Two Cities" continued strong through New Year's Eve and New Year's Day, but fell short of getting a three-week run. For its last nine days, it turned in $23,000, better than average business. "Captain Blood" ran 10 days instead of two weeks, and got $19,000 at the Stanley for the period.

Total first run business was $103,400. Average is $91,960.

Estimated takings for the week ending Jan. 9:

"I DREAM TOO MUCH" (Radio)
ALDINE—(1,200), 40c-55c-65c, 7 days, 2nd week. **Gross:** $7,000. (Average, $8,160)
"WHIPSAW" (M-G-M)
ARCADIA—(600), 25c-40c-50c, 7 days. (2nd run.) **Gross:** $3,300. (Average, $2,800)
"TALE OF TWO CITIES" (M-G-M)
BOYD—(2,400), 40c-55c, 9 days, 2nd week. **Gross:** $23,000. (Average, 7 days, $14,000)
"SEVEN KEYS TO BALDPATE" (Radio)
EARLE—(2,000), 25c-40c-50c, 7 days. Stage: Nina Olivette, Bartel-Hurst Foursome, Three Wiles, Al Gordon & His Racketeers, Meri Bell. **Gross:** $13,000. (Average, $14,000)
"KING OF BURLESQUE" (20th-Fox)
FOX—(3,000), 40c-55c-65c, 7 days. Stage: Three Sailors, Randall Sisters, Jackie Green, Selma Marlowe, Santschi & Buckley. **Gross:** $23,000. (Average, $14,000)
"KIND LADY" (M-G-M)
KARLTON—(1,000), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)
"ANOTHER FACE" (Radio)
KEITH'S—(2,000), 30c-40c-50c, 7 days. **Gross:** $2,100. (Average, $4,000)
"CAPTAIN BLOOD" (F. N.)
STANLEY—(3,700), 40c-55c, 10 days. **Gross:** $19,000. (Average, 7 days, $14,000)
"RIFFRAFF" (M-G-M)
STANTON—(1,700), 30c-40c-50c, 7 days. **Gross:** $10,000. (Average, $7,000)

McLucas Again Head Of Omaha Film Board

OMAHA, Jan. 12.—D. V. McLucas branch manager for United Artists, has been reelected president of the Omaha Film Board, and Clarence K. Olson, branch manager for Warners, has been renamed vice-president.

The board has voted to call for bids from contractors for rebuilding exchange vaults to take care of the new 2,000-foot reels. The matter has been turned over to Regina Molseed, secretary, to complete.

Chicago Men Take Up Long Reel Problems

CHICAGO, Jan. 12. — Distributors met today to discuss plans for installation of 2,000-foot reels. City ordinances and union requirements are causing difficulties. The unions want larger hubs on the spools and rear shutters on machines. At present a city ordinance prohibits more than 1,000-foot reels.

Distributors say these difficulties can be satisfactorily ironed out. Additional meetings are scheduled.

STRIKE ME PINK, *if I don't think that this is the biggest advertising campaign ever put behind any picture!*





Samuel Goldwyn

STARTS THE NEW YEAR WITH SMASHING SHOWMANSHIP AS 1,000 LINE ROTOGRAVURE ADS HERALD HIS $2,000,000 FROLIC OF FUN AND BEAUTY

YOU'VE NEVER SEEN EDDIE CANTOR IN A PICTURE LIKE THIS BEFORE!

The tailor-made story of a timid tailor who became a titan among men after taking a correspondence course on how to be brave!...Climb on the roller-coaster, folks for the fastest ride through funland you've ever enjoyed. Watch a horde of beautiful girls close in on Eddie . . . sway to the rhythm of the season's liveliest tunes . . . thrill to the moanin' low of torchy Ethel Merman . . . Parkyakarkus in the nearest seat for 2 hours of delirious fun!



SAMUEL GOLDWYN *presents*

Eddie Cantor

Here is the greatest Eddie Cantor story ever brought to the screen . . . adapted from Clarence Budington Kelland's hilarious Saturday Evening Post serial "Dreamland."

STRIKE ME PINK

with ETHEL MERMAN • SALLY EILERS
PARKYAKARKUS and the GORGEOUS GOLDWYN GIRLS

Music and lyrics by Harold Arlen and Lew Brown. Dance ensembles by Robert Alton.
Directed by NORMAN TAUROG

•

Hear Eddie sing "Calabash Pipe" and "The Lady Dances." Thrill to Ethel Merman's torchy rendition of *"First You Have Me High, Then You Have Me Low!" "Shake It Off With Rhythm."*

THE GREATEST COMEDY OF THIS...OR ANY OTHER YEAR

Released thru **UNITED ARTISTS**

ITHO IN U.S.A.

"Blood" Does $35,000 in 2 Coast Houses

LOS ANGELES, Jan. 12. — "Captain Blood" did standout business in the two Warner houses, getting $17,900 at the Hollywood, over par by $3,900, and $17,100 at the Downtown. The latter gross was $5,100 up.

Grosses were generally good. "I Dream too Much" hit $7,100, above the line by $3,900, at the Pantages.

"King of Burlesque" took a par $12,500 at the Chinese and reached $13,000 at Loew's State.

Total first run business was $96,559. Average is $86,150.

Estimated takings for the week ending Jan. 8:

"KING OF BURLESQUE" (20th-Fox)
CHINESE—(2,500), 30c-55c, 7 days. **Gross:** $12,500. (Average, $12,500)
"MR. HOBO" (G. B.)
4 STAR—(900), 30c-55c, 7 days, 2nd week. **Gross:** $3,200. (Average, $3,250)
"THE NEW GULLIVER" (Amkino)
GRAND INTERNAT'L—(750), 35c-40c, 7 days, 2nd week. **Gross:** $1,800. (Average, $1,200)
"I DREAM TOO MUCH" (Radio)
HILLSTREET—(2,700), 25c-40c, 7 days. **Gross:** $6,300. (Average, $8,000)
"KING OF BURLESQUE" (20th-Fox)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $13,000. (Average, $14,000)
"I DREAM TOO MUCH" (Radio)
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $7,100. (Average, $3,200)
"COLLEGIATE" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: 3 Stooges, Al Lyons and orchestra, F. & M. revue. **Gross:** $17,659. (Average, $18,000)
"CAPTAIN BLOOD" (F. N.)
WARNER BROS. (Hollywood)—(3,000), 25c-40c, 7 days. **Gross:** $17,900. (Average, $14,000)
"CAPTAIN BLOOD" (F. N.)
WARNER BROS. (Downtown) — (3,400), 25c-40c, 7 days. **Gross:** $17,100. (Average, $12,000)

"Collegiate" Big Hit in Providence

PROVIDENCE, Jan. 12.—"Collegiate" was responsible for a bonanza week at the Strand where the gross was $12,000, exceeding par by $5,500.

The RKO Albee also found "I Dream Too Much" a smart attraction, taking $11,500, which betters the average take by $4,500. The Majestic was $3,000 over average with "Captain Blood" receiving $10,000. Both the Strand and the RKO Albee ran their bills for eight days, opening early to catch the holiday crowd.

Shirley Temple, whose "Littlest Rebel" moved down from the Majestic to Fay's, had a par week at $7,000 and "Riffraff" at Loew's State was close to its $12,000 par, catching $11,700.

Total first run business was $52,200. Average is $39,500.

Estimated takings for the week ending Jan. 9:

"RIFFRAFF" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $11,700. (Average, $12,000)
"I DREAM TOO MUCH" (Radio)
RKO ALBEE—(2,300), 15c-40c, 8 days. **Gross:** $11,500. (Average, $7,000)
"COLLEGIATE" (Para.)
STRAND—(2,300), 15c-40c, 8 days. **Gross:** $12,000. (Average, $6,500)
"THE LITTLEST REBEL" (20th-Fox)
FAYS—(1,600), 15c-40c, 7 days. Stage: "Varsity Club Revue." **Gross:** $7,000. (Average, $7,000)
"CAPTAIN BLOOD" (F. N.)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $10,000. (Average, $7,000)

Year's Start Tips Grosses To New High of $1,918,729

Comparative grosses for the last available periods:

	No. Theatres	Gross
Sept. 26-27	164	$1,655,050
Oct. 3-4	178	1,572,310
Oct. 10-11	178	1,452,499
Oct. 17-18	178	1,563,750
Oct. 24-25	180	1,534,575
Oct. 31-Nov. 1	186	1,544,724
Nov. 7-8	185	1,545,710
Nov. 14-15	183	1,722,305
Nov. 21-22	181	1,578,550
Nov. 28-29	181	1,593,860
Dec. 5-6	183	1,766,910
Dec. 12-13	180	1,434,785
Dec. 19-20	171	1,321,385
Dec. 26-27	175	1,228,199
Jan. 2-3	179	1,918,729

(*Copyright*, 1936, *Quigley Publications.*)

	Week Ending Jan. 2-3		Week Ending Dec. 26-27	
	No. Theatres	Gross	No. Theatres	Gross
Boston	7	$110,000	7	$74,500
Buffalo	5	45,700	5	34,699
Charlotte	3	17,500	3	14,500
Chicago	8	144,500	8	85,700
Cincinnati	9	62,500	9	43,500
Cleveland	5	61,250	5	36,750
Denver	6	32,700	6	8,600
Detroit	6	71,800	5	62,100
Houston	5	34,000	4	23,200
Indianapolis	5	29,500	5	22,000
Kansas City	5	40,300	5	34,100
Lincoln	5	11,700	5	5,450
Los Angeles	9	88,050	9	58,550
Louisville	7	26,000	7	22,700
Milwaukee	5	29,200	4	19,000
Minneapolis	5	28,000	5	29,000
Montreal	5	47,000	5	44,000
New Haven	4	21,500	4	13,500
New York	9	423,000	9	186,200
Oklahoma City	4	18,600	4	10,400
Omaha	3	21,700	3	13,700
Philadelphia	9	100,300	9	83,700
Pittsburgh	6	68,520	5	25,300
Portland	6	34,000	6	34,200
Providence	5	48,500	6	29,400
San Francisco	9	88,550	8	68,750
St. Louis	5	63,950	5	41,800
St. Paul	5	18,200	5	18,200
Seattle	7	39,600	7	26,700
Washington	7	92,600	7	58,000
	179	$1,918,729	175	$1,228,199

Lipscomb on "Lloyds"

HOLLYWOOD, Jan. 12.—Darryl F. Zanuck has assigned W. P. Lipscomb to write the screen play of "Lloyds of London." The script will be written from the novel, "The Bell Ringer," by Curtis Kenyon. The story deals with British shipping during the time of Lord Nelson.

"Drag-Net" for Tarzan

HOLLYWOOD, Jan. 12.—"The Drag-Net," Willard Mack play, has been acquired by the Burroughs-Tarzan unit. It will be filmed as the first feature release on a program scheduled to include 18 features and two serials for the independent market.

Lee to Train Dancers

HOLLYWOOD, Jan. 12.—Sammy Lee has been placed in charge of the M-G-M dancing school. He succeeds Dave Gould. The school will be enlarged, and all players who take part in musicals will be sent for instruction.

Reisenfeld Is Signed

HOLLYWOOD, Jan. 12.—Dr. Hugo Reisenfeld has been signed by Sol Lesser to supervise the musical score in the Bobby Breen film, "The Show Goes On." He will also compose two original songs for the picture.

Ben Carre will do the art direction.

Gross Quits Mayoralty

CLEVELAND, Jan. 12. — Louis C. Gross of Johnson, Gross and Solomon, film carriers, who was elected mayor of North Olmsted in the fall elections, resigned yesterday following a meeting at which the council refused to ratify his appointments for office.

Huban to Dorchester

DORCHESTER, MASS., Jan. 12.—Marvin Huban has been appointed assistant manager at the M. & P. Strand here. Frank McShane manages the house. Huban was formerly manager of the Regent in Norfolk Downs.

"Rebel" Gets Minneapolis' Top, $11,000

MINNEAPOLIS, Jan. 12. — "The Littlest Rebel" made the best showing in a quiet week on both sides of the river by going $1,000 over normal for a total of $11,000 at the Minnesota.

The only other attraction to get over par here was "La Maternelle" at the World which took $3,500.

In St. Paul "Show Them No Mercy" went to $2,000 at the Riviera, with no other first run getting anywhere. The weather was cold.

Total first run business in Minneapolis was $26,500. Average is $24,500. Total first run business in St. Paul was $16,000. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Jan. 8:

"LA MATERNELLE" (Metropolis)
WORLD—(400), 25c-55c, 7 days. **Gross:** $3,500. (Average, $3,000)

Week Ending Jan. 9:

"MISS PACIFIC FLEET" (W. B.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Jan. 10:

"THE LITTLEST REBEL" (20th-Fox)
MINNESOTA—(4,000), 25c-55c, 7 days. **Gross:** $11,000. (Average, $10,000)
"I DREAM TOO MUCH" (Radio)
ORPHEUM—(2,900), 25c-40c, 7 days. **Gross:** $5,000. (Average, $5,500)
"WHIPSAW" (M-G-M)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

St. Paul:

Week Ending Jan. 10:

"THANKS A MILLION" (20th-Fox)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)
"THE MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)
"SHOW THEM NO MERCY" (20th-Fox)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $2,000. (Average, $1,500)
"ONE WAY TICKET" (Col.)
ORPHEUM—(2,000), 25c-40c, 3 days. **Gross:** $1,500. (Average for week, $4,000)
"ESCAPE FROM DEVIL'S ISLAND" (Col.)
ORPHEUM—(2,000), 25c-40c, 4 days. **Gross:** $2,000. (Average for week, $4,000)
"THE RAINMAKERS" (Radio)
WORLD—(400), 25c-35c, 7 days. **Gross:** $1,500. (Average, $1,500)

Talk Cleveland Vaults

CLEVELAND, Jan. 12.—The Cleveland Film Board of Trade held its first meeting of the year to discuss changes necessary in the exchange vaults to take care of the new 2000-foot films which supersede the present 1000-foot film on April 1st. Frank D. Drew, M-G-M branch manager is president of the board.

M-G-M Re-Signs Three

HOLLYWOOD, Jan. 12.—M-G-M has given new term contracts to Robert Greig, Ann Loring and Eric Linden. Stanley Morner and Lorraine Bridges have been signed for a special number in "The Great Ziegfeld."

Warfield Drops Shows

SAN FRANCISCO, Jan. 12.—The Warfield will abandon stage shows Jan. 16. The theatre has been doing a big business during the past few weeks with strong pictures.

THE BOOKING

BY PHONE  BY RADIOGR

BY SPECIAL DELIVERY  AN

CLAMORING FOR UNIVERSAL'S

"MAGNIFICENT OBSESSION"!..MAR

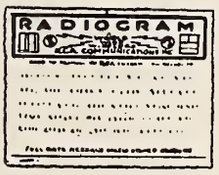
IN URSULA PARROTT'S BEST

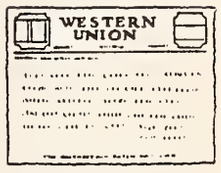
"NEXT TIME



NEW YORK CITY, MUSIC HALL, Jan. 30 • CHICAGO, PALA
BALTIMORE, KEITH'S, Feb. 6 • RICHMOND, CAPITOI
ST. LOUIS, FOX, Feb. 7 • KANSAS CITY, TOWER, Feb
ATLANTA, PARAMOUNT, Feb. 7 • WICHITA, MILLEI

RUSH IS ON!

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BOX-OFFICE SUCCESSOR TO

GARET SULLAVAN

-SELLING STORY AND NOVEL

WE LOVE"

CE, Jan. 30 • WASHINGTON, KEITH'S, Jan. 30 • BUFFALO, LAFAYETTE, Feb. 6

, Feb. 6 • PROVIDENCE, ALBEE, Feb. 6 • BOSTON, MEMORIAL, Feb. 7

7 • SAN FRANCISCO, ORPHEUM, Feb. 7 • SALT LAKE, ORPHEUM, Feb. 7

, March 1 • LOS ANGELES, PANTAGES AND HILL STREET, Feb. 5-12

"Face" with a Stage Revue Denver Smash

DENVER, Jan. 12.—In spite of a cold wave grosses skyrocketed, and a combination of "Another Face" on the Orpheum screen, with "French Folies," a revue, on the stage was a sensation. The $12,000 gross was $7,000 over par.

"Captain Blood" nearly doubled normal at the Denver at $9,000, and "The Bride Comes Home" was 100 per cent up with $8,000 at the Denham. "Mr. Hobo" did well at $3,500 in the Aladdin.

Total first run business was $37,000. Average is $19,500.

Estimated takings for the week ending Jan. 7:

"MR. HOBO" (G.B.)
ALADDIN—(1,500), 25c-35c-50c-60c, 7 days. **Gross:** $3,500. (Average, $2,000)
"THE LITTLEST REBEL" (20th-Fox)
BROADWAY—(1,500), 25c-40c, 7 days following a week at the Denver. **Gross:** $1,500. (Average, $1,000)
"THE BRIDE COMES HOME" (Para.)
DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $8,000. (Average, $4,000)
"CAPTAIN BLOOD" (F.N.)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $9,000. (Average, $5,000)
"ANOTHER FACE" (Radio)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. Stage: "French Folies." **Gross:** $12,000. (Average, $5,000)
"IF YOU COULD ONLY COOK" (Col.)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $3,000. (Average, $2,500)

"Bride," "Dudley" $8,500, Portland

PORTLAND, Jan. 12. — "The Bride Comes Home" and "Your Uncle Dudley" in their initial week at the Orpheum, had a heavy take of $8,500, over the usual by $3,500.

"Tale of Two Cities" continued on into a second week at United Artists with a draw of $7,000, over normal by $2,000.

"A Night at the Opera" was held over for a second week at the Broadway to average business.

The joint bill of "Miss Pacific Fleet" and "Charlie Chan's Secret" grossed $7,500, over average by a full $2,500.

Total first run business was $34,000. Average is $24,700.

Estimated takings for the week ending Jan. 4:

"A NIGHT AT THE OPERA" (M-G-M)
BROADWAY — (1,912), 30c-35c-40c, 7 days, 2nd week. **Gross:** $5,000. (Average, $5,000)
"TOP HAT" (Radio)
"RECKLESS" (M-G-M)
(2nd Run)
BLUE MOUSE—(1,700), 20c-25c, 7 days. **Gross:** $2,000. (Average, $1,700)
"COLLEGIATE" (Para.)
"SHOW THEM NO MERCY" (20th-Fox)
MAYFAIR—(1,700), 30c-35c-40c, 7 days, 2nd downtown week. **Gross:** $4,000. (Average, $3,000)
"BRIDE COMES HOME" (20th-Fox)
"YOUR UNCLE DUDLEY" (Radio)
ORPHEUM—(1,700), 30c-35c-40c, 7 days. **Gross:** $8,500. (Average, $5,000)
"MISS PACIFIC FLEET" (W.B.)
"CHARLIE CHAN'S SECRET"
(20th-Fox)
PARAMOUNT — (3,008), 30c-35c-40c, 7 days. **Gross:** $7,500. (Average, $5,000)
"TALE OF TWO CITIES" (M-G-M)
UNITED ARTISTS—(945), 30c-35c-40c, 7 days, 2nd week. **Gross:** $7,000. (Average, $5,000)

Out Hollywood Way

HOLLYWOOD, Jan. 12. — FRANCES DRAKE recovering from the flu. . . . Paramount extends HENRY ARTHUR's contract. . . . He is working in "13 Hours by Air." . . . AL G. BARNES' circus chartered by Twentieth Century-Fox for "Charlie Chan at the Circus." . . . JEAN BENNETT, who appeared in "Valley Forge" on the New York stage, here to start Warner contract.

CHARLES BOYER burned by small explosion while working in "Invitation to Happiness," Paramount. . . . Twentieth Century-Fox will make 16mm. prints on "The Country Doctor". . . . CHARLES BICKFORD has bought two scripts which he will produce himself.

REV. JOHN O'DONNELL of Culver City signed by M-G-M as technical advisor for "Romeo and Juliet". . . . DAVID NIVEN gave MERLE OBERON an infra-red burglar alarm system for her Santa Monica home. . . . ELEANOR STEWART's first under her new M-G-M contract is "Small Town Girl."

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Casting—CARY GRANT and LYNN OVERMAN in "Florida Special," Paramount. . . . HEATHER ANGEL has lead in "Plan 16," Radio. . . . BARRY JANE, RAY MAYER, TONY MARTIN and EDWARD BURNS in "Farmer in the Dell," Radio. . . . LOIS WILSON signed for "The Return of Jimmy Valentine," Republic. . . . STERLING HALLOWAY in WALTER WANGER's "Palm Springs."

JIM DUGGAN, CLAIRE MCDOWELL and FRANK CRAVEN in M-G-M's "Small Town Girl". . . . Countess LIV DE MAIGRET and ERIK RHODES in "One Rainy Afternoon." Pickford-Lasky. . . . WALTER WANGER borrows CHARLES BUTTERWORTH from M-G-M for "The Moon's Our Home."

WILLIAM DAVISON, ADDISON RICHARDS, MARY TREEN, EDWARD SHUBERT and FLORENCE FAIR in "Murder by an Aristocrat," Warners. . . . ERROL FLYNN in "Anthony Adverse," same studio. . . . JANE DARWELL, SARA HADEN and PAUL STANTON in "The Matron's Report," Twentieth Century-Fox. . . . OLIN HOWLAND in Warners' "Snowed Under". . . . LUMSDEN HARE, GREGORY RATOFF, JOHN GARRADINE, ALBERT PETIT, GWENDOLEN LOGAN, JACK ADAIR and THOMAS BECK signed for "Under Two Flags," Twentieth Century-Fox. . . . SHIRLEY DEANE, J. CAROL NAISH, DRUE LAYTON and WADE BOTELER in "Charlie Chan at the Circus," same studio.

ROBERT MONTGOMERY lead in M-G-M's "Petticoat Fever". . . . ARTHUR LAKE added to "Small Town Girl," M-G-M. . . . BEN HALL and EDWARD BROPHY cast in "Kelly, the Second," PATSY KELLY's first feature for HAL ROACH.

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Directors—RICHARD THORPE to direct M-G-M's "Gram." . . . KURT NEUMANN replaces ARTHUR GREVILLE COLLINS on SOL LESSER's "The Show Goes On." . . . GORDON DOUGLAS, assistant director on "Our Gang" comedies, will be assistant to WILLIAM TERHUNE on "Kelly, the Second."

ALFRED E. GREEN to direct KAY FRANCIS in "The Green Princess," Warners. . . . JOSEPH KANE to do "G-Men of the Nineties" for Republic and BREEZE EASON assigned to "Red River Valley," same studio. . . . ROBERT FLOREY on "Reunion," Paramount. . . . WILLIAM MCGANN gets "The Gentleman from Big Bend," Warners.

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Contracts—MORONI OLSEN gets term pact, Radio. . . . Warners option CRAIG REYNOLDS and CARLYLE MOORE, JR. . . . NAT LEVINE signs MAE CLARKE for four Republic films. . . . M-G-M gives new pact to BRUCE CABOT. . . . JANE WITHERS given new ticket by Twentieth Century-Fox.

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Story Buy—HARRY SELBY's "Pony Boy" bought by SAMUEL GOLDWYN for EDDIE CANTOR. . . . ARNOLD B. ARMSTRONG's "All Bridges Burned" acquired by M-G-M. . . . WALTER WANGER gets an original by GENE TOWNE and GRAHAM BAKER called "History Is Made at Night."

+

Writers—HOMER CROY signed by Republic to work on "The Harvester". . . . CLAUDE BINYON working on script of "Hard to Handle," Paramount.

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Title Change—HARRY SHERMAN sets "Call of the Prairie" as final title for fourth of "Hopalong Cassidy" pictures. . . . Formerly known as "Outcast of Twin Rivers."

Add to "Bohemian Girl"

HOLLYWOOD, Jan. 12. — Hal Roach has placed "The Bohemian Girl" back before the cameras for added scenes. Felix Knight, Mitchell Lewis and Zeffie Tillbury have been added to the cast for the new sequence. Laurel & Hardy are starred.

Donald Cook to Republic

HOLLYWOOD, Jan. 12.—Republic has signed Donald Cook to a one-year contract. The actor will make four pictures. His first assignment has not been announced.

Plans Niantic House

NIANTIC, Conn., Jan. 12. — George LeWitt, operator of the Strand, Plainville, will build a new 680-seat theatre here.

Screeno for Loew Lyric

BRIDGEPORT, Jan. 12.—The Lyric is the latest Loew house in this area to add Screeno.

The Barnum here and the Pickwick at Greenwich have abandoned Bank Night in favor of Movie Sweepstakes.

Poland Forms Supply Co.

KANSAS CITY, Jan. 12.—James Poland, in the film and supply business here for the past 22 years, and John C. Lynch have formed the Independent Theatre Supply Co.

Universal Signs LaCava

HOLLYWOOD, Jan. 12.—Universal has signed Gregory LaCava to direct "My Man Godfrey," which will star William Powell. Production is scheduled to start in March.

"Riffraff" on With "Stars" Seattle High

SEATTLE, Jan. 12.—A combination of "Riffraff" and "Stars Over Broadway" led the New Year pickup downtown with $8,100 at the Orpheum. This leaves average $2,100 astern.

"The Bride Comes Home" and "His Night Out" were good for $8,700, up by $1,700, at the Fifth Avenue. Two holdovers were still in the profit column. "Collegiate" and "Show Them No Mercy," in the second week of an extended run from the Orpheum, reached $4,200 at the Blue Mouse, and "The Littlest Rebel" and "Millions in the Air," at the Music Box in an extended run from the Fifth Avenue, took $4,250.

Total first run business was $37,150. Average is $33,500.

Estimated takings for the week ending Jan 19:

"COLLEGIATE" (Para.)
"SHOW THEM NO MERCY" (Fox)
BLUE MOUSE—(950), 25c-40c-55c, 8 days 2nd week, extended run from Orpheum **Gross:** $4,200. (Average, $4,000)
"THE BRIDE COMES HOME" (Para.)
"HIS NIGHT OUT" (Univ.)
FIFTH AVENUE—(2,500), 25c-40c-55c, days. **Gross:** $8,700. (Average, $7,000)
"IF YOU COULD ONLY COOK" (Col.)
LIBERTY—(1,800), 15c-25c-35c-50c, 7 days 2nd week. **Gross:** $4,350. (Average, $4,000)
"THE LITTLEST REBEL" (20th-Fox)
"MILLIONS IN THE AIR" (Para.)
MUSIC BOX—(950), 25c-40c-55c, 8 days 2nd week, extended run from Fifth Avenue **Gross:** $4,250. (Average, $4,000)
"RIFFRAFF" (M-G-M)
"STARS OVER BROADWAY" (W.B.)
ORPHEUM—(2,450), 25c-30c-40c, 9 days **Gross:** $8,100. (Average, $6,000)
"HANGOVER MURDERS" (Univ.)
"NEVADA" (Para.)
PARAMOUNT — (3,050), 20c-25c-30c, days. **Gross:** $5,250. (Average, $5,000)
"$1,000 A MINUTE" (Republic)
REX—(1,500), 15c-25c, 7 days. Stage "Kit Kat Club Revue." **Gross:** $3,300 (Average, $3,500)

"Rebel" an $8,000 Wow in Charlotte

CHARLOTTE, Jan. 12. — Despite th worst weather in five years "Th Littlest Rebel" ran 100 per cent ove normal for a take of $8,000 at th Carolina.

"Captain Blood" also was an out standing hit with a gross of $7,00 up by $3,000, at the Broadway.

"Show Them No Mercy" held i own with a $1,500 take at the In perial for three days.

Total first run business was $17,50 Average is $11,000.

Estimated takings for the week en ing Jan. 4:

"CAPTAIN BLOOD" (F. N.)
BROADWAY—(1,114), 25c-40c, 6 day **Gross:** $7,000. (Average, $4,000)
"THE LITTLEST REBEL" (20th-Fox
CAROLINA—(1,400), 25c-40c, 6 day **Gross:** $8,000. (Average, $4,000)
"CORONADO" (Para.)
IMPERIAL—(949), 25c-30c, 3 day **Gross:** $1,000. (Average, $1,500)
"SHOW THEM NO MERCY"
(20th-Fox)
IMPERIAL—(949), 25c, 3 days. **Gros** $1,500. (Average, $1,500)

Cut Seating Capacity

PROVIDENCE, Jan. 12.—Renovation on the Columbia have reduced th seating capacity from 300 to 280. Annotti is now operating the hou three days a week instead of seven.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 11 NEW YORK, TUESDAY, JANUARY 14, 1936 TEN CENTS

Warners Gain Victories in St. Louis Case

Action Is Speeded; U. S. May Rest Saturday

By RED KANN

St. Louis, Jan. 13.—The first day of the second week of the equity proceedings brought by the Government on a conspiracy charge against Warners, Paramount and RKO marked up several victories for Warners.

Contrasting sharply with the lumberly gait of the opening week's session, today's developments took on a welcome speed. The change in tempo is indicated in the anticipation of the Government that it will now rest its case by Saturday, as against three weeks forecast by several of the defense counsel at the conclusion of the prosecution's opening statement last Thursday.

The first important ruling handed down by Judge Joseph West Molyneaux for Warners was the exclusion of the testimony of J. M. Ulmer, Cleveland lawyer and Government witness, who had been placed on the stand to relate what had transpired in the office of Herman Starr, Warner executive, on Aug. 14, 1933. Ulm-

(*Continued on page 4*)

Patterson Here for Post with Warners

Willard C. Patterson has arrived in New York from Palm Springs, Cal., where he has been vacationing since resigning as general manager of United Detroit Theatres, and will take over his new post as an assistant to Joseph W. Bernhard, head of Warner theatre operations, at the end of the month.

Patterson will work out of the home office, concentrating on Warner circuit operating policies. His post will be similar to those of Stuart McDonald, Mort Blumenstock and Clayton Bond, who are also assistants to Bernhard.

Clarke Again Before Sabath Probe Group

Harley L. Clarke, former head of Fox Film Corp., yesterday resumed his testimony in connection with the reorganization of General Theatre Equipment Corp. before the Sabath Congressional committee for the investigation of real estate bond reorganizations. Clarke will appear before the committee again at a closed session to present additional information and records, it was stated by

(*Continued on page 8*)

10% Increase In Grosses Is Seen in K. C.

Showmen Optimistic for Business in '36

Kansas City, Jan. 13.—A 10 per cent increase in grosses with an even greater increase if product continues to improve, and no change in admission prices, are predictions of independents, circuit operators, and exchangemen for 1936. One observer sees the possibility of an admission price decrease unless first runs raise admissions, particularly the Main-street and Midland on their 25 cent balconies.

However, at no time since the depression really got under way, have film men been so optimistic and have they had figures on general conditions and grosses to back them up.

Little likelihood is seen of the present fever of giveaways, cash and otherwise, abating for some months, although the vote that business would be better without them is practically unanimous.

"Prospects for the new year look good" to Emanuel Rolsky, president of the I.T.O. and operator of the St.

(*Continued on page 8*)

Decision Reserved In Lottery Appeal

An appeal from the recent conviction of the Winthrop, Brooklyn, on a charge of violating the lottery laws in the operation of a cash giveaway night, was argued yesterday in the appellate division in Brooklyn by Melvin Albert of Weisman, Quinn, Allen & Spett, attorneys for the theatre. Decision was reserved by the court.

A notice of appeal of the $250 fine recently imposed on the Tremont, Bronx, on a lottery law conviction was filed with the appellate division yesterday by the same law firm.

Roxy Passes



One of the world's foremost showmen, who died suddenly yesterday

Postpones Decision On 17 RKO Claims

Federal Judge William Bondy reserved decision yesterday on an application by Irving Trust Co., as trustee in reorganization for RKO, for leave to allow 17 creditors' claims against RKO at stipulated amounts totaling $2,618,198. The claims as originally filed totaled $3,212,283.

Among the larger claims in this group proposed for allowance is that of the late S. L. (Roxy) Rothafel for alleged breach by RKO of a personal service contract. Roxy's claim was filed at $231,500, plus the value of 10,000 shares of RKO Class A stock, and is proposed for allowance at $179,271. Other large claims in the group include one filed by the Security First National Bank of Los Angeles at $1,915,800 plus interest, which is proposed for allowance at $1,857,425; one by the Harrison Theatre & Realty Corp., filed at $440,000 and proposed for allowance at $420,000, and one by the U. S. Bank of Denver, filed at $480,000 and proposed for allowance at $81,271.

Roxy Dies in His Sleep of Heart Failure

Was 53; Radio City the Highlight of Career

Samuel Lionel Rothafel, "Roxy" to the world, who brought the spectacular to the showing of pictures, died yesterday morning of coronary thrombosis in his sleep at the Hotel Gotham. He was 53 years old.

Hope Williams, his secretary, found him when she entered his room at 9 A.M. for the day's work. Dr. Seymour Wanderman, his physician, who was called, said he had warned Rothafel a year ago, following a heart attack, that continued work might prove fatal. He quoted the showman as saying then: "I would rather die with my boots on and work until I drop. Death is just a big show in itself." Mrs. Rothafel was in an adjoining room when the death was discovered.

Samuel Spring, Roxy's attorney, said Rothafel had "grand plans ahead," with the idea of returning to the Roxy Theatre or going to another. His health had not been good for the past three years.

The high point of the career of

(*Continued on page 6*)

Rogers Says Option Deal Is Continuing

Hollywood, Jan. 13.—The Universal-Standard Capital deal is still on, according to Charles R. Rogers, who arrived here today by plane. He said his return here was "to settle with Carl Laemmle various details involving the taking up of the option, and to arrange for uninterrupted and enlarged continuation of production activity of the company after the transfer of ownership." Rogers also said: "The necessary investigation of the worldwide affairs of Universal is proceeding rapidly and will be completed soon. Meanwhile J. Cheever Cowdin and myself have the financial arrangements for the purchase in hand."

No Shakeup in Col. Ad Dept., Says Daab

There are no widespread changes or any "shakeup" in the personnel of the Columbia advertising and publicity departments in prospect, Hy Daab, newly appointed director of the departments, said yesterday on assuming his new post. Only one or two vacancies created by recent resignations are to be filled, but no appointments to these have been made yet, Daab said.

Fog Lifts and Variety Men Decide It Was a Big Party

Philadelphia, Jan. 13.—Some of the Variety Club members had sawdust in their ears today and were a bit foggy as to whether they favored dual bills and giveaways or single bills and no giveaways, but they all agreed about the first annual dinner of Tent 13.

It was a show. Also, it was a dinner. It was a mixture of laughs and seriousness, with the laughs predominating. George Jessel as toastmaster and Ken Murray as ringmaster in charge of the show were both in rare form.

As usual, with Variety Club shows, the dining hall—in this case the

(*Continued on page 8*)

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Ask Exhibitors Aid Sales Levy Protest

Representatives of local exhibitor organizations will be asked by local exchangemen to join with them in presenting arguments to the city finance department against the levying of the city sales tax on film rentals, when the hearing on the distributors' objections is held, Jan. 20. The I. T. O. A., Allied of New Jersey and the T.O.C.C. will be asked to participate.

Local exchanges have been adding the two per cent tax to film rentals since Jan. 1, and widespread protests from exhibitors resulted. The exchanges have been urging the exhibitors to cooperate with them in opposing the assessment before the city officials. If, following the hearing, the city rules that its efforts to apply the tax to film rentals are in order, appeals will be taken by the local industry to the state courts.

Uphold Union Victory

JACKSON, Miss., Jan. 13.—The State supreme court here has upheld a chancery court decision refusing to dissolve an injunction requiring the Mississippi Theatre Corp. to employ operators of the Hattiesburg local.

Book Halperin Film

"I Conquer the Sea," film on whaling produced by the Halperin Bros., goes into the Fox Brooklyn on Jan. 24. Loew's has booked the picture for all its metropolitan theatres.

Purely Personal

AL LICHTMAN and FELIX FEIST now making an extended tour of M-G-M exchanges, are due on the coast the first week in February for a visit at the company's studio, and will start back east from there to arrive in New York by the end of February.

•

A. H. MCCAUSLAND, representative of Irving Trust Co., as trustee of RKO, and O. C. DOERING, JR., of counsel to the trustee, left Sunday for the RKO studio for a one week business visit.

•

BRUCE CABOT has arrived here for a brief stay.

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MILTON BERLE left yesterday for Florida.

•

. . . Baltimore

AL THOMAS has returned here to handle a number of independent productions in this territory.

•

. . . New Haven

JACK BYRNE, Metro exchange manager is among six local men to be quoted on the 1936 "Y" circular. As former national handball champ, Jack says: "The game keeps me young and on my toes."

PETE PEROKAS is reported to have acquired an option on a site in Torrington for a theatre.

ABE FISHMAN has left on an 18-day trip to Miami.

BEN SIMON has gone to Central America on the banana boat *Aventida*.

64 New Summonses In Minor Law Drive

The Police Department has given summonses to 64 employes of 26 film houses in the city, in the drive of the Juvenile Aid Bureau of the department to enforce the law prohibiting the admission to theatres of children under 16 when unaccompanied by adults. These summonses, returnable in various Magistrate's courts today, tomorrow and Thursday, are in addition to those handed out last week.

It is understood a meeting was held yesterday afternoon in the office of License Commissioner Paul Moss to discuss the proposed legislation which would replace the present law, called unenforceable by Mayor LaGuardia and other city officials.

Rivkin Casting Head

HOLLYWOOD, Jan. 13.—Joe Rivkin today was named casting director of Roach Studios, succeeding Lawrence Tarver, who goes to the production department, indicating an increase in production. Rivkin will have as assistants Kay Eamer, Vincent Coniff and Ben Chapman.

Schlesinger Signed

HOLLYWOOD, Jan. 13.—Leon Schlesinger today signed a three-year contract with Warners, calling for 13 three-color Technicolor Merrie Melodies and 13 Looney Toons annually. His former contracts have been on a yearly basis.

F. D. Distribution Is Nearly Complete

ST. LOUIS, Jan. 13.—With the exception of the Kansas City territory, which is expected to be closed shortly, First Division has completed its national distribution setup.

Harry H. Thomas, president, recently closed with Stern Bros. of Capital Exchanges for Minneapolis, Omaha and Des Moines. Al Friedlander, vice-president, has just completed deals with Lon Fidler of Distinctive Exchanges in Salt Lake City and Denver and with Al Goldstein of Principal Exchanges in Seattle and Portland. Friedlander, who arrived here late Thursday, is in Pittsburgh now and from there will go to Buffalo and Albany, returning to New York on Tuesday. He has been on a tour of exchanges since Dec. 18.

Hearing on Appeal By Zirn Postponed

The U. S. Circuit Court of Appeals yesterday postponed for one week a scheduled hearing on an appeal by Samuel Zirn, attorney, from an order by Federal Judge Henry W. Goddard directing Zirn to discontinue several state court suits against former Paramount bankers or be cited for contempt of court. Judge Goddard held that the continuation of Zirn's suits violated a Federal court order confirming the Paramount reorganization plan which discontinued all pending suits as a result of the bankruptcy except those which were specifically ordered continued by the court.

Detroit Club Installs

DETROIT, Jan. 13.—New officers of the Variety Club tent here were installed tonight at a dinner in the Book-Cadillac Hotel.

The officers are: President, M. J. Caplan; H. M. Richey and Ray E. Moon, vice-presidents; Max Smitt, secretary, and J. L. Saxe, treasurer.

President Caplan announced the following committee chairmen for the year: Entertainment, M. Gottlieb; house, Carl Buermele; membership, Ray Moon; finance, M. J. Caplan; golf, Frank Downey; publicity, H. M. Richey; welfare, Alex Schreiber. These chairmen will select their own committee members.

Nolan Joins Comerford

SCRANTON, Pa., Jan. 13.—John Nolan, formerly executive director for Fox Film in Australia, has joined the Comerford organization here.

"For years I have been a friend of Frank C. Walker, vice-president of the Comerford company, and he has borrowed me for a few months to assist him in handling the company's affairs," Nolan said, explaining that he plans to spend most of his time at the local offices of the concern.

Parsons to Houston

HOUSTON, Jan. 13.—Weldon Parsons, formerly publicity director for the Queen in Galveston and more recently with Interstate in San Antonio, has been brought to Houston to take charge of publicity for the new suburban theatres of Interstate. One of these, the North Main, opened Christmas Day, and two more will open this month.

Lloyd's Father Wins In Income Tax Case

WASHINGTON, Jan. 13.—Efforts of the Federal Government to secure more than $100,000 in taxes from J. Darsie Lloyd, father of Harold Lloyd, were defeated today by a decision of the Board of Tax Appeals that the transfer by the elder Lloyd to his son of 2,499 shares of stock in the Harold Lloyd Corp. in 1930 was for a consideration which had no fair market value at the time.

The stock was transferred on an agreement by Lloyd to pay his father $100,000 a year throughout the remainder of the latter's life. The Commissioner of Internal Revenue held this to be an annuity, but the board held it was a sale and that the Government will have to content itself with the taxes paid by Lloyd, Sr., annually as he receives payment.

The stock cost the elder Lloyd $122,567 in 1932. The Commissioner held he would derive a profit of $813,824 from the transfer.

Denies F. & M. Booking

The Artists' Booking Office, subsidiary of Paramount Theatre Service Corp., which books stage shows for all Paramount theatres, yesterday issued a denial of the story appearing in MOTION PICTURE DAILY for Jan. 10, to the effect that the B. & K. houses in Chicago were considering the exclusive booking of F. & M. shows. At no time, it was stated, have there been any negotiations with other booking offices regarding a change in the present setup.

Theatre Plan Not Filed

ST. LOUIS, Jan. 13.—Although it has been expected that the bondholders protective committee of the Fox here would file plans of reorganization with the Federal court by this time, this has not yet been done. It is learned that Halsey, Stuart & Co. of New York have not sent the plan to the outstanding bondholders. Harry C Arthur, who operates the Ambassador Missouri and New Grand Central also has the Fox.

Goodman Motion Denied

Justice Aaron Steuer in N. Y. Supreme Court denied a motion made on behalf of Simon Goodman to dismiss the complaint of Photo Color Studios. The complaint asks for the reforming of an agreement entered into on June 17, 1935, and for an injunction to restrain Goodman from bringing any further suits on salaries which may be due him.

"Ghost" Pulls Heavily

"The Ghost Goes West" got off to such a fast start at the Rivoli that United Artists is predicting a $45,000 week for it. On Friday, Saturday and Sunday the attendance was 37,600 and the take $21,000, which was running up on the heels of the record set by "Les Miserables."

Spitz Due Here Today

Leo Spitz, RKO president, is due at his office here today after two weeks at the company's studio during which Sam Briskin was installed as the new RKO production head. Spitz left the coast by plane Sunday night

Capra's Next

S IN PRODUCTION !



Here are GARY COOPER, JEAN ARTHUR and FRANK CAPRA after shooting the first scene for Capra's first picture since winning the Academy award with "It Happened One Night." Based on Clarence Budington Kelland's American Magazine serial, "Opera Hat," it promises to be one of the big

Columbia Hits of 1936

Warners Gain Victories in St. Louis Case

(*Continued from page 1*)

er is the attorney for the bondholders' committee of the Capital Theatre, Wheeling, W. Va., and had conferred with Starr in connection with Warners' lease of that property.

During that conference he alleged Starr had stated Wheeling was one of many similar situations then confronting Warners, including St. Louis; that Starr had remarked his company had a certain technique to force out bondholders and was abetting such technique by gaining complete control of major product. Frederick H. Wood, special counsel for Warners, argued to strike out such testimony by applying the theory of *res gestae,* which, in general, precludes binding the agent of a corporation or company to conversations dealing with a situation or situations foreign to the one directly under consideration.

Court Upholds Wood

In other words, while the Government was seeking to bring in references to St. Louis when Ulmer had been meeting Starr on Wheeling, Judge Molyneaux held that, while he regarded it as possible for Starr to have mentioned St. Louis, he did not believe any such comment could be binding on the corporation of which Starr is an officer. At the same time, the court permitted Ulmer's story to be told for inclusion in the record and only for purposes of appeal in the event the decision goes against Warners.

Warners scored another point when Wood objected to the line of questioning conducted by Walter Rice, Hardy's chief assistant, who was interrogating Ulmer at the time. Rice asked if Starr had said, "We are powerful and they (referring to the bondholders) would have to deal with us." Wood said use of the word "powerful" was leading and was upheld by the court. All through the day defense counsel, principally Warners, with occasional interjection by Louis Phillips for Paramount and Jacob M. Lashly for RKO, rose to their feet to protest the method of questioning by Government lawyers. In most instances they were upheld in their contention by the court, which, in one or two instances, instructed the Government to lay a foundation first and to lay off leading questions. Secondly, a third point, as viewed through the eyes of defense counsel, developed in what had been anticipated would be routine testimony concerning the interstate commerce phases in distribution and selling. Clarence D. Hill, local manager for Columbia, was on the stand.

Living Dictionary

For the enlightenment of the court and upon questioning, he turned out to be a living dictionary of commonplace trade terms. Features, exchanges, first, second and subsequent runs, availability, playdates, release schedules, screenings and clearance were defined. The Government trail went from definitions to selling seasons, punctuated by questioning on the number of Columbia releases in the last four seasons. The large percentage of his deals are made from March to October each year, Hill declared, adding that the April to August percentage runs from 40 to 45 while the percentage totals about 80 by the time January rolls around.

Seizing the advantage which obviously he saw thus opened to him, Wood by cross-examination drew from Hill the information that his company as early as now is conducting negotiations on 1936-37 product and that three deals had been launched in the last week. While Wood's purpose was not divulged, it is believed he will subsequently break down the Government's contention to be made later, as it did in the criminal trial, that it is a most unusual procedure to make a deal as early as March when the selling season presumably gets under way in the summer. In the first proceedings Hardy had contended, Paramount and RKO had sold their 1934-35 lineups to Warners for St. Louis months before the ordinary selling season had gotten under way.

It was when Clarence M. Turley, well known local realty operator and in association of the three Skouras brothers in an unsuccessful bid for the Ambassador, Missouri, and New Grand Central through Lawrence Stern and Co., Chicago bankers, was in the witness box that Hardy suffered two rebuffs at the hands of the court. One developed when cross-examination by the defense turned to the Central Properties Corp., which operated the three theatres which Turley said had lost over $80,000 from May 11, 1932 to July 20, 1933. Hardy objected on the ground this had no bearing on the issues being tried here. The court, however, held that since it was Hardy who had put Turley on the stand to relate conversations the defense had the right to get all the facts in their endeavor to dispute the charge of conspiracy.

Turley was quizzed on local price wars and set the blame directly on the doorstep of Fanchon & Marco. He said the move had been inaugurated by the St. Louis Theatre, which had dropped to a 40-cent top with double features and vaudeville, while the Fox countered with an identical policy at 20 and 35 cents. The war did not terminate, he continued, until January, 1934 and F. & M. took over operation of the Fox.

Touches on Price War

He added he believed the reference allegedly made by Starr at the Blackstone in Chicago that, "Warners had been mistreated, the bondholders (of the Ambassador, Missouri and New Grand Central) had been unwise in their tenant and everyone had been taken care of in St. Louis but Warners; someone had an idea they could drive Warners out of St. Louis and if necessary to stay we will show first runs at 10 cents," touched upon the price war reputedly raging at the time.

Starr, according to Turley, told Spyros Skouras at the Chicago meeting, "There would be a nasty fight and you will find yourself in the middle of it." Hardy sought to make capital of Starr's alleged remark when he again referred to the bidding for the three theatres. "Did you carry on a nasty fight to get the theatres?" he asked Turley.

Objection by Reed persuaded the court to remark, "I would leave those words out." Judge Molyneaux, somewhat curtly, some thought, took Hardy to task when the attorney charged Wood with "indulging in the procedure he used in the criminal trial." The court said he would advise counsel when the argument is ended and that he proposed according every man here the privilege of explaining the situation in St. Louis. "I do not think the criticism of Mr. Wood is justified at this time," the judge declared.

11 Witnesses Heard

Eleven witnesses in all took the stand today, Turley resuming Tuesday. Counsel agreed questioning of B. D. Gordon, Ulmer's law partner would parallel the testimony of latter and examination was waived. After five trips from Cleveland Gordon never got the chance to tell what he knew after all. Aside from the number of releases of each distributor in the last four years, a stipulation was reached that testimony of all exchange managers here would follow along the lines set by Hill. Since this had to do with perfunctory questions on interstate commerce, these men merely narrated their data on releases and stepped down in quick order. They were in order, Joseph Garrison, Universal, Ben Reingold, Twentieth Century-Fox, Clayton D. Lynch, M-G-M, William Feldstein, United Artists, I. H. Hall, Warners, Maurice Schweitzer, Paramount and Robert Taylor who said he was office manager of RKO.

Jacob Chassnoff, attorney for the general mortgage bondholders' committee of the three theatres, will follow Turley.

Joseph Grand, member of the bondholders' committee, follows Chassnoff, Skouras and Harry C. Arthur may be reached Tuesday. At least this was the anticipation as the session terminated.

The testimony generally pursued

(*Continued on page 6*)

On the Lighter Side

By BILL ORNSTEIN

St. Louis, Jan. 13.—Spyros Skouras and Bill Powers have gone ritzy during their trip here. Instead of checking in at the usual Coronado the duo are staying at the Missouri Athletic Club.

✚

During his five-hour stay Thursday, Herman Starr shied clear of reporters. The scribes now have to make an appointment for interviews with the Warnerite.

✚

Eugene Ford of Cravath, deGersdorf, Swaine & Wood is hoping for a quick disposition of the present proceedings. He has a Miami vacation awaiting him. Ditto for John Howley of Donovan, Leisure, Newton & Lombard.

✚

Harry C. Arthur, who was attentively listening to arguments by counsel Friday on the motion for quashing records sought by Warners from the Eden Theatre Co., the St. Louis Ambassador Theatre Co. and the St. Louis Missouri Theatre Co., was served with a subpoena by Warners to continue his appearance around the courtroom.

✚

Al Friedlander, who dropped into the court Friday, was accompanied by Andy Dietz of Superior Pictures, local franchise holder for First Division. It seems this is the only time Dietz shows up in the court.

✚

Col. Bill Mallard, chief counsel for RKO-Radio, is missing from the RKO table in the court room. He's expected later, as is Major I. E. Lambert, who plans to sit in during the last few days of the hearing.

✚

Another missing figure in the court room is Grad Sears' mother, who managed to occupy daily a front row seat during the criminal proceedings.

✚

Spyros Skouras and Harry C. Arthur engaged in a spirited conversation Saturday morning just outside the court room. Neither was permitted inside to listen to the proceedings because of the decision of Judge Molyneaux to exclude witnesses.

✚

Bill Powers accompanied Spyros Skouras to New York over the weekend. He was hoping Spyros would take him along and that's the way it happened.

✚

Harry Koplar, whose name has been mentioned often during the first few days of the hearings, is being kept informed of the proceedings by his brother who is a regular visitor in court.

✚

If Eddie Alperson takes the stand before Wednesday night, he will leave here for Milwaukee to confer with Harold J. Fitzgerald. If he has to hang around until after that, he will head for New York instead.

✚

Judge Molyneaux, when asked the reason for the scarcity of his pictures, modestly replied:

"I'm kept so busy I don't get a chance to visit a photographer and smile."

When informed that Motion Picture Daily had run his facsimile, he was amazed.

✚

Grad Sears staged a special preview for the New York boys Saturday night at the Shubert Rialto. It was one of those nights when the fog was as thick as the coal smoke and reminiscent of the evening "A Midsummer Night's Dream" opened at the same house.

What do you think he screened? "Ceiling Zero."

✚

After planing in from New York with Joseph Bernhard, Joe Hazen of the Warner home office legal staff was up at 5 A.M. Saturday morning chinning with some of the important factors about.

✚

Lou Phillips and Irving Cohen just can't wait for the Motion Picture Daily to get in every day.

✚

Ernest Wilkinson, attorney for Harry C. Arthur, with headquarters in Washington, was with Hughes, Schurman & Dwight before going into business for himself.

✚

Joseph Bernhard has left here for Chicago, Cleveland and New York. Ned Depinet arrived late Sunday night and appeared in court as a spectator this morning. Spyros Skouras delayed his return from New York one day. He will arrive here tomorrow.



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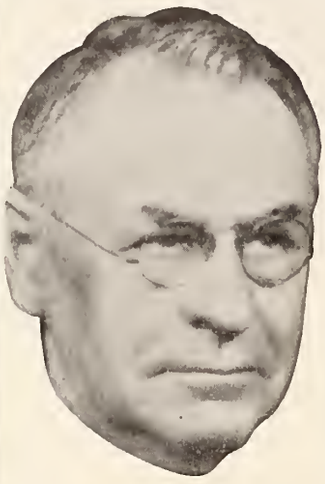
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Roxy Dies in His Sleep of Heart Failure

(*Continued from page* 1)

the famous showman, who might be termed the world's greatest, was the development of the two theatres in Rockefeller Center, the culmination of a series of steps upward in bringing the spectacular and the elaborate to the presentations woven about the films in theatre programs. Two years ago he left the Radio City theatres. His one theatre venture since then, the operation of the Warner Mastbaum in Philadelphia, ended in failure.

At the time of his death, he was awaiting action on his claim filed in connection with the reorganization of RKO. He claimed $231,500, plus 10,000 shares of Class A stock. He contended he had a contract with the corporation dating from Feb. 6, 1934, and that the company had failed to keep it. The RKO trustees have recommended the claim be allowed in the amount of $179,271.

Native of Minnesota

Rothafel was born in Stillwater, Minn., July 9, 1882, to Gustave and Cecilia Rothafel, and came to New York when he was 12. He worked as a cash boy in a department store and joined the Marines at 18, serving in China during the Boxer rebellion. In 1907 he left the service and became a book agent. He found a job in a tavern in Forest City, Pa., and there met the girl who was to become his wife. He had seen his first motion picture, and, with 250 chairs borrowed from the local undertaker, and an unused dance floor upstairs as his auditorium, he presented his first show.

His small success there led him to exhibition in Milwaukee, Minneapolis and other Midwest centers. In 1913 he came to New York and became director of the Regent, at 116th St. and Seventh Ave. A year later the Strand, largest film house in the world, opened, with Rothafel as managing director. Then followed similar posts at the Rialto, the Rivoli and the Capitol. At the Capitol he organized the famous "Roxy's Gang," a radio feature of outstanding popularity for several years. He became a national figure, known everywhere as Roxy, a nickname the Marines had given him.

Sought by Rockefeller

From the Capitol he turned his attention to the Roxy Theatre, which he called "the Cathedral of the Motion Picture." William Fox aided in the financing of the house. In 1931, his services were obtained by the Rockefeller interests for their gigantic amusement venture.

In November, 1932, the two Radio City theatres were completed. But complete success did not follow, and programs were realigned. Pictures were moved into the Music Hall and its prices cut. His health gave out, and rumors of his resignation were denied. He went away, rested, and returned in February, 1933. But there were differences with the executive management of the huge enterprise, and early in 1934, he resigned. Reasons were given on both sides, and they differed.

He still had plans for the future, one of them a new radio feature, to be called, "Roxy Comes a-Calling."

He is survived by Mrs. Rothafel, a daughter, Mrs. George Bijur, of New York, and a son, Arthur, in the advertising business in San Francisco.

The funeral services will be held tomorrow at 11 A.M. at the Central Synagogue, 85th St. and Lexington Ave. Rabbi Jonah B. Wise will officiate. Burial will be in the Linden Hill Cemetery, L. I. The body was taken yesterday to the Stephen Merritt Chapel at 104 W. 73rd St.

Rites Held for N. T. Moody

DETROIT, Jan. 13.—Funeral services were held Sunday for Nathanial T. Moody, 38, for the last eight years divisional superintendent here for Erpi, who died Friday in Highland General Hospital of pneumonia after an illness of only three days. Burial will be at Portland, Conn., the home of his father and mother. He is also survived by his widow. Before coming to Detroit, Moody was for several years with Erpi in St. Louis.

Harry E. Otey Passes

ROBINSON, Ill., Jan. 13.—Harry E. Otey, 79, until recently manager of the Grand Opera House, died at a local sanitarium following a lingering illness. He was born in Terre Haute, but came to this city in 1863. His business career began in 1882. At the time of his death he was engaged in business in Illinois and Florida.

Margo Early Killed

SANTA MONICA, Jan. 13.—Margo Early, 18, whose real name was Margaret Ehrlich, M-G-M contract player, was killed, and her companion, Mary Grace, 18, under Warner contract, was seriously injured yesterday when their car crashed on the Roosevelt Highway here.

Protests Tax Raise

ROANOKE, Va., Jan. 13.—Charles M. Broun, representing National Theatres Corp., appeared before the city council here to protest the raising of the theatre tax under the new license tax code. The new law imposes a tax of $150 on houses of 450 seats or less and $200 for houses seating more than 450. An additional charge of five cents per seat is levied also.

Bill Would Oust Beano

BOSTON, Jan. 13.—A bill introduced in the state Legislature by Godfrey Cabot and Fred Fernald would repeal the law authorizing Beano in Massachusetts.

Extend Chicago Parleys

CHICAGO, Jan. 13.—Negotiations between exhibitors and the operators' union for a new contract have been extended. The union is still demanding a 20 per cent increase.

S. K. Decker Goes West

DETROIT, Jan. 13.—S. K. Decker, divisional manager for First Division, accompanied by Mrs. Decker, has left for a four-week business trip to Hollywood.

Balaban to Mexico

CHICAGO, Jan. 13.—John Balaban is in Mexico City on a vacation.

Warners Gain Victories in St. Louis Case

(*Continued from page* 4)

the lines of the criminal case aside from that portion of Turley's which shed a new light on the association of Harry Koplar with F. & M. Statements designed to prove the length of that association included the witness's testimony that Koplar had represented F. & M. on clearance and zoning board under the code. Turley said he knew this because he was a member of the board. He also stated he understood Koplar had acted in a managerical capacity for F. & M. at the time.

Judge Molyneaux today signed the subpoenaes *duces tecum* commanding the production of F. & M. records sought by RKO.

Ned E. Depinet, who arrived from New York late Sunday night, appeared as a spectator today and was exempted from the order barring witnesses from the courtroom on request of Lashly.

Scott in for Conference

ST. LOUIS, Jan. 13.—Ward Scott, Twentieth Century-Fox district manager, was here Friday and Saturday conferring with Ben B. Reingold, local branch manager, who spent most of the two days in court on the Government's civil action against Warner, Paramount and RKO.

Harris P. Wolfberg, M-G-M district manager, was here Monday and Tuesday, as was Ralph C. LiBeau, Paramount district executive. Neither of these men came near the courthouse, despite the fact their local men were spending most of the time in the Federal court.

Roxy Death a Shock

ST. LOUIS, Jan. 13.—The death of S. L. (Roxy) Rothafel came as a shock to New York film men here for the equity proceedings. Ned E. Depinet, Sam Dembow, Jr., Eddie Alperson and Cresson Smith voiced regret, and lauded Roxy's accomplishments in raising exhibition to a higher level.

Buckley in from Coast

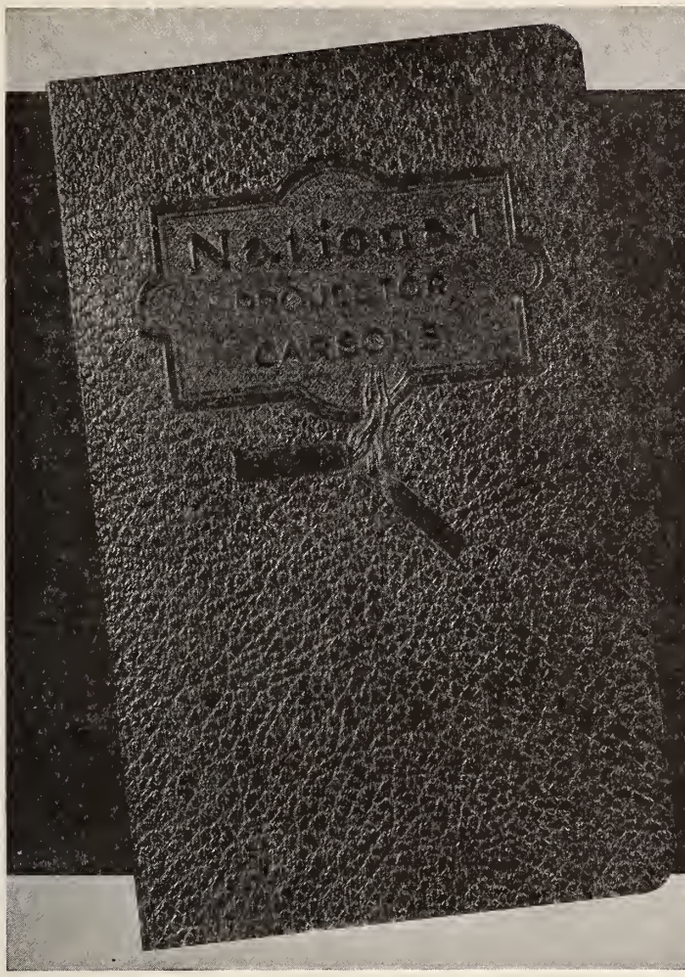
Charles Buckley, attorney for Fox West Coast, is in New York on business. He is conferring with Fox home office officials in the absence of Spyros Skouras and E. L. Alperson who are now in St. Louis waiting to be called as Government witnesses in connection with the equity case under way there.

Lesser in and Out

Irving Lesser, managing director of the Roxy, returned from St. Louis over the weekend and is expected to fly to the Mound City tomorrow.

Grad Sears Returns

Gradwell L. Sears is back from St. Louis. Warner attorneys will put him on the stand as a witness on the company's behalf when the equity proceedings under way in that city get further along.



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10% Increase In Grosses Is Seen in K. C.

(*Continued from page* 1)

John and National. But "they would look a whole lot better if exhibitors cut out completely the 'monkey business'—the bank nights, buck nights, good nights, sweepstakes, screeno, banko, beano, soupo—and get back in the show business. Exhibitors would then have a chance to make a few dollars."

Once or twice in the past several months independents have made an effort toward a 100 per cent cleanup, Rolsky said, but the disinclination of the Fox circuit to go along has balked such efforts.

With their own Sweepstakes pool now operating successfully, the independents, Rolsky believes, will be unwilling for some time even to consider a cleanup.

Fewer 10-Cent Houses

No chance for an increase in admission prices in Kansas City is seen by him for at least six months. He notes fewer houses showing for 10 cents than formerly, partly because distributors will sell fewer pictures for 10 cent showing. This has increased the number of 15 cent admissions. Also, some 20 and 25 cent houses cut prices to meet the increased 15 cent spot competition. This has cut the income of the smaller independent houses that do not possess the physical setup of the theatres formerly charging a higher admission.

Pictures are much better than they have been and if exhibitors devoted the effort, money and time spent on outside promotions in straight merchandising of pictures they would be in a better position to profit and win public approval, Rolsky said.

"Unless the President does something worse than he has and unless he is reelected, business for theatres in this territory should be better in 1936," believes Jay Means, operator of the Oak Park and Bagdad. "General conditions are a little better and will continue better even if Roosevelt is reelected, but taxes will eat up profits so fast, improved conditions will not actually benefit exhibitors. Locally, exhibition profits will be affected by the course of development taken by cash and merchandise giveaways.

Believes Films Better

"Pictures are better; for the past several months a whole lot better but information from the coast indicates the making of a lot of cheap pictures the past few weeks," Means continued. "That won't help the suburban theatre. Our patrons flock to see a good picture. They resolutely stay away from poor pictures, even if there are two of them."

"We have had good pictures at periods during the past five years, yet business did not improve," another observer points out. "It is the coincidental improvement of pictures and general conditions that leads me to believe next year will see better grosses in this section. As a matter of fact, the inability of exhibitors to do more business with better pictures led them to begin the use of giveaways, which is the real evil in exhibition today.

"Such promotions won't be discarded," this theatreman believes, "until the public, which decides just about everything in the movie business, including admissions, double bills, stars, etc., gets tired of them.

"The string of recent good pictures has created new moviegoers and brought back old ones. A number of those who stood in line to see a big picture here recently didn't know that theatres were collecting a sales tax."

"A 10 per cent increase in business next year," predicts Ralph Lawler, manager of the Newman, and he gives as one of the best indications of improved times the fact that all downtown houses are open except the Gayety, which is being made into a cabaret, for the first time in several years. The Empress and Orpheum have just been reopened and the number of houses being reopened in the territory is unprecedented.

Sees Improvement

A good conservative increase in business is expected by Clarence Schultz, head of Commonwealth Amusement Corp., which operates more than 20 theatres in Kansas, Missouri and Iowa. Schultz believes improvement will not be anything sensational, but a gradual betterment in grosses that will parallel betterment in general conditions.

"Grosses the first six months will be 10 per cent better than they were in the same period of 1935 as the result of generally improved business conditions alone," said Gus Diamond, office manager for Warners. "Eastern theatre business is better and Kansas City normally is six months behind the East, both going in and coming out of a depressed period. If pictures are better than 1935, then grosses should increase more than 10 per cent; in fact, by about as much as product improves over last year."

Diamond sees no chance here for admission price increases for some months.

Akron Talks Booking Combine, Clearance

AKRON, Jan. 13.—A booking combine and a clearance schedule based on admissions is being discussed by the I.T.O.A. here. Action was hastened by reports four new houses were to be built here.

Robert Menches, president, who is also manager of the Liberty, has conferred with officers of Michigan Allied and with P. J. Wood of the I.T.O.A. of Ohio.

The clearances proposed are: Theatres charging 25 cents, 28 days after first runs downtown; 20 cents, 42 days; 15 cents, 56 days.

Clarke Again Before Sabath Probe Group

(*Continued from page* 1)

Murray Garsson, attorney for the committee, who said that the date for the subsequent appearance has not been set yet.

The committee currently is also engaged on final phases of its study of the Paramount Publix reorganization. No public hearings on film company reorganizations are likely to be held until members of the committee can absent themselves from sessions of Congress, it was said.

"Collegiate" and "Boy" Omaha High

OMAHA, Jan. 13.—"Collegiate" and "Bad Boy," a dual at the Omaha, with a midnight performance of "Collegiate" on New Year's Eve, made the best showing of the week here by getting $8,500. This is $2,500 above par.

"The Bride Comes Home" and "I Live for Love" reached $8,750, up by $750, at the Orpheum. "I Dream Too Much" managed to get $500 over par on a take of $5,500 at the Brandeis. A midnight show was given on New Year's eve.

Total first run business was $27,300. Average is $25,000.

Estimated takings:

"I DREAM TOO MUCH" (Radio)
BRANDEIS—(1,200), 25c-35c-50c, 7½ days, plus midnight show. **Gross:** $5,500. (Average, $5,000)

"COLLEGIATE" (Para.)
"BAD BOY" (20th-Fox)
OMAHA—(2,200), 25c-40c, 8 days (midnight performance "Collegiate" Dec. 31, at 55c). **Gross:** $8,500. (Average, $6,000)

Week Ending Jan. 2:

"MISS PACIFIC FLEET" (Warners)
ORPHEUM — (3,000), 35c-55c, 2 days, Platinum Blonde Revue, with midnight performance Dec. 31 featuring preview "The Bride Comes Home" (Para.) at $1.00, reserved seats. **Gross:** $5,500. (Average, $6,000)

Week Ending Jan. 9:

"THE BRIDE COMES HOME" (Para.)
"I LIVE FOR LOVE" (W.B.)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $8,750. (Average, $8,000)

Warners Close Theatre

PITTSBURGH, Jan. 13.—After a two-month try, Warners have again closed the Davis here. The house previously had been dark for more than a year and Warners opened it in November, but the competition was too great from the Warner a block away.

Wall Street

Eastman Gains on Board

	High	Low	Close	Net Change
Columbia	43	43	43	— ¾
Columbia, pfd	50½	50	50	— ⅜
Consolidated	6¼	6⅛	6⅛	— ¼
Consolidated, pfd.	32⅞	32⅞	32½	+ ⅝
Eastman	163½	162	163½	+2
Eastman, pfd	163	163	163	+3
Loew's, Inc.	54¼	53⅜	54	+ ⅝
Paramount	10¾	10⅜	10½	— ¼
Paramount 1 pfd.	82	81⅝	81⅝	— ⅜
Paramount 2 pfd.	12⅜	12⅛	12⅛	— ¼
Pathe Film	7⅝	7½	7½	— ⅛
RKO	7	6¾	6⅞	.....
20th Century-Fox.	26	25½	25½	— ¼
20th Century, pfd.	34¼	34¼	34¾	+ ¼
Universal, pfd	59⅞	56	59	+4
Warner Bros.	10⅜	10⅛	10⅛	— ⅛
Warner, pfd	51	51	51	— ⅞

Curb Issues Up

	High	Low	Close	Net Change
Sentry Safety	9/16	9/16	9/16	+ ⅛
Sonotone	2⅛	2	2	.....
Technicolor	21⅜	20¼	21	+1¼
Trans-Lux	3⅞	3¾	3¾	+ ⅛

RKO Bonds Off a Point

	High	Low	Close	Net Change
General Theatre 6s '40	26	25	25	—1
General Theatre 6s '40 ctf	25¼	24¾	24¾	— ¼
Keith B. F. 6s '46	96½	96⅜	96½	+ ⅛
Loew's 6s '41 ww deb rights	108⅛	108⅜	108¾	+ ¾
Paramount B'way 3s '55	58	58	58	.....
Paramount Pict. 6s '55	94¾	94	94	.....
RKO 6s '41 pp	81	80	80	—1
Warner Bros. 6s '39 wd	88½	88⅛	88⅛	+ ⅛

(Quotations at close of Jan. 13)

Variety Men Say It Was A Big Party

(*Continued from page* 1)

Bellevue-Stratford ballroom — was decorated like a circus tent with sawdust on the floor, an elevated ring in the center for performers, and the waiters done up in white.

The high point of the evening was when Dr. J. Norman Wilson was presented a check for $1,000 for use in therapeutic treatments for four children suffering from the after-effects of infantile paralysis. He assured his hearers the beneficiaries would become useful citizens again as a result.

The show started as soon as the eating began, with dance bands and acts following each other continuously. All the night clubs in town and some of the theatres furnished talent. Nils T. Granlund had a revue.

Off to a Flying Start

Jessel got off to a flying start by saying he wouldn't read telegrams from those who had failed to appear. Then he called on Mayor S. Davis. Wilson and the Mayor nearly convinced everyone the Democrats had made no mistake in picking their convention city. He promised a championship fight the day after the convention and much liberality.

That pleased Jessel, who said that on all his previous visits to the town he had found men locking up doors after 9 o'clock.

Senator Frank Harris of Pittsburg spoke briefly. Jessel started to introduce prominent guests. He called upon Herbert J. Yates, who failed to respond.

"He must be outside," commented Jessel. He presented Jack Cohn, Jack Connolly, George Weeks, Abe Montague, Mark Hellinger, Mayor Charles White of Atlantic City, Albert Greenfield, Jules Levy, John H. Harris and Ralph Roland, all introduced in quick succession.

Judge Harry Kalodner explained that Governor Earle was absent because he had been jarred in a plane landing at Pittsburgh. Ted Schlanger took a bow.

A Formal Introduction

Town Councilman Charles C. Pettijohn of Harrison, N. Y., spoke briefly. More introductions followed —Harry H. Thomas, Jimmy Wilson of the Philadelphia National League team, Jim Foxx of the Boston Red Sox, and Al Schacht, also of the Red Sox. Secretary of Revenue Jack Kelly, defeated candidate for mayor promised to cooperate with the new Mayor.

Jessel gave a very formal introduction to Louis Neezer, and Lou Nizer emerged from the smoke-filled shadows behind the speakers' table.

James P. Clarke presented a chest of silver to the retiring chief barker Earle Sweigert.

New York, Pittsburgh, Baltimore and Washington were represented by large contingents. On the late train to New York all the drawing room in sleepers were crowded and the two coaches on the rear of the train had dozens of persons in evening cloth standing.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 12 NEW YORK, WEDNESDAY, JANUARY 15, 1936 TEN CENTS

Tried to Halt Koplar Suits, Skouras Says

Showman Is Day's Chief St. Louis Witness

By RED KANN

St. Louis, Jan. 14.—Spyros Skouras today disclosed he had played a hitherto unrevealed role in attempts to dissuade Harry Koplar, one time owner of 25 per cent of the St. Louis Amusement Co., from filing the two receivership suits against that company, Skouras Brothers Enterprises and a number of Warner executives which subsequently determined Warners not to deal with him or his associates and so led to their decision to acquire their own first run outlets in this city.

Skouras was the day's chief witness. Flushed and excited when he first took the stand, his confidence

(*Continued on page 4*)

Court Rules Out Newspaper Article

St. Louis, Jan. 14.—Efforts by Walter Rice, Government attorney, to introduce as evidence a typewritten copy of a newspaper article appearing in the St. Louis *Globe-Democrat* of March 4, 1934, reporting leasing of the Shubert-Rialto by Warners proved unavailing today. Judge Joseph West Molyneaux, in ruling it out, held that before admitting the article there must be presented evidence showing that the contents had been authorized by Warners.

The circumstance developed upon direct examination of Joseph H.

(*Continued on page 8*)

Para. Trustees Win Appeal in Montreal

Toronto, Jan. 14.—Justice McTague has handed down a judgment, allowing the appeal of Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, listed as trustees of Paramount Publix Corp., from an order for the issue of a concurrent writ of service to them in New York City in an action brought against Famous Players Canadian Corp., and the appellants by H. W. Phelan of Toronto.

Phelan, the plaintiff in the action, claims that, through the alleged misrepresentation of Famous Players Canadian Corp., he was induced to part with certain securities in ex-

(*Continued on page 8*)

Spitz Returns Here for Work On RKO Setup

Reorganization Details May Cover Months

Plans for the reorganization of RKO are expected to be furthered during the current stay here of Leo Spitz, RKO president, who returned from the coast yesterday to confer with reorganization principals on the progress being made in developing a reorganization plan.

According to present intimations, the plan still is in its early formative stages and probably will require several months more to complete. Spitz said that he had received no recent report on the progress being made on the plan and that one of the principal objectives of his trip here was to obtain information on the current status of matters pertaining to the reorganization. It is anticipated that

(*Continued on page 12*)

Benefits Seen in Contract Changes

Prospective changes in the present minimum basic agreement between the Dramatists' Guild and theatre managers will include changes of benefit to both, Louise Sillcox, executive secretary of the Authors' League of America, indicated yesterday on her return from the coast.

What the changes will be cannot be predicted at this time, Miss Sillcox said, pointing out that the matter is still in the hands of the contract committee and, when completed by the committee, must go to the council and then be submitted to the

(*Continued on page 12*)

Loew's 12-Week Net Shows Drop in Year

Loew's, Inc., yesterday reported net profit of $1,811,396, after depreciation and taxes, for the 12 weeks ended Nov. 21, 1935, a decrease of $189,912 from the net of $2,001,308 for the corresponding 12 weeks in 1934. The net profit for the 1935 period is equal to $13.25 per share on the preferred stock and $1.08 on the common, which compares with $14.64 and $1.23 for the previous period.

Profit before deducting depreciation and taxes, but after subsidiaries' preferred dividends, was $2,975,994 for the 1935 period, compared with $3,167,903 in 1934. Depreciation and taxes amounted to $1,164,598 in 1935, compared with $1,166,595 in 1934.

Film Runs 60 Hours

Washington, Jan. 14.—There seems to be a lot of wild life on the North American continent. It takes 22 miles of film to reproduce it, and it is figured the film will run for 60 hours.

Just how time out for sleeping and eating will be arranged hasn't been announced as yet.

The picture is to be shown at the North American Wild Life Conference here Feb. 3-7.

French Films Increase, But Grosses Down

By PIERRE AUTRE

Paris, Jan. 5.—More films were released on the French market in 1935 than in any year since talking pictures began, the total of 500 being the highest since 1930. However, depression took its toll and grosses did not reach the expected total.

There were 130 French talking films released, of which 110 were made here and 20 in foreign countries as French versions; 250 foreign pictures were dubbed in French, of which 200 were American and 250 foreign language films, 150 of them American. Of the 250 originals, however, about 150 were also dubbed, and thus cannot be included in the total figure. Depression made itself felt

(*Continued on page 8*)

New Unit Takes 14 Bay State Theatres

Boston, Jan. 14.—Culminating an arrangement originally reported by the Motion Picture Daily, Nathan and Samuel Goldstein have taken back 14 theatres from Paramount under the firm name of Western Massachusetts Theatres, Inc. The houses have been under M. & P. Theatres Corp. jurisdiction during recent months. Nathan Goldstein was divisional manager under this setup.

The deal has been in the wind for more than two years, but terms were not agreed upon. Goldstein says the Paramount in Springfield was one of the major bones of contention.

The Paramount, Arcade and Broadway, Springfield; the Strand, Westfield; Plaza and Calvin, Northampton; Rivoli, Chicopee; the Victory and Strand, Holyoke; the Strand and Palace, Pittsfield; Paramount, North Adams, and Garden, Greenfield, are the theatres involved.

1,031 Houses Now Open in New York Area

Film Board Reports Gain of 34 During Year

Open theatres in the New York territory now total 1,031 with a seating capacity of 1,216,773, according to the annual directory of the Film Board of Trade issued yesterday. This is an increase of 34 in the number of open houses and of 14,220 in the number of seats during the year.

The total number of theatres in the territory is 1,140 with a seating capacity of 1,298,066. Eight hundred and sixteen of these, seating 952,140, are in New York and 324, seating 345,926, are in New Jersey.

Affiliated theatres in New York total 110, with a seating capacity of 240,721. This is a decrease of 12 in the number of affiliated houses and a decrease of 26,640 in seating capacity. Affiliated theatres in New Jersey now total 66 with seats for 122,315. This, too, is a decrease in affil-

(*Continued on page 2*)

Pizor Calls MPTO; Showdown Expected

Philadelphia, Jan. 14.—Lewen Pizor, president of the M. P. T. O., has called a meeting for Jan. 24 for election of officers.

The meeting is expected to develop into a show of strength with the newly formed Independent M. P. T. O. Pizor has emphatically maintained that the parent body will continue, in spite of the fact that a number of city members have gone into the new group.

Exhibitors are speculating on wheth-

(*Continued on page 8*)

Levine Buys Carr's Interest in Republic

Hollywood, Jan. 14.—Nat Levine has purchased Trem Carr's 50 per cent interest in Republic Picture Corp. and Republic Prod., the distributing company. It is authoritatively understood Herbert J. Yates holds the other half interest in both firms. Levine also said the company is behind in production now but by the end of January will have completed 31 of 52 scheduled.

He said word from Yates indicates the Republic board of directors is highly pleased with the present regime. W. Ray Johnston will continue as president of Republic Prod., Levine said.

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Para. to Hold Shows

Stage shows are back at the Paramount as a definite policy as a result of the showing made by Glen Gray and his Casa Loma orchestra.

Gray's unit was booked in with "The Bride Comes Home" as a holiday attraction and has been kept since. After the "Rose of the Rancho" run "Collegiate" will go in with Hal Kemp and his orchestra and the Yacht Club Boys on the stage.

Stage shows were discontinued a little more than a year ago when "Cleopatra" opened at the theatre.

John A. Stewart Dead

TORONTO, Jan. 14.—John A. Stewart, 54, manager of the Capitol at Peterboro, Ont., passed away after an illness of three weeks. He had been in charge of the Peterboro house for Famous Players for the past eight years and had been managing theatres in various cities for 25 years. His home was in Guelph where burial took place.

Services For Mrs. Brown

OMAHA, Jan. 14.—Burial for Mrs. Charles A. Brown, wife of the manager of the Dundee, who died Saturday, took place today in Davenport, Ia. Last rites were held in Omaha Monday.

Hold Sennwald Rites

Funeral services for Andre Sennwald, film critic of the *Times*, who was killed Sunday in a gas explosion, were held yesterday at Campbell's Funeral Church.

Purely Personal

A. J. RICHARD, Paramount News editor, is en route to Europe to inspect newsreel bureaus. LOU DIAMOND, head of the short subject department, is in Hollywood for two weeks arranging new material. MAX FLEISCHER, cartoon producer, left yesterday for a Miami vacation. He will return about Feb. 15.

•

LOUIS S. LIFTON, recently appointed eastern story editor for Republic, has returned after three weeks on the coast in conference with Wallace MacDonald, head of the coast story department.

•

MAXIM LIEBER, literary agent, has placed SALLY TANENBAUM, formerly with the play reading department of the Theatre Guild and M-G-M, in charge of his play department.

•

EDWARD G. ROBINSON expects to leave for the coast shortly to start work on his next Warner picture. Later he will do a picture in England for Alexander Korda.

•

BEN LYON was host yesterday at the New Yorker to a group of writers and foreign correspondents.

•

GENE AUTRY, star of Republic musical westerns, is back from a six-week personal appearance tour.

•

JOHN CONSENTINO, special representative for Spectrum, left for Buffalo yesterday.

Warners Report 26 Broadcasting Deals

Twenty-six more radio stations have signed three-month agreements for the use of music of Warner subsidiaries for the next three months, according to Warners. This brings the total to 181 stations.

The new stations signed are: KFKF, Shenandoah, Ia.; KFBB, Great Falls, Mont.; KGEK, Sterling, Col.; WQBC, Vicksburg, Miss.; WKOK, Sunbury, Pa.; WLBC, Muncie, Ind.; WFAS, White Plains; WCPO, Cincinnati; WNOX, Knoxville; WHBL, Sheboygan, Wis.; WEBQ, Harrisburg; WWRL, Woodside; WMFG, Hibbing, Minn.; KLS, Oakland, Cal.; KDLR, Devils Lake, N. D.; WORL, Boston; WFDF, Flint; WTBO, Cumberland, Md.; ERLD, Dallas; KGBX, Springfield, Mo.; KWTO, Springfield, Mo.; WELL, Battle Creek; W9XBY, Kansas City; KXO, El Centro, Cal.; WTMV, East St. Louis, Ill., and KONO, San Antonio.

Summerville Elected

TORONTO, Jan. 14.—W. A. Summerville, owner of the Prince of Wales Theatre, was re-elected an alderman for 1936 at the municipal elections. He has been active in local politics for a decade.

Jack Flannery Ill

PORTLAND, Jan. 14.—Jack Flannery, northwest manager for National Screen Service, is seriously ill.

1,031 Houses Now Open in New York Area

(*Continued from page 1*)

iated houses—73 to be exact—with a decrease of 9,802 seats.

Unaffiliated theatres in New York have increased from 359 to 412, with an increase of 62,266 seats. In New Jersey unaffiliated houses decreased from 99 to 98 with a decrease of 381 seats.

Independent theatres in New York have dropped from 471 to 454 with a decrease in seats of 26,339. The new total is 351,354. Independent houses in New Jersey have increased from 151 to 160 with an increase of seats of 81,209. The total is now 122,781.

Silent Theatres Increase

The total of sound theatres for the territory is 1,112, an increase of 15. Silent theatres have increased to 28 for some reason. This is one more than last year. Last year there were 127 closed houses. This year there are only 109. One hundred sound houses were dark last year. This year there are only 81.

Detailed figures are as follows: Manhattan, 214 theatres; Brooklyn, 234; Bronx, 48; Long Island, 152; Staten Island, 16; New York State, 118; New Jersey, 223.

Circuit details are: Belle Theatre, Inc.—Manhattan, 12; Brandt Theatres—Manhattan, 15; Brooklyn, 20; Bronx, three; Long Island, six; New Jersey, three; Leo Brecher Theatrical Enterprises—Manhattan, nine; Century Circuit, Inc.—Brooklyn, 10; Long Island, 15; Cinema Circuit Corp.—Manhattan, three; Bronx, one; New Jersey, one; Cocalis Circuit—Manhattan, one; Brooklyn, three; Bronx, one; New York State, four; New Jersey, six; Consolidated Theatres, Inc.—New Jersey, four; Manhattan, four; Bronx, 16; Elite Circuit—Manhattan, nine; Estates Operating Co., Inc.—Brooklyn, four; Fourth Ave. Amusement Circuit—Brooklyn, six; Leon Greenfield—Brooklyn, four.

Circuit Details Listed

Harris Theatrical Enterprises—Manhattan, seven; Bronx, three; Harry K. Hecht Circuit—New Jersey, four; Hildinger Circuit—New Jersey, seven; Interboro Circuit, Inc.—Brooklyn, 13; Long Island, one; Isle Theatrical Corp.—Staten Island, eight; New York State, two; New Jersey, two; Jayem Management Circuit—New Jersey, three; I. Kafko Circuit—Brooklyn, three; Kenroe Theatres, Inc.—Long Island, four; New Jersey, one; Gladys Kilgour Circuit—Long Island, three; Benj. Knobel Circuit—Manhattan, one; Brooklyn, one; New York State, four; Stanley W. Lawton Circuit—Manhattan, three; Leff Myers Theatres—Manhattan, one; Bronx, eight; Anthony Livoti Circuit—Brooklyn, three.

Loew Circuit—Manhattan, 22; Brooklyn, 19; Bronx, 12; Long Island, eight; New York State, four; New Jersey, three; Netco Theatres Corp.—New York State, seven; Newbury Circuit—New Jersey, eight; Prudential and Playhouses Operating Co.—Long Island, 31.

RKO Film Booking Corp.—Manhattan, 16; Brooklyn, 10; Bronx, five; Long Island, 11; New Jersey, 12; Randforce Amusement Corp.—Brooklyn, 40; Long Island, six; Rapf & Ruden—Manhattan, three; Brooklyn, one; Long Island, one; New Jersey, five; Walter Reade Circuit—Manhattan, two; New York State, two; New Jersey, 18; Rosen Bros. Co., Inc.—Brooklyn, three; Rosenblatt-Welt Theatres Corp.—Brooklyn, two; Staten Island, five; New Jersey, five; Roth Theatrical Enterprises, Inc.—New Jersey, four; Rugoff & Becker, Manhattan, one; Brooklyn, seven; Long Island, two; Rural Enterprises, Inc.—New Jersey, three; Skouras Theatres Corp.—Manhattan, five; Bronx, four; Long Island, 21; New York State, seven; New Jersey, 18; David Snaper Theatres—New Jersey, five; Springer Circuit—Manhattan, eight; Brooklyn, four; Long Island, one; Springer Cocalis Circuit—Manhattan, four; Brooklyn, one; Bronx, 14; New Jersey, one.

Stamatus Amusement Co.—Brooklyn, five; Stanley Co. of America—New Jersey, 60; Stanley-Mark Strand Corp.—Manhattan, one; Brooklyn, one; Jack Steinman—Bronx, three; Trans-Lux Movies Corp.—Manhattan, two; Brooklyn, two; Windsor Circuit Corp.—Brooklyn, three; William Yoost Circuit—Manhattan, five.

State Security Laws Get Board Approval

WASHINGTON, Jan. 14.—Unemployment compensation laws of the District of Columbia, Alabama, California, New Hampshire, Oregon and Wisconsin were today given the approval of the Social Security Board.

The effect of this action will be to enable exhibitors and producers in those jurisdictions who are required to pay a Federal payroll tax under the unemployment provisions of the Social Security Act to offset against that tax up to 90 per cent of the amount of their contributions to the unemployment conpensation funds of the District of Columbia and the five states.

The board has now before it for approval similar laws enacted by Massachusetts, New York and Washington and will shortly receive copies of a law passed by Utah.

Under the Social Security Act employers are given a credit against their Federal tax of 90 per cent of their contribution to any state enacting a law approved by the national board.

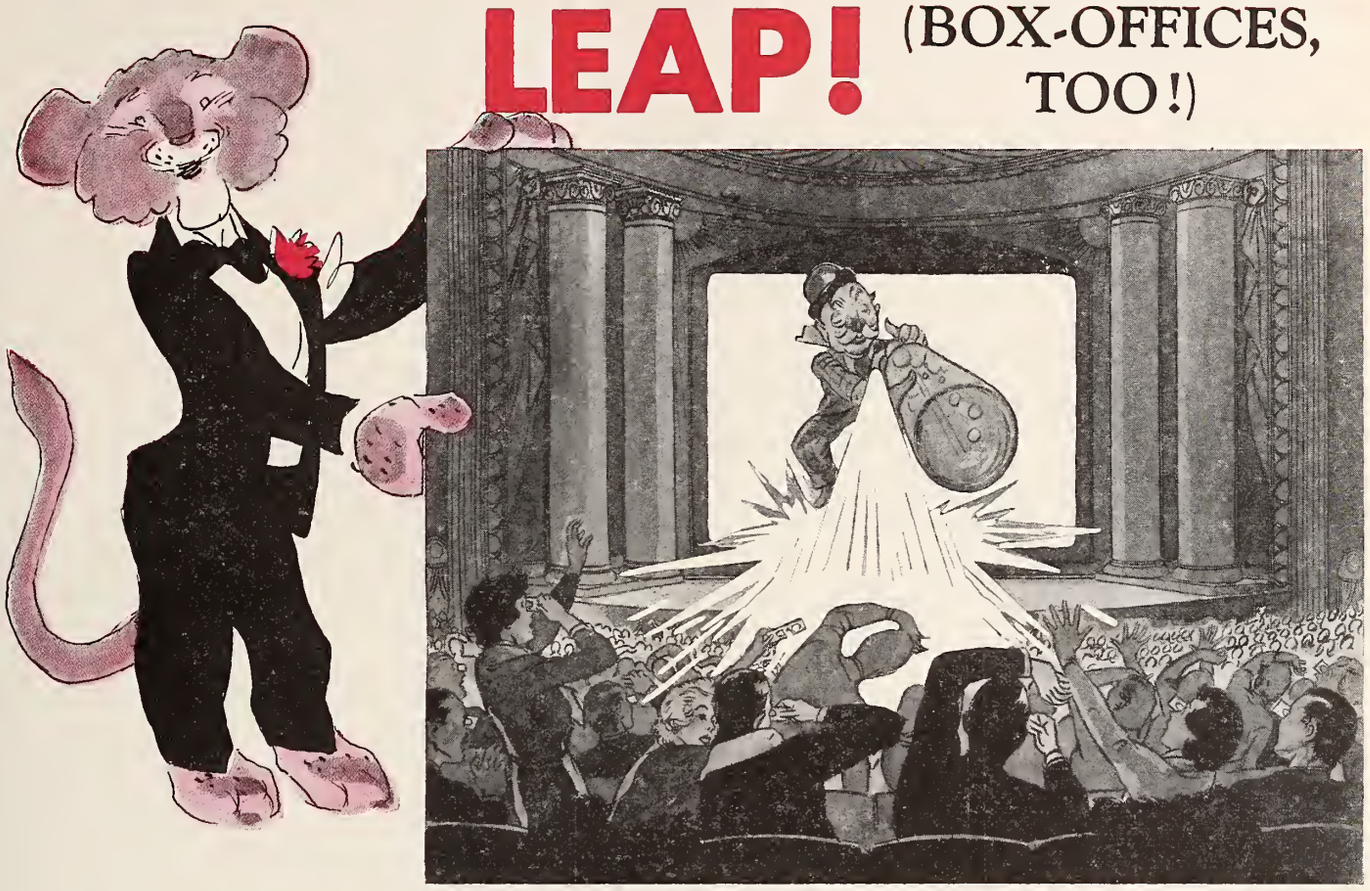
Music Writers Signed

HOLLYWOOD, Jan. 14.—Columbia has signed Eddie Farley and Mike Riley, co-authors, with "Red" Hodgson, of "Music Goes Round and Around," and the other members of the Onyx Club Band, "Slats" Long, Conrad Lenoue, Artie Ens and George Yorke. They will appear in "Rolling Along," which will be retitled "Music Goes Round and Around."

Spaeth at Ampa Meet

The Ampa meeting tomorrow will be entertained by Dr. Sigmund Spaeth, the Tune Detective; The Ortiz Ensemble, singing Mexican songs, and Walter Petley, a Fred Allen amateur who will do some impressions of the celebrities. Jack Dempsey's as usual.

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Tried to Halt Koplar Suits, Skouras Says

(Continued from page 1)

gradually returned as the probing into his knowledge of the St. Louis situation went deeper. He testified in detail to the intricate and interlocking corporate structure of Skouras Brothers Enterprises, which passed to control of Warners on Jan. 2, 1929 for 31,000 shares of Warner stock, current on the market at $112 a share at the time. This company, he explained, held 76 per cent of the stock of the St. Louis Amusement Co., which operates a string of about 20 neighborhood houses. This 76 per cent interest included Koplar's one-fourth interest, for which Skouras said Koplar has received 2,500 shares of Warner stock. Skouras Brothers Enterprises, he added, also owned 50 per cent of Skouras Super Theatres Co., which at the time operated the Ambassador, Missouri and New Grand Central. Paramount owned the remaining 50 per cent in this latter company. In addition Skouras Brothers Enterprises held a half interest in three theatres in Indianapolis and one-third of a $1,000,000 third mortgage of the Ambassador, Missouri and New Grand Central here.

Were Best of Friends

Skouras testified that when the Warner purchase of Skouras Brothers Enterprises was being negotiated he had urged Abel Cary Thomas of Warners to include Koplar's interest in the St. Louis Amusement Co. He said he had advised Thomas then that Koplar, "by nature was a trouble-maker" and that he would never be happy unless he was bought out. At the same time, he said he had also advised Koplar that it would be to his best interest to sell because he had always been in business for himself and would not be happy identified with a big corporation. Koplar and he were "the best of friends" and no ill feeling prevailed between them, Skouras stated.

Two and a half years after the sale, the witness continued, Koplar filed the receivership suits charging misconduct on the part of all defendants which included, aside from St. Louis Amusement and Skouras Brothers Enterprises, Harry M. Warner, Thomas and other officers as well as the Warner corporation itself. Skouras also was made a defendant.

Appealed to Koplar

The witness declared he had appealed to Koplar not to bring the actions when theatre business was bad and the depression was flourishing. "He didn't listen to me and we had an argument. I felt very bad when Koplar threw these companies into receivership. Warners thought I was behind it and I couldn't convince them otherwise. I tried to bring the two of them together but got nowhere," Skouras testified.

Russell Hardy, Government attorney, objected to the introduction of this evidence without presenting the papers filed in the actions. However, Wood was on his feet with the documents themselves, offering to enter them on the record. Hardy again objected, but Wood countered with excerpts from the findings of the master.

The Warner counsel described the suits as "vexatious litigation"; that Koplar was an "arch enemy of Warners who was engaged in an attempt to black them," and said this was the only purpose of Warners' refusal to deal with the group in which Koplar was interested. Warner lawyers maintain that Koplar is associated with Fanchon & Marco, who currently run the Ambassador, Missouri and St. Louis. The Warners have no right to satisfy "revenge" by conspiracy, Hardy said. The court at this juncture observed that the reason Warners were offering the suits was to demonstrate why they did not deal with the complaining group and Koplar.

Wood then went into an analysis of the Warner position. There were three courses open, he asserted. One, he said, was dealing with Koplar; two, he added, was not to show their product in St. Louis. Three, he concluded, was to open their own theatres. His clients, Wood held, had elected the third.

Today's session opened with Clarence M. Turley resuming where he had left off on Monday. In what appeared to be a perfunctory although detailed explanation, he dwelt on the first run situation here in 1934, expounding policy, prices and patronage. Under cross-examination by ex-Senator James A. Reed for Warners this witness stated the price war between the St. Louis and Fox, which he touched upon Monday, had injured second run business both in point of admissions and exploitation.

Following Turley came Skouras. "State your career briefly," asked Hardy. "Briefly?" replied Skouras, and then was underway. He cited his beginnings as an exhibitor in St. Louis 22 years ago and sketched the growth of the Skouras interests here until he and his brothers sold out to Warners 15 years later. He told of how he then had become head of the Warner theatre department in New York, where he ran 400 theatres during his two-year regime.

Resigning in 1931, and with his fortune swept away by the depression, he had determined to enter business on his own despite the offer of a five-year Warner contract. Skouras narrated he had made a 15-year deal with Paramount to develop theatres in eight eastern states under an arrangement which was to give him a 25 per cent interest in each situation developed. The field was overseated, he continued, and little was done. Next came decentralization of Fox Metropolitan Playhouses. Harry C. Arthur, one of the complaining witnesses in the current equity suit, but then operating head of Fox Theatres Corp., which wholly owned Fox Metropolitan, approached him, Skouras stated. Anxious to return to business on his own, the witness testified, he went to Paramount for a release of his contract. He got it and consummated his deal with Arthur for about 50 theatres in the Greater New York area. This led to the formation of Skouras Theatres Corp., of which he is president and of which his brother George is the active operator. Half of the stock in Skouras Theatres is owned by the three Skourases and the remainder by Metropolitan Playhouses, the company which grew out of the original Fox Metropolitan Playhouses.

Got Fox Contract

One year after this deal was made, he said, he was approached by Fox to take over management of Fox West Coast. He was given a five-year contract and today is executive vice-president and general manager of operations of National Theatres Co., holding corporation for 357 Fox houses through the country. National Theatres is 42 per cent owned by Fox and 58 per cent by Chase National Bank. The Chase interest is being sought by Fox with the deal centering in New York and reputedly now close to the signing point.

Skouras, who is a co-guarantor on the bonds of the Ambassador, Missouri and New Grand Central up to $7,000,000 told how a lawsuit had been filed in the New York Supreme Court in May, 1934, by Warners, holders of $350,000 of the bonds, to recover on the guarantee and how a visit to Harry M. Warner resulted in a withdrawal of the action.

Skouras offered to meet the Warner obligation over a period of years, he testified, but the head of the Warner organization refused to take any money from him and declared he would be satisfied with whatever the reorganization of the three theatre properties would yield on the bonds. This was an oral agreement, Skouras added when asked by Hardy. Warner's word was enough for him, was the way in which the witness dismissed the point.

Scene Shifts to Chicago

The scene then shifted to the Blackstone Hotel, Chicago, where Skouras had been conferring with Leo Spitz, then his lawyer and now president of RKO, and Turley on the completed negotiations which extended for 15 years Skouras' personal obligation on the bonds of the Ambassador, Missouri and New Grand Central. They also had been discussing a reorganization plan of their own for these properties although they had been advised, according to Skouras, that the bondholders already had accepted Allen L. Snyder's offer. The four days

(Continued on page 8)

On the Lighter Side

By BILL ORNSTEIN

ST. LOUIS, Jan. 14.—CHICK EVENS, manager of Loew's put in his first appearance in court Monday and stayed for both the morning and afternoon session. His presence, he said, had nothing to do with the fact that BILL FINNEY, Loew district manager with headquarters at Columbus, is in Miami on a three-week vacation.

+

NED E. DEPINET, after a morning in the spectators' section, repaired to the RKO legal table on Monday and has occupied that spot since.

+

CRESSON SMITH and GORDON YOUNGMAN took advantage of the sun Saturday and Sunday and spent the two days hitting the golf pill. Col. BILL MALLARD is not coming out to mess up the course.

+

AL FRIEDLANDER barely made his plane when he left here for Pittsburgh. Considerably intrigued by the Merry-Go-Round in the Park Plaza, AL stayed until 15 minutes before plane time and then made a dash for the Coronado to pack his bags. He made it by a split second.

+

Among those spotted at the Jefferson for lunch: LOUIS PHILLIPS, WILLIAM R. GENTRY, IRVING COHEN, MAURICE SCHWEITZER, Federal Judges JOSEPH W. MOLYNEAUX and GEORGE H. MOORE.

+

HARRY GREENMAN, manager of the Fox, has a hobby all his own. He likes to pickle pickles. He has a farm called Green Acres, about 25 miles from the theatre, where he grows the abbreviated cucumber. He also has a fruit farm, but there's no produce at this time of the year.

+

FREDERICK H. WOOD, on Monday, referred to some statistics in *Motion Picture Almanac*. However, he was unable to get them into the record, as the Government chose to put the local branch managers on the stand to testify to the number of pictures released by their companies during the past four years.

+

RUSSELL HARDY says his wife has left the hospital after an operation.

+

WALTER RICE's sister, married and living here, visits the courtroom every once in a while to watch her brother in action.

+

SAM DEMBOW and ALPERSON are settling down for a long and hard winter. Ditto for CRESS SMITH.

+

The Government sought to establish the point exchanges were mere outposts of New York and their duties perfunctory. CLARENCE HILL, Columbia manager, who was questioned at length, making it unnecessary for his brother exchange managers here to go beyond mere designation of their company's releases in the last four years, objected.

"My men are out selling," he said.

"And you would be if you weren't in the witness box, wouldn't you?", flashed FREDERICK H. WOOD.

+

A pretty picture of precision was provided by SPYROS SKOURAS, GRAD SEARS, BILL POWERS and CLARENCE M. TURLEY the other day in the courtroom. Each was innocently chewing away and keeping time with the other.

+

A. A. TISON, auditor of the Roney Plaza, Miami, will be back here again. He was in the witness box during the previous trial.

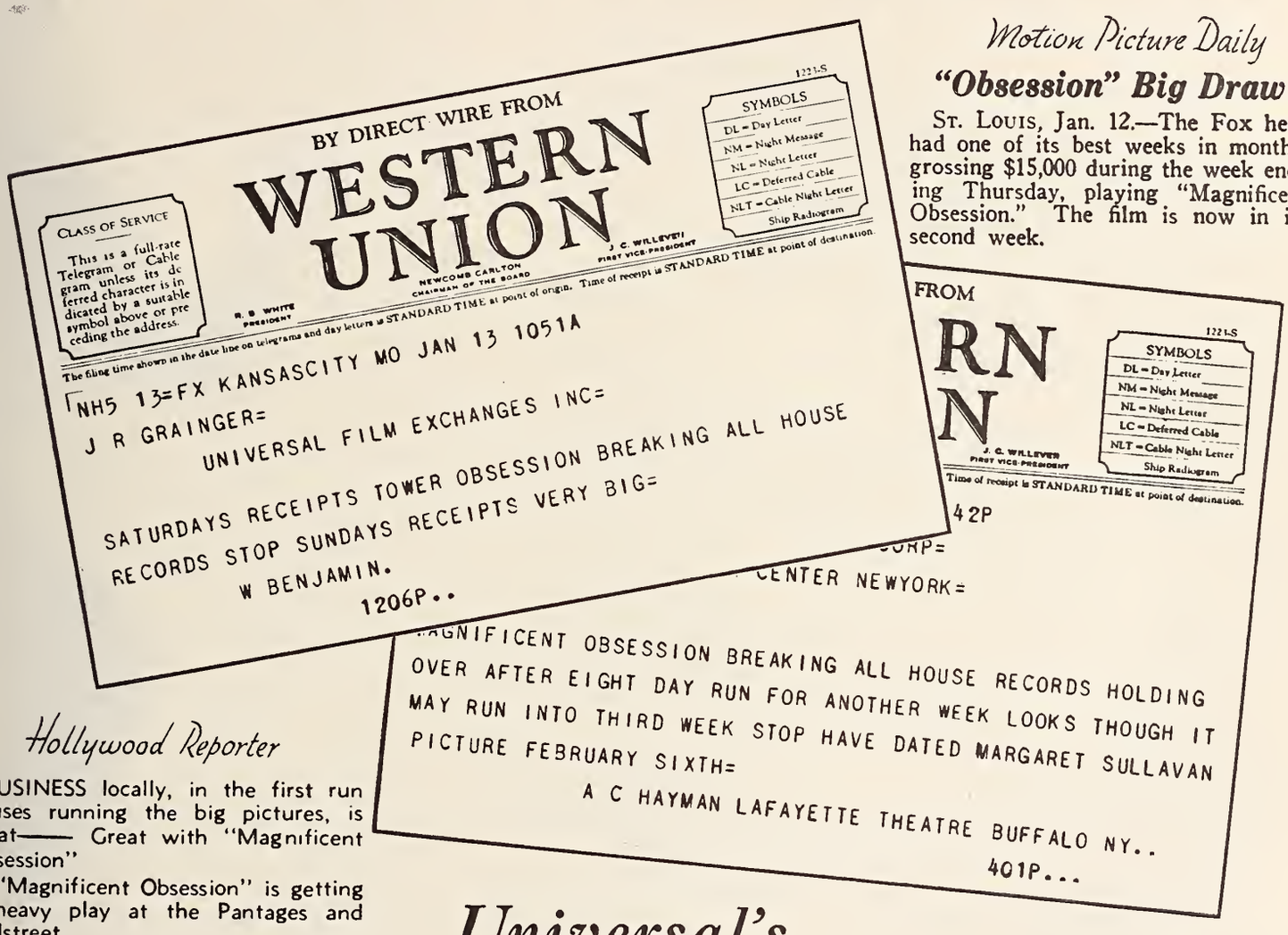
Game for Arthur

St. Louis, Jan. 14.—Clearance of witnesses from the courtroom, as ordered by Judge Molyneaux, brought up a discussion of how they would spend their time.

Conversion of the witness room into a game room was one of the sideline suggestions.

"When you select the games, why not give Harry C. Arthur 'monopoly'"? was one suggestion.

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NEWCOMB CARLTON, CHAIRMAN OF THE BOARD
J. C. WILLEVER, FIRST VICE-PRESIDENT
N. S. WHITE, PRESIDENT

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination.

NH5 13=FX KANSASCITY MO JAN 13 1051A
J R GRAINGER=
UNIVERSAL FILM EXCHANGES INC=

SATURDAYS RECEIPTS TOWER OBSESSION BREAKING ALL HOUSE RECORDS STOP SUNDAYS RECEIPTS VERY BIG=
W BENJAMIN.
1206P..

FROM
RN
N
J. C. WILLEVER, FIRST VICE-PRESIDENT
SYMBOLS
DL = Day Letter
NM = Night Message
NL = Night Letter
LC = Deferred Cable
NLT = Cable Night Letter
Ship Radiogram
1221-S
Time of receipt is STANDARD TIME at point of destination.

42P
CORP=
CENTER NEWYORK=

AGNIFICENT OBSESSION BREAKING ALL HOUSE RECORDS HOLDING OVER AFTER EIGHT DAY RUN FOR ANOTHER WEEK LOOKS THOUGH IT MAY RUN INTO THIRD WEEK STOP HAVE DATED MARGARET SULLAVAN PICTURE FEBRUARY SIXTH=
A C HAYMAN LAFAYETTE THEATRE BUFFALO NY..
401P...

Motion Picture Daily

"Obsession" Big Draw

St. Louis, Jan. 12.—The Fox here had one of its best weeks in months, grossing $15,000 during the week ending Thursday, playing "Magnificent Obsession." The film is now in its second week.

Hollywood Reporter

•BUSINESS locally, in the first run houses running the big pictures, is great—— Great with "Magnificent Obsession"

"Magnificent Obsession" is getting a heavy play at the Pantages and Hillstreet

Universal's

MAGNIFICENT OBSESSION

BIGGER GROSSES *than* **"IMITATION OF LIFE"!**

BIGGER GROSSES *even than* **"DIAMOND JIM"!**

"STRIKE ME PINK"

B

...W

"Cantor's 'Strike Me Pink' is a cinch for a box-office cleanup! Riot of fun plus lavish production. Eddie Cantor returns again under Goldwyn aegis, riding a whopping tempest of mirth. Kept preview audience just rolling and there are all the ingredients for vigorous money-maker that will click at every box office!"
—Hollywood Reporter

"Cantor's top picture! Sure to roll up great grosses! Sock with laughs! With flock of belly laughs and sock finish picture should have no trouble hitting high grosses everywhere. Samuel Goldwyn has given picture a class mounting and has spared nothing to make it entertainment."
—Daily Variety

"Cantor film uproarious! Culminates with finish that will convulse audiences. Every situation richly embellished with fun. Altogether, picture should be a hit."
—Edwin Schallert, Los Angeles Times

"Samuel Goldwyn has given Eddie Cantor the best comedy vehicle of his career. Hilariously funny, full of great production values, beautiful girls, fine songs and everything else that goes to make up an outstanding offering for audiences everywhere. One of the best laugh films to come out of Hollywood in long time.
—Relman Morin, Associated Press

" 'Strike Me Pink' is a ten strike for Samuel Goldwyn and Eddie Cantor. A carnival of hilarious gags, clever comedy and eye filling pulchritude. Samuel Goldwyn has delivered a nifty production that should register a high mark on the box-office barometer."
—Warren Stokes, Box Office

"Best Cantor Picture since 'Whoopee,' in most magnificent Goldwyn tradition. You won't be able to hear the kids scream with laughter, you'll be screaming too loud with laughter yourself."
—Jerry Hoffman, Universal Service and Los Angeles Examiner



Samuel G

EDDIE CANTOR

with ETHEL MERM

Directed by
NORMAN TAUROG

PARKYAKARKUS, WILLIAM FRAWI

Music and lyrics by HAROLD ARLEN *and*

T IS MY FACE RED . . .
H PRIDE!



"Laugh? You'll roll in your seats! Eddie Cantor was never funnier and there's an eyeful of gorgeous girls for every reel. It exceeds even the highest Samuel Goldwyn standards!"
—Ted Magee, Hollywood Magazine

"Eddie Cantor's latest film 'Strike Me Pink' is one of funniest that comedian has made in some time. It's packed with laughs, gorgeous Goldwyn Girls and situations so human and dramatic that it can't fail to entertain everyone who sees it!"
—Mollie Merrick, National Syndicate

"Samuel Goldwyn continues to command my admiration as a producer of musical pictures. In Eddie Cantor's new film 'Strike Me Pink' the song and dance craftsmen are at their best."
—Jim Crow, Hollywood Citizen-News

"As good as anything Cantor has contributed to motion pictures. Aided by radio partner, Parkyakarkus, Cantor pulls many riotous laughs out of the bag. Some of the funniest sequences I have ever seen. The audience rolled and howled. Take my tip—put Eddie Cantor in 'Strike Me Pink' on your 'must see' list."
—Jimmy Fidler, NBC Radio Commentator and McNaught Syndicate

"Eddie Cantor's 'Strike Me Pink' is far and away the funniest picture the comedian has ever made."
—Harrison Carroll, King Features Syndicate

"This is one of the best of the Eddie Cantor-Samuel Goldwyn pictures in many a moon. It has grand comedy, action, dances and Cantor's songs are excellent.' —Ralph Wilk Film Daily

"Cantor's comedy is more hilarious than in any of his offerings since 'Kid from Spain'."
—Eric Ergenbright, Westen Editor, Screenplay

"Smash entertainment! The production is on a lavish scale and should click in all situations."
—Motion Picture Daily

Here is the greatest Eddie Cantor story ever brought to the screen . . . adapted from Clarence Budington Kelland's hilarious Saturday Evening Post serial "Dreamland"

presents

STRIKE ME PINK

• SALLY EILERS

e GORGEOUS GOLDWYN GIRLS
NI • *Dance ensembles by* ROBERT ALTON

Released thru
UNITED ARTISTS

Tried to Halt Koplar Suits, Skouras Says

(Continued from page 4)

he spent there were "the worst days of my life," testified the witness.

The rest of what was purported to have transpired at the hotel followed along the lines of Turley's testimony on Monday. It dealt with alleged threats by Herman Starr of Warners on the St. Louis situation. Presumably, it was also at this meeting that Skouras advised the Warner executive that F. & M. and not he (Skouras) had been successful in acquiring the three theatres.

The meeting was admittedly heated in certain of its phases. Skouras readily testified today that he thought Starr was "kidding" him.

Skouras "Got Sore"

"I got sore when he said I was peeved. My conduct was not that of a gentleman and I used viler language than any man has a right to," said Skouras. Starr, too, waxed excited, according to Skouras, and made the statement the latter had taken care of himself in arranging for the 15-year extension of the three theatres' bonds but that nothing had been done on behalf of Warners. That session broke up when James Coston, Warner theatres zone manager in Chicago, walked in, added Skouras. Gradwell L. Sears had said practically nothing and remained on the sidelines virtually all through the meeting, the witness said.

An interesting commentary on the local field came to light when Skouras painted the first run situation from its inception and declared he had launched the initial move in 1919 with the West End Lyric. From this point he traced his development as a theatre operator, telling how his second first run, the Grand Central, carried with it the original First National franchise for Missouri. It cost him $350,000.

Skouras was the thirteenth to take the stand. Subpoenaed in the criminal trial, the Government failed to call him. Since this action started he returned to New York then doubled back again to clean up details prior to his anticipated departure for Honolulu Friday.

Grand Is Last Witness

Joseph H. Grand was the concluding witness of the day, but will resume on Wednesday. Grand is a local lawyer and a member of the first mortgage bondholders' committee of the three first runs in dispute. He practically doubled back on the testimony he made in the criminal case with the exception of the attempted introduction of an article in the St. Louis *Globe-Democrat*, through which he said he had learned the Warners had leased the Shubert-Rialto. His testimony chiefly concerned two meetings of the bondholders' committee with Warners on reorganization of the Ambassador, Missouri and New Grand Central.

David Levinson of Chicago, general counsel for the bondholders' committee, was exempted from the ruling excluding witnesses from the court.

When the Government rests its case, which may be Saturday, the defense immediately will move for dismissal.

Flies by Night

St. Louis, Jan. 14.—From time to time, documents in the equity case have made reference to "fly-by-nights" in proposals and plans dealing with the reorganization of the Ambassador, Missouri and New Grand Central theatres.

When counsel was figuring out whether Thomas N. Dysart, chairman of the bondholders' committee, might be released for a week's vacation in Florida, someone inquired if the witness traveled by air. This had to do with his required return here at the end of the week.

Dysart said, "Yes."

"Fly by night?" asked one of the counsel.

Court Rules Out Newspaper Article

(Continued from page 1)

Grand, Government witness and local attorney for the bondholders committee of the Ambassador, Missouri and New Grand Central. He said he had mentioned the story to Herman Starr in a conference held on April 6, 1934, when a plan of reorganization for these theatres submitted by Warners was being aired. The Government's purpose in seeking to have the article entered on the record was to prove the facts therein contained had been made by Warners. Frederick H. Wood for Warners objected on the ground the article was irrelevant, immaterial and incompetent. The bench further stated it had been admitting considerable evidence before a foundation had been laid, but said that it did not propose going too far. In this instance, it was ruled by the court that no foundation for admissibility had been established.

Jersey Allied Will Join in Tax Battle

Allied of New Jersey will cooperate with New York exchanges in opposing the application by the city of the two per cent sales tax on film rentals, in accordance with a recommendation made yesterday to the organization by a committee appointed to survey the local tax problem.

New York exchanges will present their opposition to the sales tax at a hearing before representatives of the city finance department on Jan. 20 and will be joined at that time by local exhibitors representing in addition to Allied of New Jersey, the I.T.O.A. and T.O.C.C.

Para. Trustees Win Appeal in Montreal

(Continued from page 1)

change for stock in Paramount Publix.

In his judgment Justice McTague declares: "In my opinion, the statement of claim shows no cause of action against the defendant trustees at all. There appears to be nothing in the statement of claim to couple the trustee defendants or Paramount Publix Corp. with the alleged misrepresentations of Famous Players Canadian Corp.

Only 12 Shooting, With 53 Being Cut

Hollywood, Jan. 14.—With activity confined to studio cutting rooms, camera work slipped to its lowest ebb in the last three months. Film editors were rushing 53 pictures to meet release dates. Cameras were turning on only 30 features and four short subjects, a new low for the midwinter season. Only 12 pictures are slated for production within the next two weeks. The week previous there were 33 features and three shorts in work.

M-G-M and Warners shared the lead, each having five features in work. M-G-M also had one short subject.

Columbia had three features shooting, three in preparation, and five in the cutting room. Fox had four, three and seven; Goldwyn, one, zero and zero; M-G-M, five, zero and 13; Paramount, four, two and 11; Radio, two, zero and six; Roach, zero, one and one; Universal, four, zero and one; Warners, five, zero and nine; independents, two, three and zero.

In the short subject division Columbia had none shooting, three in preparation and four editing. M-G-M had one, five and three; Radio, one, zero and one; Roach, one, one and three; independents, one, one and zero.

Kansas City Paper Drops Giveaway Ads

Kansas City, Jan. 14.—On order of postal authorities, the *Kansas City Star-Times*, which carries the bulk of local theatre advertising and all the subsequent run advertising, has discontinued all references to cash giveaway schemes.

For some weeks Fox Midwest had been carrying an indirect reference to their Bank Night pool—"Extra Added Attraction Tonite," and since Christmas 14 independents have been calling attention to their Sweepstakes pool with "Associated Special Attraction 8:40."

Pizor Calls MPTO; Showdown Expected

(Continued from page 1)

er those members who lean toward the new group will attempt to force the entire body into the merged organization. It is believed that with the upstate membership and proxies held by Pizor the identity of the original M. P. T. O. will be maintained.

In the meantime the banquet to celebrate the fusion of independent exhibitors has been postponed.

D. C. Allied Meet Set

Washington, Jan. 14.—The postponed annual meeting of Allied Theatre Owners of the District of Columbia, scheduled originally for last Thursday, will be held Jan. 16.

It is expected that the present officers will be reelected, with Acting Secretary William R. Hoyle, being named to that office in his own right.

Biederman to East

Hollywood, Jan. 14.—Dave Biederman, manager of Selected Pictures Exchange, left here today for New York, in connection with the distribution of a series of films he plans to produce.

French Films Increase, But Grosses Down

(Continued from page 1)

especially in the factory districts, where theatres relied almost entirely on factory employes.

The French industry, with only about 3,500 wired houses, can count upon only about eight per cent of the total population attending the films weekly. An important development in the French industry in 1935 was the partial success of exhibitors in combating excessive taxation. State taxes were reduced about 15 per cent, but the pauper tax is still in force and represents a problem. Exhibitors now pay about 20 to 25 per cent of the gross receipts in taxes, compared to the 25 to 30 per cent they were taxed before. Late last year the industry escaped the danger of the Government decree which would have made the industry virtually a state organization. The danger, however, is not completely over, and it is necessary for industry organizations to maintain a solid front in opposition.

Efforts were made during the year to produce films technically the equal of American product. In general a French film must be kept within a cost of $80,000 to return its cost to the producer. The chief fault found with French pictures is in the matter of stories and screen plays.

French Shorts Rare

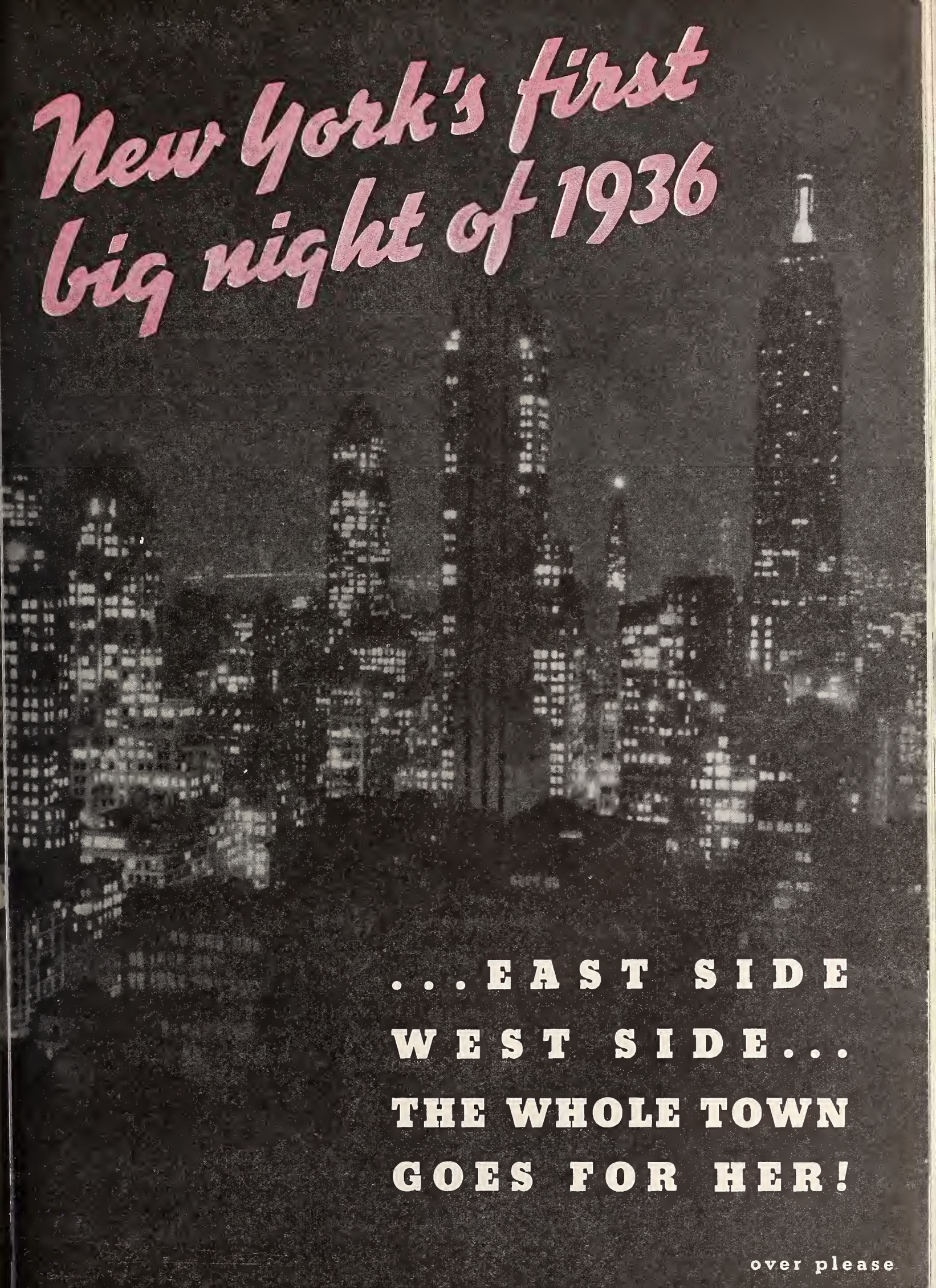
Short subjects are comparatively rare in the French market, since 90 per cent of the theatres have adopted the double feature program. France produces very few shorts. The short subject field is largely represented by a few excellent subjects which are largely too artistic for the average French patron. The big handicap to American distribution in France is the necessity of dubbing in French for general release, since the provincial patrons accept only films in the French language. There have been comparatively few American films which have been successful in dubbed versions in France during 1935. "Lives of a Bengal Lancer," "G-Men" and "Sequoia" have been well received, however. American dubbed films are in general shown as the second feature on double bill programs.

Films with considerable action, simple stories and those of unusual quality are for the most part the only ones which are successful in dubbed versions. In general 1935 cannot be considered to have been a good year for American companies, except in the limited exhibition of original versions in English. It is this situation which is said to have led some American companies to buy French films for release in this country. As a whole conditions here are difficult for American companies.

Plan Paris Tax Protest

Paris, Jan. 14.—Theatre managers here are discussing a closing of all theatres in protest against high taxes. They want the 10 per cent tax cut to eight per cent.

No date has been set for the closing.


New York's first
big night of 1936
. . . EAST SIDE
WEST SIDE . . .
THE WHOLE TOWN
GOES FOR HER!
over please

The High Hats Go for Her!



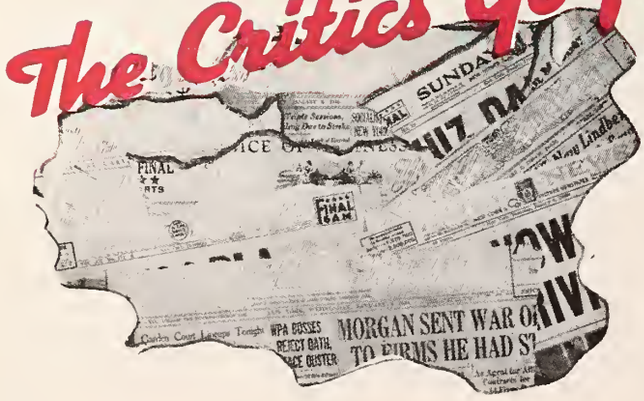
New York's high society, Mrs. Vincent Astor and the pick of Park Avenue, flock to the New York Paramount...at $10 a whack—to see the opening of "Rose of the Rancho" and give their support to that worthy charity, the Musicians' Emergency Unemployment Relief Fund . . . and do they cheer Swarthout? They go wild about her!

The Picture Fans Go for Her!



Thousands and thousands of picture fans mob the first regular showing of the picture . . . and do they like Swarthout? The answer is simply this: the first day's business is the highest since the opening of that record-breaking box office smash . . . "The Lives of a Bengal Lancer."

The Critics Go for Her!



Ed Sullivan, Daily News Columnist, writes:
Dear G. S.: Caught your picture, "Rose of the Rancho", last night at the Paramount. You're gorgeous, Honey. E. S.

William Boehnel, World-Telegram:
Miss Swarthout is lovely to look at and thrilling to hear.

Kate Cameron, Daily News:
Miss Swarthout has the attributes that presage a great film career—she has beauty, grace, ardour, a melodious speaking and a beautifully trained singing voice.



"ROSE OF THE RANCHO"

with

JOHN BOLES and GLADYS SWARTHOUT

Charles Bickford • Willie Howard • Herb Williams • Grace Bradley • H. B. Warner

A Paramount Picture • Directed by Marion Gering

Paramount Pictures

Short Subjects

The March of Time, No. 10

(Radio)

Release No. 10 of The March of Time maintains the record of the series for effectively contesting the self-sufficiency of the double feature program. Here, as in earlier issues, is screen entertainment to compete with bargain programs and contest its own exclusion from a place on the bill of the established theatre.

These behind-the-scenes views of news events, dramatized in the March of Time fashion, begin with the colonization by the U. S. of barren Pacific islands destined for establishment as way-stations for trans-Pacific passenger planes, and the reaction of England, Australia and Japan to this "invasion" of the maritime posts by America.

"Monsieur de Paris," France's hereditary executioner, and his mobilized guillotine, features the second topic. The man of mystery, feared and hated throughout France, is viewed here at his gruesome work—executioner of all French criminals condemned to death.

The invasion of eastern Tennessee by the TVA is the final subject. Home condemnation proceedings, progress of the engineering work and its consequences in relation to private utilities operations are portrayed.

Running time, 18 mins. "G."

Hughes Sets Air Record

Howard Hughes shattered all transcontinental air speed records when he landed at Newark Airport yesterday just nine hours, 27 minutes and 10 seconds after he took off from Union Air Terminal, Burbank, Cal.

Wall Street

Short Losses Dominate Board

	High	Low	Close	Net Change
Columbia	43	43	43	.....
Columbia, pfd	50½	50	50¼	+ ¼
Consolidated	6¼	5⅞	6⅛	.....
Consolidated, pfd.	18⅝	18½	18⅝	— ⅜
Eastman Kodak	163	163	163	— ½
Loew's, Inc.	54	53¾	53⅞	— ⅞
Paramount	10½	10⅜	10½	.....
Paramount 1 pfd.	81½	81	81	— ⅝
Paramount 2 pfd.	12⅛	12	12⅛	.....
Pathe Film	8⅛	7½	8	+ ½
RKO	6⅞	6⅜	6½	— ⅜
20th Century-Fox.	25⅝	25¼	25¼	— ¼
20th Century, pfd.	35	34	34¼	— ½
Universal, pfd.	60¼	58	60¼	+1¼
Warner Bros.	10¼	9⅞	10⅛	.....
Warner, pfd.	50½	50½	50½	— ½

Curb Issues Show Gains

	High	Low	Close	Net Change
Sentry Safety	¾	9/16	¾	+3/16
Sonotone	2⅛	2⅛	2⅛	+ ⅛
Technicolor	21½	21	21½	+ ½
Trans-Lux	4	3¾	4	+ ¼

Most Bonds Slightly Off

	High	Low	Close	Net Change
General Theatre 6s '40	25	24	24¼	— ½
General Theatre 6s '40 ctf	25	24¼	24¾	— ¾
Keith B. F. 6s '46	96¾	96¾	96¾	+ ¼
Paramount B'way 3s '55	58	57½	57½	— ½
Paramount Pict. 6s '55	94	93¼	93½	— ½
RKO 6s '41 pp	80	80	80	.....
Warner Bros. 6s '39 wd	88½	88⅛	88½	+ ⅜

(Quotations at close of Jan. 14)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Lone Wolf Returns"

(Columbia)

HOLLYWOOD, Jan. 14.—A well-blended concoction of comedy, romance, crook intrigue and light drama, this is enjoyable entertainment. While not pretentious in cast or production values, it succeeds in being amusing. The story is well conceived, acted and directed.

With Thurston Hall's police filling the expected serio-comic function, Melvyn Douglas, gentleman-crook, and Arthur Hohl, common thief, strive to outwit each other for Gail Patrick's jewels. Douglas decides he would rather have the girl than the jewels as romance enters. The story, with many interesting complications, builds to where he outmanoeuvers Hohl, but lands in the hands of the police. Miss Patrick, finally is convinced that Douglas' regeneration will be more successfully accomplished under her guidance than with the law, after her gems are recovered.

Punch is added to the straight story value by the effective comedy contributions of Ray Walburn, Gene Morgan and Tala Birell. Based on a story by Louis Joseph Vance, with the screen play by Joseph Krumgold, the comedy atmosphere gives the picture real appeal for those who like to see a good deal happen in oddly contrived situations. The deft direction by Ray William Neill spots the laughs and tension in the right places.

Production Code Seal No. 1,749. Running time, 65 minutes. "G."

March of Time Has Anniversary Party

March of Time observed its first anniversary yesterday with a preview of its first issue of the second year at the Hotel Madison. Members of the editorial board, Roy E. Larsen, John Martin and Louis de Rochemont, acted as hosts, with Ralph Rolan, vice-president in charge of advertising.

Attending the preview of the anniversary release were: Lucius Beebe, Edward G. Robinson, Frank Buck, Keith Winter, Martin Quigley, Roy Durstine and Mrs. Durstine, Tom Hamlin, Edward McAvoy, Morris Markey, Kelcey Allen, John C. Mosher, Colvin Brown, Mrs. William Brown Meloney, John C. Mosher, Richard Watts, Jr., Virginia Reid, Ernestine Taggard, Rutgers Neilson and Iris Barry.

Extend GTE Time

The time for making deposits under the plan of reorganization for General Theatres Equipment has been extended to Feb. 1, according to the reorganization committee headed by Arthur W. Loasby. More than 73 per cent of all allowable claims against the company has agreed to participate in the plan, which has been approved in the Chancery Court of Delaware, the committee states.

Mintz Sets Radio Deal

Robert Mintz, president of Stage & Screen Prod., has closed a deal with RKO for distribution of his 15-episode serial, "Custer's Last Stand," in India. This brings the total of foreign distribution deals to 15.

Weil Tries Unique Book

Joe Weil of Universal has turned out a unique exploitation book with covers of something resembling purple suede and protruding pages in 10 colors for use of exhibitors on "Magnificent Obsession."

Spitz Returns Here To Work on RKO Plan

(Continued from page 1)

Spitz may give some study to various proposals for the settlement of the Rockefeller Center claim against RKO, the largest individual claim against the company, and, as such, one of the principal factors in the development of a reorganization plan.

Spitz will remain here until the end of February, at which time he plans to return to the coast to confer with studio executives on RKO's production schedule for next season. The new RKO head expressed satisfaction with the studio setup, but intimated that additional production strength would be acquired in the near future.

"There is nothing I can talk about at the present time," Spitz said, "but I am a great believer in manpower and am always on the lookout for it."

Sam Briskin was installed as head of production during Spitz's last stay at the studio. The RKO head reiterated that B. B. Kahane would continue as head of RKO Studio Corp. and that Pandro S. Berman's contract, which expires within three months, will be extended on the same basis as at present.

New Carbon Handbook

National Carbon Co. has issued a third edition of its handbook. It details the operating characteristics of all the older types of projector arcs and gives in detail the workings of the new non-rotating high intensity arc. Copies are being supplied to projectionists.

Buy Walla Walla House

PORTLAND, Jan. 14.—Frederick Marcy, Jr., Associates of Yakima have purchased the Keylor Grand at Walla Walla, Wash., and have added it to their circuit, which now totals 12 houses in central Washington.

Benefits Seen in Contract Changes

(Continued from page 1)

membership of the guild for approval It was indicated that this procedure may require another month. The present basic agreement with the managers expires March 1.

Miss Sillcox denied reports that the guild would demand 100 per cent o the amount received for picture rights to stage plays and likewise denied other reports that the dramatists would demand up to 80 or 85 per cen of the picture rights. However, some change in the terms of the presen agreement, under which managers may share as much as 50 per cent in pic ture rights, is certain to be made it is believed. With film companies backing numerous Broadway produc tions and thus becoming managers the guild sees a situation inequitabl to dramatists resulting as they fea that competitive bidding for the scree rights to plays may be seriously cur tained by current developments.

Present Arrangements Unchanged

Indications are that the principa changes in the basic agreement wi seek a solution for this situation, wit the present arrangements, insofar a they apply to the sale of picture right to plays in which no film compan owns an interest, undergoing litt or no change.

The guild may not submit its ne proposals to the League of N. Y Theatres, representing managers, was indicated, due to the fact th the contracts are made with indivi ual managers and not with the orga ization.

Miss Sillcox stated that her rece coast trip had nothing to do with t current developments in connectio with the basic agreement, but w made primarily in the interests of o ganizational work for the Author League. She pointed out that Ma Connolly, president of the leagu Sidney Howard, president of the Dr matists' Guild, and Ernest Pasc president of the Screen Writer Guild, all are in Hollywood at t time, and that the organization work, consequently, could be tran acted there more easily than here.

Wilcox Leaves Erpi In Personnel Shift

H. M. Wilcox, vice-president Erpi, who has been on a leave absence serving in an advisory capa ity in Paramount, has resign effective Jan. 22. J. H. Ray, a dir tor, has resigned from Erpi as w as from the directorate and vice-pre dency of Western Electric, to becom counsel for A. T. & T. D. S. Pr has become general auditor. E. Gregg, distribution manager, has be named assistant comptroller, and H. Arlinghaus has been appointed succeed him as distribution manag

Fier Back on the Coas

HOLLYWOOD, Jan. 14.—Jack Fi western sales manager for Repub has returned from New York wh he conferred with W. Ray Johnst Fier will make his headquarters at studio. His new division inclu Seattle, Portland, Butte, Denver, S Lake City, San Francisco, Los A geles, Dallas, Oklahoma City Little Rock.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 13 NEW YORK, THURSDAY, JANUARY 16, 1936 TEN CENTS

J. S. Seeks to Prove Starr Made Threats

Four Witnesses Put on Stand at St. Louis

By RED KANN

ST. LOUIS, Jan. 15.—The Governent today centered its barrage on o meetings dealing with reorganiion plans for the Ambassador, issouri and St. Louis, one held on pril 6, 1934, and the other exactly o months later, in an attempt to ove Herman Starr, Warner execue, had made threats in connection th the local first run situation. The ove was the latest step of the Govnment in its efforts to demonstrate at Warners, Paramount, and RKO d conspired to keep product from inchon & Marco.

Four witnesses, each one of them entified as a lawyer or member of the ndholders' committee of the trio of operties, were placed on the stand the Government with this objective mind. They were Joseph H. Grand, al counsel for the two committees,

(*Continued on page* 4)

Berman to Head RKO Unit Another Year

HOLLYWOOD, Jan. 15.—A one-year tension from March 23, next, of ndro S. Berman's current contract th RKO was agreed upon by the dio today on a basis which apparly averts any clash on authority tween Berman and Sam Briskin, w head of RKO production. Berin is to head his own production it subject only to supervision by o Spitz, RKO president, and B. B. hane, president of RKO Studio rp.

Berman, who has just completed ollow the Fleet," with Fred Asire, will produce the Hepburn, Lily ns and Astaire-Rogers pictures for xt season, as well as "Winterset" d others.

Paper Gives Passes

Atlantic City, Jan. 15.—The World, new morning daily here, is offering free tickets to Warners' Stanley as a promotion for its advertisers and a circulation stunt.

Winners must answer trick questions in the ads, then produce receipts showing purchases from the advertisers.

Retaliation for Europe's Quotas Gets Federal Study

Retaliatory legislation against countries imposing quotas and heavy taxes on American films is one of the angles being studied by Major George L. Berry, President Roosevelt's coordinator for industrial cooperation.

This has been revealed here by John G. Paine, who has been named permanent chairman of the Council of Industrial Relations through which Berry's work is being carried on. Paine is also chairman of the Board, Music Publishers' Protective Ass'n.

"We should not have a free and open market for any country which refuses to give our films unrestricted entry," Paine said. "The obstacles have been particularly serious in Germany, France and England, with quotas, taxes and regulations of various sorts. We should make it equally difficult for them to do business in the United States."

Possible changes in the anti-trust laws to make voluntary industry regulation attractive are being studied.

At present, Paine says, only one major film company is displaying any interest in the moves. This is Twentieth Century-Fox. Felix Jenkins, counsel for the company, is a member of the council. He says, however, that he is merely an observer.

Berry Invites Industry

WASHINGTON, Jan. 15.—George L. Berry, President Roosevelt's coordinator for industrial cooperation, today extended an indirect invitation to the film industry to join his council for industrial progress. The bid was seen in a statement from Berry on the formation of a committee to study wages, hours and other subjects taken up at the meeting Jan. 6, in which he stressed the fact that John G. Paine, representing the Music Publishers' Protective Ass'n., and chairman of the management group, is a prominent film industry executive.

Paine, in the same statement, outlined the task before the committee, and said that labor and industry can look to the council, if not for a panacea, at least for an improvement.

Standard Study of "U" Delays Action

Additional study of Universal's operations and working capital requirements will postpone for another week the possibility of a decision by Standard Capital Co. and Charles R. Rogers on exercising the option to acquire Universal, J. Cheever Cowdin, head of Standard, said yesterday. It had been expected earlier that a decision might be possible some time this week.

Cowdin said that at the present stage of the study of Universal's affairs it was not definitely known what capital requirements would be necessary in the event of a take-over of the company. Standard's option continues in effect until Feb. 1.

City Sues Warners On Music Broadcast

Suit has been filed by the city in the U. S. District Court against the music publishing subsidiaries of Warners seeking to enjoin them from interfering with the broadcasting of copyrighted music over municipal station WNYC.

Corporation Counsel Paul Windels contends that WNYC is non-commercial and there is no provision in the copyright laws prohibiting the public performance of copyrighted music unless for profit.

Simple Rites for Roxy; Many Attend

Brief and simple services were held yesterday at Central Synagogue for Samuel L. (Roxy) Rothafel, creator of the most lavish spectacles seen on the American stage, while an estimated 1,800 friends and followers of the famous showman and radio entertainer paid their last respects to his memory.

Roxy's flag-draped coffin was escorted from the synagogue by a guard of U. S. Marines after a 30-minute service. As a young man Roxy served seven years in the Marine Corps. Burial was at Linden Cemetery, Brooklyn.

At the services were representatives of the American Federation of Actors, the Jewish Theatrical Guild, Catholic Actors Guild, Episcopal Actors Guild, the Friars, Lambs, Actors, Players and Cheese clubs, National Vaudeville

(*Continued on page* 8)

WOR to Charge for Two-Hour Programs

Station WOR, through its Artists' Service, has decided to experiment with paid admissions to vaudeville broadcasts at the New Amsterdam Theatre on Saturday nights.

It will be a two-hour show from 9:15 to 11:15. The experiment will be tried for three successive Saturday nights.

Power Break Darkens Over 200 Theatres

Upper Manhattan, Bronx, Westchester Are Hit

More than 200 theatres in the Bronx, upper Manhattan and Westchester suburbs were plunged into darkness for varying lengths of time late yesterday afternoon and into the evening by the failure of a power line resulting from a fire in a N. Y. Edison Co. substation in the Bronx.

The power shutdown occurred shortly before 4:30 P.M., halting shows in progress in every theatre in the Bronx, sections of Westchester and the west side of Manhattan above 59th St. While Broadway de luxe houses in the Times Square area were unaffected, crippling of transportation facilities in the Bronx, including the city-owned Eighth Ave. subway, surface and elevated lines in the affected area, was believed by Times Square theatre managers to have been responsible for cutting down theatre attendance. Many persons, fearing a spread of the power shutdown which might strand them in

(*Continued on page* 8)

Minors' Admission Aim of Albany Bill

ALBANY, Jan. 15.—One of the repercussions of the recent arrest of hundreds of exhibitors in New York for admitting children under 16 without escorts and of Mayor LaGuardia's statement in favor of a change in the law has been the introduction of a bill by Assemblyman William T. Andrews, Democrat.

The bill carries out the suggestion of the Mayor that children under 16 be admitted to houses approved by local police and fire officials outside of school hours where matrons are in attendance for each group of 200.

Rough Stuff

Omaha, Jan. 15. — In a friendly snowball fight, Evert R. Cummings, district manager for A. H. Blank theatres, plunged Bill Miskell, manager of the Orpheum, into a snow drift.

Miskell went around with a sore side for several days until a doctor told him he had a cracked rib.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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Kentucky's 3% Sale Tax Bill Is Passed

FRANKFORT, Ky., Jan. 15.—The three per cent retail sales tax bill was given a final reading in the Senate late today and was signed by Gov. Asa B. Chandler tonight.

Seek Watch and Ward Probe

BOSTON, Jan. 15.—A legislative investigation of the famous New England Watch & Ward Society, which has been unofficial censor of almost everything for many years, is sought in a bill introduced by Senator William P. McCarthy. The measure calls for an appropriation of $2,000 for expenses and the appointment of a special commission to make the probe.

Maine Billboards Taxed

PORTLAND, Me., Jan. 15.—A new billboard law, passed by the last State Legislature, has become effective here. Theatres and distributors, as well as other advertisers, have to pay $1 for the use of billboards in the state.

Rob Terre Haute House

TERRE HAUTE, Ind., Jan. 15.—About $2,000 was taken from the safe in the Indiana early Monday morning. Considerable damage was done to the office and in the lobby, through which the inner vault was taken.

Postpone Studio Sale

The receiver's sale of Photocolor Studios at Irvington-on-the-Hudson has been postponed to Jan. 23.

Purely Personal

LAURENCE STALLINGS will return today on the *Lafayette* from the Ethiopian front where he headed the Fox Movietone News expedition. SHIRLEY GREY is also aboard this ship returning from a picture engagement in England.

•

NATHAN VIDAVER, well known industry attorney, is back from a long stay in California, recovered in health, and has opened new law offices at 535 Fifth Ave.

•

BEBE DANIELS and BEN LYON have been booked as guest stars on BEN BERNIE's radio program for Feb. 2. The deal was handled by the William Morris office.

•

BILL E. DANZIGER of the M-G-M publicity staff leaves Feb. 1 for a six-month sojourn in the desert. His assignments will be handled by HERB MORGAN.

•

. . . San Francisco

HULDA MCGINN, secretary-manager of the California Theatre Ass'n., is in Sacramento watching the legislators at work. Several bills affecting exhibitors are up.

GEORGE MANN, associate of MORGAN WALSH, is preparing for a round-the-world trip. He will be accompanied by MRS. MANN.

MAX MORRIS of Western Poster Co., left for Los Angeles last week to look over the poster situation. MRS. MORRIS accompanied.

WILLIAM FLYNN, who operates the Avalon in Vallejo, was here. It was his first venture out after a fall at Christmas time.

BEN LEVIN, who operates the Avenue and Roosevelt here, is sporting a new Buick. It's a coupe.

ARTHUR B. PRICE, proprietor of the Aurora, and MRS. PRICE, celebrated their 25th wedding anniversary with a party at their home.

Merle Oberon Ill

HOLLYWOOD, Jan. 15.—Merle Oberon was confined to her home in Santa Monica today with influenza. Miriam Hopkins and Joel McCrae, other members of the cast of "These Three," United Artists, have also been stricken in the past few days.

Kent, McCarthy West

S. R. Kent and Charles E. McCarthy will leave for the coast tomorrow where they will be at the Twentieth Century-Fox studios for about two weeks for conferences on new product plans.

Asks Fair Commission

ALBANY, Jan. 15.—Governor Lehman in a message to the Legislature today recommended the creation of a special state commission to cooperate with New York's World Fair in 1939.

Hays Leaves for Coast

Will H. Hays left for the coast yesterday, to be gone about a month. He will attend the annual meeting of the Producers Association, Feb. 2.

To Affirm Sentence Of Deery, Mulloney

BOSTON, Jan. 15.—John A. Deery, circuit head and former president of the Salem Trust Co., and Daniel C. Mulloney, former president of the closed Federal National Bank here, will be called to the U. S. district court here Monday for reaffirmation of their sentences of one year and one day after having been found guilty some months ago of misappropriation of $131,000 of bank funds, according to U. S. District Attorney Francis Ford.

Theatre loans were mainly concerned in the matter. An appeal to the U. S. Supreme Court was turned down last week, but the two are still attempting to avoid serving sentence.

Academy Sends Out Ballots for Awards

HOLLYWOOD, Jan. 15.—Nomination ballots for the eighth annual awards of merit by the Academy have been mailed to members.

Frank Capra has picked March 5 as the date and the Los Angeles Biltmore as the place for the annual awards dinner.

The deadline for the balloting is Feb. 3. Nominees will be announced as soon as the ballots have been counted. Pictures for which awards will be given include only those publicly exhibited (previews excluded) in the Los Angeles district from Jan. 1, 1935, to Dec. 31. A total of 479 features are eligible. Forty-nine of these were made abroad.

Chicago Wage Talks Remain in Deadlock

CHICAGO, Jan. 15.—Exhibitors and operators here are still at odds over the new yearly contract. Demands for a 20 per cent increase will not be met, say exhibitors. More meetings are scheduled. Some strike talk has been heard.

Distributors are trying to get the city ordinance revamped to allow the use of 2,000-foot reels and do away with the union's demands for changes in spools and rear shutters.

Turner in New Venture

Terry Turner, advertising and publicity director for Loew's for 14 years, has incorporated and opened an office to handle tieups between national advertisers and film companies. He has been experimenting along these lines for two years, working through the new business departments of agencies.

Manager Dies in Crash

GOODWIN, Ark., Jan. 15.—Among the bodies of the 17 passengers who were killed when an American Airlines plane crashed here last night was that of Samuel Schwartz, manager of the Apollo in Atlantic City. The cause of the crash has not been established.

Chicago Record Cracked

CHICAGO, Jan. 15.—The Chicago established a new all-time attendance record for the first three days of the week when 104,000 people came out to see "The Bride Comes Home."

Veloz and Yolanda headlined the stageshow.

"Informer" Winner In Washington Vote

WASHINGTON, Jan. 15.—Five dramatic editors here decided some "bests" during 1935. "The Informer" was voted the best picture with "David Copperfield" and "Mutiny on the Bounty" being accorded honorable mention.

Balloting was held at a luncheon given by Carter T. Barron, Loew eastern division manager.

Other "bests" were:

Actor—Victor McLaglen in "The Informer." Honorable mention—Charles Laughton in "Mutiny on the Bounty."

Actress—Greta Garbo, in "Anna Karenina."

Director—John Ford for "The Informer." Honorable Mention—Frank Lloyd for "Mutiny on the Bounty" Leo McCarey for "Ruggles of Red Gap."

Musical—"Naughty Marietta." Honorable mention—"I Dream too Much," "Top Hat."

Georgia Exhibitor Starts Trust Sui

ATLANTA, Jan. 15.—Mrs. B. Smith Joy Theatre, Rockmart, Ga., has entered suit in Federal court against Oscar Lam, head of Lam Amusement Rome, Ga., and M-G-M, Paramount Twentieth Century-Fox, RKO, Republic, United Artists and Warners for $53,500, charging violation of the Sherman anti-trust law.

She charges the defendants have conspired to withhold pictures from her theatre in favor of Lam's new house.

Schwartz Renamed By Cleveland MPEA

CLEVELAND, Jan. 15. — Ernest Schwartz was unanimously elected today for a third term as president of the Cleveland M. P. Exhibitors Ass'n. Other officers, all reelected are: A. E. Ptak, vice-president; John Kalafat, treasurer; G. W. Erdmann secretary; L. G. Baldwin, Frank Gross, trustees for three years James E. Scoville, Fred Scheuer man, trustees for one year.

Hear Coast Para. Claim

LOS ANGELES, Jan. 15.—Hearing on petitions of the Bondholders' Protective Committee, O'Melveney, Tuller & Meyers, the Security First National Bank of Los Angeles, and others for compensation and reimbursement in connection with the Paramount Properties, Inc., bankruptcy, were held in Federal Judge Paul J. McCormick's court. Claims totaled approximately $45,000, and were most for legal services.

The largest claim was that O'Melveney, Tuller & Meyers for $15,000. Also included, was a petition by the debtor for approval payment of $45 per week salary Kenneth S. Fitzpatrick, vice-president and secretary for the period of the proceedings.

Giannini Succeeds Father

SAN FRANCISCO, Jan. 15.—L. M. Giannini, son of A. P. Giannini, has succeeded his father as president the Bank of America National Trust & Savings Ass'n.



THE PICTURE OF THE WEEK

With Frank McHugh at his funniest as the goofy coach of a goofy crew, with Patricia Ellis at her prettiest as the cuddlesome college cutie, and with Warren Hull at his musical best as a rhythmic romeo, **'FRESHMAN LOVE'**, Warner Bros.' new campus comedy, arrives this week featuring the maddest, merriest crew race ever rowed. Director William McGann was at the helm with Joe Cawthorn and George E. Stone contributing yeomen's service. Released Jan. 18th.

U. S. Seeks to Prove Starr Made Threats

(Continued from page 1)

who resumed where he left off Tuesday; David Levinson, Chicago attorney, and general counsel for the first mortgage bondholders; Jacob Chasnoff, counsel for the general bondholders' committee, and Frederick H. Kreismann, insurance agent formerly mayor of St. Louis and a member of the first mortgage bondholders' group.

Walter Rice was the champion for the Government all through the day. His opponents were ex-Senator James A. Reed and Frederick H. Wood, special counsel for Warners. Paramount and RKO lawyers played roles in minor keys, raising general objections to the array of testimony on the ground their companies had in no way figured in the two meetings under fire.

Grand Quizzed by Reed

While the bulk of the alleged facts divulged by the quartet followed closely along the lines they pursued in the misdemeanor trial the one exception was Grand, who was examined at length by Rice on an analysis of the Warner plan as against the finally-accepted Snyder plan and rigorously cross-examined by Reed.

Grand had not been cross-queried by the defense in the criminal case. However, with his return to the witness box in the current civil action Warner counsel interrogated him at length on discussions about reorganization which transpired at the April and June meetings on the ground, as explained by Reed, the defense had no other recourse since the Government was apparently determined to air the merits of the various submitted proposals.

Grand, under questioning, went into great detail to explain why it was the committees had determined for Allen L. Snyder as against Warners. He cited $105,000 in rental guaranteed for the three houses by the Snyder bid as against no guarantee submitted by Warners. The latter offer had included five per cent on half of the new bonds which were to be issued while the committee's plan called for the same interest bracket on all the bonds. He emphasized the theatre rental provision in the Snyder plan was the most favorable aspect in contrast to the Warner bid.

Threats Alleged

Reed's contention was that other than the five per cent management fee under which Warners proposed operating the theatres, they would have received no return until the the bonds had been paid off. He further pointed out the only guarantee to the committee under the Snyder bid was the $105,000, which he described as small in view of the size of the proposition, whereas Warners had been willing to pledge payment of interest on half of the new bond issue.

In the unfolding of his account of what transpired at the two conferences Grand alleged Starr had made threats. The witness said Starr had said Warners not only had their own product but would have Paramount and RKO as well. The witness also said Starr had said no one would operate the three theatres other than Warners. Grand testified Hiram B. Morse and Kreismann, both members of the committee and present at the time, had resented Starr's supposed remarks.

Grand's answer at the time, he said today, was that he did not care about product as the committee already had its rental guarantee and what might be shown in the theatre was the operator's problem. Morse remarked, the witness continued, that there was still an attorney general in Washington and that he wanted to hear nothing further about film. Grand added that Morse, then a substantial first mortgage bondholder, had been more interested in reading a plan of reorganization of his own.

Reed Objects to "Arguing"

Reed constantly blamed Grand for repeatedly defending the course of the bondholders' committee. "I don't want to argue with you and I don't want you to argue with me," said the Warner counsel, who had his troubles in getting a "yes" or "no" answer from the witness. "I hope I am not arguing. I don't want to," replied Grand.

Indicating that John S. Leahy, attorney for John T. Blair and Edmond Koeln, trustees for the Fox Theatre here, probably had been cooperating actively with the new Department of Justice on the local situation, Reed drew from Grand the statement that L. B. Reed, local head of the Justice Department, had requested that a copy of an affidavit reporting both conferences be sent to Leahy's office. Grand further declared he had been asked on Sept. 21, 1934, to have Thomas N. Dysart, chairman of the bondholders' committee, swear to such an affidavit. It then went to Leahy who, Grand said Reed had told him, was "getting up other papers in regard to these transactions." Rice sought to introduce the text in evidence. The defense objected and was sustained.

Levinson Testifies

Levinson's recollection of the two meetings developed next. Essentially it covered the same ground. He did testify, however, that when Starr was acquainted with the terms of the Snyder bid he had declared he would meet it. Dysart thereupon said, "It's a deal," according to this witness. "We've had misunderstandings before. Let's get it straight," Levinson testified he then had said. He went over the details and when he had finished, he said, Starr reneged. The defense interposed no cross-examination.

Chasnoff was next. The court clerk had taken himself for a walk and with no one on hand to administer the oath Judge Joseph West Molyneaux undertook the ceremony. The witness's account of the April 6 meeting, the only one of the two at which he had been present, was based chiefly on "understandings" of what had transpired and was largely devoid of attributing direct remarks to those present at the time. In direct testimony he spoke principally about alleged conversations dealing with product availabilities.

Chasnoff Connections Discussed

On cross-quizzing, Wood developed Chasnoff had also been attorney for Aaron Waldheim and Julius Glaser, who were half owners of F. & M. Theatre Co. of Missouri, which held leases on the Fox and St. Louis. Rice objected on the ground that the defense was endeavoring to prove conflict of interests in that Chasnoff was serving as counsel for the general bondholders' committee and as attorney for interests bidding for the three theatres. Judge Molyneaux immediately settled the question by absolving Wood of any implied intention.

Kreismann was the final witness of the day. "I was tired of hearing such threats and defiance on the part of Warners and had reached a point where no good could come out of such discussions," was a highlight of his testimony.

Wood in his cross-examination established through Kreismann that no member of the bondholders' committees had owned any of the bonds. The counsel made the flat charge that members of the committees had been seeking to perpetuate their jobs which Kreismann denied. Under questioning, the witness contributed the information that he, Dysart, Spyros Skouras, William Norden and Morse had been elected voting trustees and directors of the corporation formed to take over the Ambassador, Missouri and New Grand Central under the accepted reorganization plan.

Kreismann Denies Dealings

Kreismann also denied ever having been associated with Harry Koplar frequently described in the proceeding as Warners' "arch enemy." He also declared he had never discussed reorganization with him, although he at one time had business relations with Koplar's brother Sam. The Government at this point found itself short of witnesses and requested a recess. "That doesn't disturb me anyway," replied the judge. It was then 4:30.

Immediately prior to adjournment the court summoned all counsel to the bench and announced it will reconsider the testimony of J. M. Ulmer of Cleveland at the conclusion of the Government's case. Earlier, the judge had ruled it out tentatively, permitting it on the record only for purposes of appeal by either side.

Differentiating from the criminal case where the Government, having suffered complete defeat, had no right of appeal, this anti-trust action in equity may be taken to the U. S. Supreme Court in the event the Government loses.

Hardy's plan tonight for Thursday will put Harry C. Arthur on the stand. Jack Partington follows.

On the Lighter Side

By BILL ORNSTEIN

St. Louis, Jan. 15.—Eddie Alperson couldn't take that cerise and purple bathroom. He, therefore, moved to the sixth floor of the Park Plaza where he won't be so color conscious.

+

Irving Barry, Spyros Skouras' secretary, is here to help the boss clean up current business before his departure for the coast Thursday. Skouras and Rhoden and their wives are slated to sail on the 17th for a vacation in Honolulu. It was Barry's first air trip. He liked it so much he plans to return to New York on a day liner to catch the scenery.

+

It's a major operation for the Warner legal staff at the end of each session. Then, suitcases and bags emerge from under the large table which, during the day, groans under the weight of documents dealing with the case. They're packed and carted out of the courtroom only to return each succeeding morning.

+

William R. Gentry, special local counsel for Paramount, has been sitting nearest Judge Molyneaux, but now Lou Phillips occupies the front seat and Gentry the chair behind him.

+

Sam Dembow has had all the manicures and sartorial work he can stand. He has had time for an afternoon nap each day. He reads all newspapers and his airmail copy of Motion Picture Daily from beginning to close, and still has time on his hands.

+

Spyros Skouras made an interesting witness. He was flushed and nervous as he entered the witness box, but lost both by the time Russell Hardy was through with direct examination. His account of a meeting at the Blackstone Hotel, Chicago when Herman Starr and Grad Sears were present was punctuated with color. To wit: "Mr. Turley and myself then returned to the hotel and ordered lunch and four drinks." That caused a ripple of laughter, and a broad smile from Judge Molyneaux.

+

Walter Branson, RKO district manager, is around and very much in the company of Cresson Smith, his boss.

+

Fred Wehrenberg, who was caught between recesses, says he shot 61 rabbits over the week-end. The problem is what will he do with them all.

+

An interesting incident took place during the lunch period Tuesday. The modernistic desk lamp, in the direct line of vision between judge and Warner counsel, disappeared. Approved on all sides.

+

Allen L. Snyder, who is interested in the operation of the Ambassador, Missouri and New Grand Central, appeared in the corridor early this week for the first time since the case got under way.

+

Charles Kurtzman, manager of the Ambassador, has gone east on a three-week vacation.

+

Harold Goldberg is here as manager of the Major Bowes amateur unit now playing the Ambassador.

+

Eddie Alperson denies reports current that Spyros Skouras is taking over a theatre in East St. Louis, Ill.

+

Clarence M. Turley has a pair of dice that rolls nothing but sevens.

Oklahoma Theatre Sue

Oklahoma City, Jan. 15.—Alleg imitation of Bank Night formed t basis of a suit for damages and injunction filed in Federal Court he against the Cozy, Stroud, Okla., Affiliated Enterprises, Inc., Denv Colo.

"THE BELOVED VAGABOND"

Freely Adapted from the Novel by W. J. LOCKE

MAURICE CHEVALIER



"Paragot"

MARGARET LOCKWOOD



"Blanquette"



NORA SWINBURNE

"Joanna"



DESMOND TESTER

"Asticot"

Produced by:
LUDOVICO TOEPLITZ

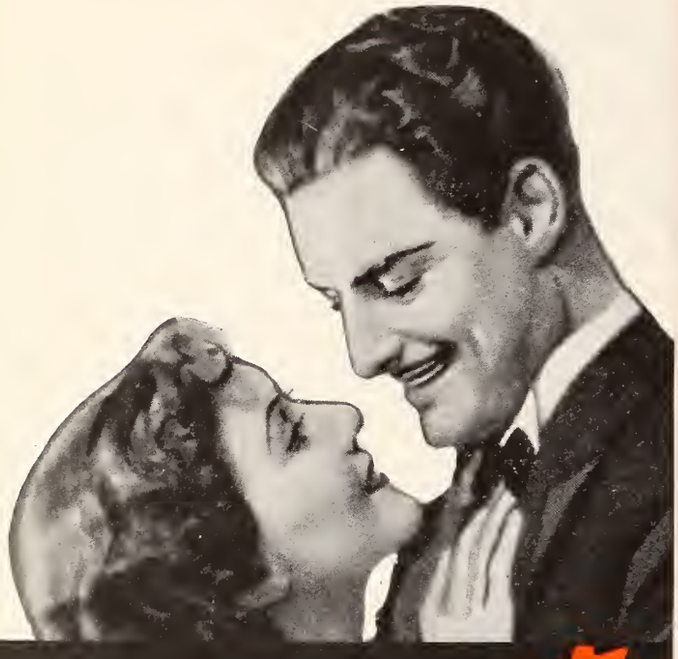
Directed by:
KURT BERNHARDT

NOW SHOOTING *AT* ***A. T. P. STUDIOS, LONDON***



Critics go Wild about "THE G

EAST, WEST, NORTH, SOUTH, no matter from what direction they converged on the theatre. They all agreed unanimously that "The Ghost Goes West" is smash entertainment!



Robert Donat *sensational star of "The Count of Monte Cristo"*

in

THE GHOST GOES WEST

with JEAN PARKER
EUGENE PALLETTE

DIRECTED BY RENE CLAIR *acclaimed by many critics as the screen's most skillful director*

Screenplay by ROBERT E. SHERWOOD

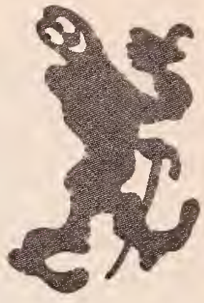
An ALEXANDER KORDA *production*
the man who gave you "Henry VIII"

A London Film



"Thoroughly enjoyable entertainment from
ginning to end . . . filled with the sort of fun
keeps the audience chuckling throughout
glittering satiric touches raise the productio
a brilliant level." —Kate Cameron, N. Y. Daily

•



"One of the season's funniest pictures.
told with high good humor, almost with
and its cast has the air of enjoying it all as hu
as the audience. A grand ghost story.
rollicking tale of a most delightful phan
What this country needs is a few more Gl
ghosts. It could even do with a few Rene Cla
—Eileen Creelman, N. Y

•



"Satire of the grandest sort. Gay, charm
romantic, amusing and entertaining. Rene C
the brilliant young French director, has b
us a most delectably fluffy omelet, with Ro
Donat, one of the most engaging actors o
screen, providing exactly the right seaso
for it. —William Boehnel N. Y World-Tele

•



"Captivating comedy . . . tender in its rom
. . . charming in mood. No more winsome g
ever has stalked across the screen and Ro
Donat plays him magnificently. The produ
is lavish. The dialogue is witty. The situation
delightful." —Bland Johaneson, N. Y. Daily N

Released thru

ST GOES WEST"





"Gay and charming and imaginatively amusing . . . striking, delightful and original."

—Richard Watts, Jr., N. Y. Herald-Tribune.

•



"The first important film of the new year, and a joyous one. Gay, urbane and brilliantly funny . . . a gracefully long, loud laugh . . . it has a sly wit and adroitness of manner that make it delightful. It is the cream of an ebullient jest."

—N. Y. Times.

•



A thousand delights await you at the Rivoli . . . as bright a satire as the screen has seen . . . as jolly a ghost story as ever haunted Broadway with its hilarity . . . rules Rivoli screen with laugh spirits . . . Robert Donat finds permanent American stardom . . . Rene Clair's direction is exquisite in its sheer genius."

—Regina Crewe, N Y. American.

•



"A gay and thoroughly amusing comedy . . . delightful entertainment . . . riotous . . . hilarious . . . you'll find the picture a grand film."

—Rose Pelswick, N. Y. Evening Journal.

•



"Excellent. One of the most consistently delightful comedies of this or any other season. Exhilarating fun and a deserved triumph."

—Thornton Delehanty, N. Y. Post.

TED ARTISTS

now playing Rivoli Theatre N.Y. to Record Breaking Business!

...and held over of course!

A Swell Show

St. Louis, Jan. 15.—A number of the Government's guests, assembled for the equity proceedings against Warners, Paramount and RKO, had a strange idea for a lot of film men the other night. They wanted to see a picture.

Grad Sears, in from Chicago, turned impresario and screened "Ceiling Zero" at the Shubert-Rialto. It was well worth the midnight junket.

This is a first-class melodrama of aviation and love with one smash climax as Stu Erwin crashes to his death in his own airport, downed by a ceiling zero, and a second, not far behind the first, when Jimmy Cagney retrieves his madcap career by deliberately inviting his own finish.

There is a sustained note of comedy, fine atmosphere depicting the inner workings of commercial air lines and very good performances on all sides. Pat O'Brien shares the spotlight with Cagney.

KANN

"Ricks," Schooler, Milwaukee Leaders

Milwaukee, Jan. 15.—New Year's business was gratifying with "Cappy Ricks Returns" and the return of Dave Schooler at the Riverside high for the week at $9,300. This was $4,300 above average. Schooler packed them in at Fox's Wisconsin here eight years ago, and is back for the first time.

"King of Burlesque" and "Mary Burns, Fugitive" did $7,500 on a dual bill at Fox's Wisconsin, while "Hands Across the Table" and the Showboat Dixiana Players at the circuit's Palace grossed $5,300.

The Alhambra, which reopened Dec. 25, closed Jan. 7 after it had reverted to a record low price policy of 10c, 15c and 20c for first runs. It was reported the management was unable to secure films for opening at these prices.

The weather was cloudy with snow. Total first run business was $28,300. Average is $23,000.

Estimated takings:

Week Ending Jan. 7:

"I DREAM TOO MUCH" (Radio)
"MISS PACIFIC FLEET" (W. B.)
WARNER—(2,400), 25c-40c, 7 days. **Gross:** $5,200. (Average, $5,000)

"EAST OF JAVA" (Univ.)
ALHAMBRA—(1,900), 20c-25c-35c, 3 days. Stage: Don Zelaya, Monroe and Adams Sisters, Six Lucky Boys, Madalyne Thomas, 10 Vandas Dancers, Dave Miller & Band. **Gross:** $800.

"THE SCARLET LADY" (Liberty)
ALHAMBRA—(1,900), 10c-15c-20c, 2 days. Stage: Vaudeville. **Gross:** $200.

Week Ending Jan. 8:

"KING OF BURLESQUE" (20th-Fox)
"MARY BURNS, FUGITIVE" (Para.)
WISCONSIN—(3,200), 25c-40c, 8 days. **Gross:** $7,500. (Average, $8,000)

Week Ending Jan. 9:

"HANDS ACROSS THE TABLE" (Para.)
PALACE—(2,800), 25c-35c-55c, 7 days. Stage: "Showboat Dixiana" players. **Gross:** $5,300. (Average, $5,000)

"CAPPY RICKS RETURNS" (Republic)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: Dave Schooler. **Gross:** $9,300. (Average, $5,000)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Dancing Feet"

(Republic)

Hollywood, Jan. 15.—Motivated by a story of spirited youth vs. adamant maturity, this music and dance-tinged romantic comedy stacks up as average entertainment. The title, and a number of good cast names, add to its commercial value.

Rebelling against a stern grandfather's (Purnell Pratt), edict that she shun the gay dancing set, Joan Marsh, getting no cooperation from Ben Lyon, erstwhile playboy chum, goes alone to Dreamland, a dance hall. Her dancing ability thrills Eddie Nugent, who plans to take her in on a ballyhoo stunt to teach tap dancing by radio for the purpose of exploiting Dreamland. The plan is rigidly opposed at first by Pratt, but Lyon's plea that youth should shape its own destiny wins his consent. Pratt becomes an admirer of Nugent, and when the radio stunt turns out a success he gives his consent to the marriage of Nugent and Miss Marsh.

It is played in a spirit of lightness and gayety. There is sufficient dramatic contrast to maintain interest. Two specialty dance routines by Nick Condos against colorful backgrounds with a pair of musical numbers written by Sam Stept and Sidney Mitchell give the show a bit of exciting diversity.

The work of the principals mentioned is adequately supported by Vince Barnett, Harry Bradley, Isabel Jewel, James Burke and Herbert Rawlinson. Based on a story by Rob Eden, the screenplay is by Jerry Chodorov, Olive Cooper and Wellyn Totman. It was directed by Joseph Santley.

Previewed without production code seal. Running time, 68 minutes. "G."

Looking 'Em Over

"I Conquer the Sea"

(Academy Pictures)

A Victor and Edward Halperin production, with direction by Victor, this tells a story of the whaling men of Newfoundland. Woven in is a romance, and the conflict which exists between the native whalers and the Portuguese cod fishermen of the village.

The film has been well produced, and presents an interesting and occasionally exciting picture of the battles which result between the fishermen and their anticipated prey. Heading the cast is Steffi Duna, Portuguese girl, supported by Stanley Morner and Douglas Walton borrowed from M-G-M, brothers and the sons of a whaling man.

Morner, tall and handsome, and the best harpooner in the village, falls in love with Miss Duna, and she with him. Walton, a successful amateur doctor, is opposed to the affair, but consents to attempt treatment of the crippled leg of the girl's brother. He is successful, and suddenly finds himself in love with Miss Duna. She realizes that she loves him more than his brother, but Walton insists that, for Morner's happiness, she must go through with the marriage, especially when Morner's arm is amputated as the result of an accident while whaling.

Finally in an active sequence, the men, out after a whale, are upset when the whale strikes them. Walton rescues his brother, and they are marooned on a rock. Realizing the girl does not love him when he sees an amulet on his brother, Morner permits himself to be carried to sea.

Production Code Seal No. 1623. Running time, 70 minutes. "G."

"Lac Aux Dames"

(Franco-American)

This French importation of the adaptation of a story by Vicki Baum presents strong and interesting drama, and features a new and young player, Simone Simon, who is understood to have been signed to a Hollywood contract. It is certain that, with her appearance in this film as a criterion, she should find favor with American audiences. She is very attractive and plays with a sincerity which is effective. There are sufficient superimposed translations of dialogue to make

(Continued on page 10)

"Bride" Is $6,900 Hit, Oklahoma City

Oklahoma City, Jan. 15.—"The Bride Comes Home" was a smash hit at the Criterion. It grossed $6,900 in eight days, topping par by $1,900.

"Riffraff" was over normal by $300 on a take of $4,300 at the Midwest. "Show Them No Mercy" was strong at the Capitol with a take of $2,800. The Liberty had a poor week with "Man of Iron" and vaudeville for four days, taking $2,100. During the remaining three days "Coronado" was weak at $350.

Total first run business $16,400. Average is $14,000.

Estimated takings for the week ending Jan. 11:

"THE BRIDE COMES HOME" (Para.)
CRITERION — (1,700), 10c-20c-36c-55c, 8 days. **Gross:** $6,900. (Average, $5,000)

"RIFFRAFF" (M-G-M)
MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $4,300. (Average, $4,000)

"SHOW THEM NO MERCY" (20th-Fox)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,800. (Average, $2,000)

"MAN OF IRON" (F.N.)
LIBERTY — (1,500), 10c-20c-26c-41c, 4 days. Stage: "Blue Paradise" Revue. **Gross:** $2,100. (Average for week, $3,000)

"CORONADO" (Para.)
LIBERTY—(1,500), 10c-20c-26c-36c, 3 days. **Gross:** $350. (Average for week, $3,000)

Theatres in Dark As Power Breaks

(Continued from page 1)

the theatre section, remained at home for the night.

Many neighborhood houses were obliged to refund admissions or issue emergency tickets after patrons had waited in vain for the interrupted shows to resume. Low voltage power was available in some neighborhoods, but shows were stopped regardless, as the current in many cases was too weak for air conditioning units to function properly and also caused flickering and intermittent failing of light in projection.

Loew's, K-A-O, Consolidated, Leff-Myers and Springer & Cocalis circuits, all large operators in the affected areas, were most vitally affected. In all, more than 80 theatres in the Bronx, and approximately the same number in both upper Manhattan and in suburbs north of the city, were closed for periods varying from 30 minutes to several hours.

Simple Rites for Roxy; Many Attend

(Continued from page 1)

Artists and National Broadcasting Co. Rabbi Jonah B. Wise officiated at the services and the Jewish chant for the dead was rendered by Jay Pierce, a former Roxy protege.

Honorary ushers at the synagogue included Gene Buck, Ralph Whitehead, Harry Hershfield, Brando Tynan, Percy Moore, James Cro S. J. Kaufman and William J. Weinberger.

"Roxy produced real beauty and dignity in the realm of human amusement," Rabbi Wise said in the course of his brief eulogy.

Roxy, who was 53 years old, died Monday morning of coronary thrombosis while asleep at his residence in the Hotel Gotham. He is survived by the widow, a daughter, Mrs. Georg Bijur of New York, and a son, Arthur, of San Francisco.

COMPLETE

UNPARALLELED photographic quality... speed... fine grain... Eastman Super X has them all. It is the complete modern negative film. Agreeing that it leaves nothing to be desired, cameramen and producers are using it in the bulk of today's feature productions. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

Cooper Founds Fund With Theatre Stock

LINCOLN, Jan. 15.—Theatre holdings of J. H. Cooper have been turned over by him to the Cooper Foundation, to aid under-privileged children. Cooper is 50-50 owner with Publix in the Lincoln Theatres Corp., Cooper Enterprises of Colorado, and Regal and Criterion Theatres Corp. in Oklahoma, and his part is now the property of the foundation.

By taking half of his net income from the theatres he hopes to build fund of $1,000,000 for a reserve and hopes to start the foundation and keep it going on the other half. Cooper is said to have turned over $100,000 in money and bonds to the fund already.

Charles Stuart, J. E. Miller, J. C. Seacrest, Max Beghtol, Sam Waugh and E. N. Van Horne are on the foundation's board of trustees. Prominent out of towners are S. R. Kent, president of Twentieth Century-Fox; and A. C. Keough, Paramount counsel.

Dave Brown Shifted

PITTSBURGH, Jan. 15.—Dave Brown, shorts booker for Warner here, has been transferred to the circuit's St. Louis headquarters. His post has been taken by Tony Stern, who came to the booking office from the managerial staff in 1934, and Jack Bernhard has come on to fill Stern's post.

Charter Tru Pictures

ALBANY, Jan. 15. — Tru Pictures Co., Inc., has been formed here by F. B. Smith, George Engel, Ray Spector, Nathan Schwartz, G. A. Aronstan and George Engel.

Looking 'em Over

(*Continued from page 8*)

understanding of the story easy for those unfamiliar with French. The other members of the cast are competent but will be unknown to American audiences.

A young swimming champion, Eric, an engineer out of a job, becomes swimming instructor at Ladies Lake, a resort. He meets Miss Simon, playing Puck, pretty and attentive, and the daughter of a wealthy family, Danielle. He falls in love with Danielle, and she with him, but he dares not speak since she is the daughter of wealth and he is penniless. He is very fond of Puck, and enjoys her companionship, but is not in love with her. She, gay and full of life, gives him the friendship he sorely needs. Danielle's father is opposed to him, and Puck's father forbids him Puck's island home.

He is taken ill, after Danielle has been forced by her father to leave the resort with him, and delirious, he reveals to Puck that his love is for Danielle. In the end Puck brings Danielle back to him.

Largely devoid of action, the film nevertheless tells an interesting story of young romance and its trials and happiness.

Reviewed without production code seal. Running time, 90 minutes. "G."

Another "Sophie Lang"

HOLLYWOOD, Jan. 15. — Paramount will make a sequel to "The Notorious Sophie Lang." It will be "The Return of Sophie Lang," from a screen play by Patterson McNutt. A. M. Botsford will be the producer. Gertrude Michael will again play the title role.

Dance Directors Changed

HOLLYWOOD, Jan. 15.—Bobby Connolly has replaced Busby Berkeley as director of the dance numbers for "The Singing Kid," Warners.

"Two Cities" Hits $22,000 in Cincy

CINCINNATI, Jan. 15.—Plug signs predominated for the first week in the new year. "A Tale of Two Cities" went into high places on a nine-day run at the RKO Albee, grossing $22,000, up 82 per cent on a seven-day average of $12,000. It moved to the RKO Capitol.

"The Bride Comes Home" came in with $14,500 for eight days at the RKO Palace. The average was $10,000. It continues at the RKO Lyric. "The Littlest Rebel" garnered $10,500 on the second downtown week at the RKO Capitol, compared with normal of $6,500. It got a third stanza at the RKO Grand. "Another Face," plus "Bring On the Dames," on the stage, at the RKO Shubert, accounted for $14,000, up $1,500. "Fang and Claw" did $7,250 at the RKO Lyric, compared with a par of $6,500.

Total first run business was $82,000. Average is $60,200.

Estimated takings:

Week Ending Jan. 8:

"MORALS OF MARCUS" (G. B.)
STRAND—(1,300), 15c-25c, 4 days. **Gross:** $1,300. (Average, 7 days, $1,500)

"THE MIGHTY BARNUM" (U. A.)
STRAND—(1,300), 15c-25c, 3 days. **Gross:** $1,000. (Average, 7 days, $1,500)

Week Ending Jan. 9:

"A TALE OF TWO CITIES" (M-G-M)
RKO ALBEE—(3,300), 35c-42c, 9 days. **Gross:** $22,000. (Average, 7 days, $12,000) Moved to RKO Capitol.

"THE BRIDE COMES HOME" (Para.)
RKO PALACE—(2,700), 35c-42c, 8 days. **Gross:** $14,500. (Average, 7 days, $10,000) Moved to RKO Lyric.

"ANOTHER FACE" (Radio)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: "Bring On the Dames." **Gross:** $14,000. (Average, $12,000)

"THE LITTLEST REBEL" (20th-Fox)
RKO CAPITOL—(2,000), 35c-42c, 7 days, 2nd downtown week. **Gross:** $10,500. (Average, $6,500) Moved to RKO Grand.

"FANG AND CLAW" (Radio)
RKO LYRIC—(1,400), 25c-40c, 7 days. **Gross:** $7,250. (Average, $6,500)

"WHIPSAW" (M-G-M)
RKO GRAND—(1,200), 25c-40c, 7 days, 2nd downtown week. **Gross:** $2,900. (Average, $2,750)

"MOONLIGHT ON THE PRAIRIE" (W. B.)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,250. (Average, $1,250)

"ONE WAY TICKET" (Col.)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,100. (Average, $1,200)

"DANGEROUS" (W. B.)
KEITH'S—(1,500), 30c-40c, 5 days. **Gross:** $6,200. (Average, $6,250) Held over.

Cleveland Grosses Take New Year Leap

CLEVELAND, Jan. 15.—Biggest business in more than a year marked the first week of the new year. The total take of $72,750 was $6,000 over the nearest approaching weekly gross, $66,000, in August, when "China Seas," "Anna Karenina" and Ben Bernie were three of the five first run attractions.

Last week first run business was up from 160 to 200 percent over average, with three of the five shows being holdovers from the previous week. Wayne King's first stage appearance was a wow at the RKO Palace, coupled with "If You Could Only Cook" on the screen.

George M. Cohan in "Dear Old Darling" at the Hanna offered some competition. Weather was average.

Total first run business was $72,750. Average is $42,000.

Estimated takings for the week ending Jan. 10:

"THE LITTLEST REBEL" (20th-Fox)
ALLEN—(3,300), 30c-35c-42c, 10 days, 2nd week. **Gross:** $8,750. (Average, $3,600)

"THE BRIDE COMES HOME" (Para.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $18,000. (Average, $12,000)

"A TALE OF TWO CITIES" (M-G-M)
LOEW'S STILLMAN—(1,900), 30c-35c-42c, 7 days. **Gross:** $7,000. (Average, $4,000)

"IF YOU COULD ONLY COOK" (Col.)
RKO PALACE—(3,160), 30c-42c-60c, 7 days. Stage: Wayne King & orchestra. **Gross:** $26,000. (Average, $15,000)

"CAPTAIN BLOOD" (F.N.)
WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $13,000. (Average, $8,000)

Ohio Station to Move

CINCINNATI, Jan. 15.—WSAI, one of the local units of the Crosley Radio Corp., has been granted authority by the Federal Radio Commission to move its plant from Mason, O., to Cincinnati. A new 5,000-watt transmitter plant will be erected at once.

Wall Street

Few Gain, Others Slightly Off

	High	Low	Close	Net Change
Columbia	42⅞	42	42½	— ½
Columbia, pfd	50¾	50	50⅛	— ⅛
Consolidated	6	5⅞	6	— ⅛
Consolidated, pfd.	18¾	18⅜	18¾	+ ⅛
Eastman	163	162½	162¾	— ¼
Loew's, Inc.	52⅞	51¼	51⅞	—1¼
Loew's, Inc., pfd.	108¼	108	108	.....
Paramount	10½	9⅝	9⅞	— ⅝
Paramount 1 pfd.	81	78⅛	78¼	—2¾
Paramount 2 pfd.	12¼	11⅝	11¾	— ⅜
Pathe Film	8⅛	7⅝	7¾	— ¼
RKO	6⅞	6½	6½	.....
20th Century-Fox.	25¾	25½	25¾	+ ½
20th Century, pfd.	34⅞	33½	33½	— ¾
Universal, pfd	66	60	66	+5¾
Warner Bros.	10⅛	9⅞	10	— ⅛
Warner, pfd.	50	50	50	— ½

Little Curb Activity

	High	Low	Close	Net Change
Sentry Safety	⅞	¾	¾	.....
Sonotone	2¼	2⅛	2⅛	.....
Technicolor	22⅞	21⅛	21⅜	— ⅛
Trans-Lux	4⅛	3⅞	3⅞	— ⅛

Few Bond Gains

	High	Low	Close	Net Change
General Theatre 6s '40	24	23	23	—1⅝
General Theatre 6s '40 ctf	23½	22½	23⅝	—1⅝
Loew's 6s '41 ww deb rights	104½	104½	104½	.....
Paramount B'way 3s '55	58	58	58	+ ½
Paramount Pict. 6s '55	93½	92¾	92¾	— ¾
RKO 6s '41 pp.	80	80	80	.....
Warner Bros. 6s '39 wd	88½	88	88	+ ½

(Quotations at close of Jan. 15)

AMPA TODAY

SIGMUND SPAETH, famous tune detective—VANDY CAPE, late of the Rainbow Room—The ORTIZ ENSEMBLE, hit radio quartet—WALTER PETLEY, boy comic impersonator—and the return of the Titan, HY DAAB!

AT JACK DEMPSEY'S . . . . . AS USUAL

Out today

"ROXY"

An Appreciative Account Of His Life and Works

By

TERRY RAMSAYE



MOTION PICTURE HERALD

from Film Daily National Annual Critics Poll

THE "TEN BEST"

Picture	*Distributor*	*Votes*
David Copperfield	Metro-Goldwyn-Mayer	339
The Lives of a Bengal Lancer	Paramount	278
The Informer	RKO Radio	256
Naughty Marietta	Metro-Goldwyn-Mayer	250
Les Miserables	United Artists-Zanuck	235
Ruggles of Red Gap	Paramount	222
Top Hat	RKO Radio	174
Broadway Melody of 1936	Metro-Goldwyn-Mayer	166
Roberta	RKO Radio	155
Anna Karenina	Metro-Goldwyn-Mayer	129

M-G-M

(as usual)

gets the LION'S SHARE

in the votes of critics and public

"Mutiny on the Bounty"
"Tale of Two Cities"
"A Night at the Opera"
"Ah Wilderness"

ARE IN THE 1936 POLL. OTHERWISE M-G-M WOULD HAVE HAD 8 OUT OF THE 10.

But votes are something else again. Right now we mean business. Cash in on the new timely Martin Mooney

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(Franchot Tone is coming along to stardom)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 14 NEW YORK, FRIDAY, JANUARY 17, 1936 TEN CENTS

Setbacks Hit Government At St. Louis

Judge Denies Admission Of 5 Conversations

By RED KANN

St. Louis, Jan. 16.—The Government today suffered a series of setbacks in attempting to prove its conspiracy charge against Warners, Paramount and RKO, when Judge Joseph West Molyneaux refused to admit in evidence conversations allegedly bearing on the St. Louis situation and presumably held with a number of important industry executives in the presence of Jack Partington of F. & M.

The Government sought to have entered upon the record details of what was said to have transpired on five different occasions which Partington, the Government's sole witness today, declared he had attended either

(*Continued on page 4*)

Refuses to Allow Arthur-Kann Talk

By BILL ORNSTEIN

St. Louis, Jan. 16.—Efforts by the Government to introduce through a third party who was not present a conversation alleged to have been held between Harry C. Arthur and Red Kann, editor of Motion Picture Daily in a New York restaurant on March 6, 1934, failed today.

Jack Partington, president of F. & M., and only Government witness to testify in the civil conspiracy suit against Warners, Paramount, and RKO before Judge Joseph W. Molyneaux had just completed an outline of his career in the industry when the incident developed. "What happened on March 6?" asked Russell Hardy, Government attorney. Partington then

(*Continued on page 4*)

Detroit First Runs Raise Their Scales

Detroit, Jan. 16.—Four Detroit first-runs have raised admissions. The houses include the Fox, Michigan, United Artists and RKO Downtown. The new scales are as follows: Monday to Friday, 30 cents, opening to 2 P. M.; 40 cents, 2 P. M. to 6:30 P. M., and 65 cents until closing. This is an advance of five cents over the present afternoon prices and 10 cents over the night price. Saturdays and

(*Continued on page 2*)

Competition

Salem, Jan. 16. — How to keep from competing with himself is the new problem of Philip Bloomberg, operator of three houses here for the Salem Realty Co.

Bloomberg has been named an executive of the PWA play project in this state.

Payroll Gains Stir Optimism AroundCanton

This is the ninth of a series of surveys on the outlook in the field for 1936.

Canton, O., Jan. 16.—With employment gains ranking among the highest in the state and industrial activity at its best peak in more than five years, exhibitors, with the advent of the new year, view the coming 12 months with much optimism. Survey of the major theatre managers of the city disclosed that, in every instance, theatres are anticipating increased business. They admitted, however, that improved patronage depends largely on the ability of producers to provide features that will appeal in general to the theatre-going public.

Grosses for the year just ended were approximately 15 per cent better than the preceding year, it was learned. This is due, in a large measure, to the unprecedented activity in the steel manufacturing plants in the district, coupled with the extensive PWA and WPA projects recently launched which have absorbed almost all of the unemployed and reduced to a minimum the relief rolls of this area.

For the first time in five years Can-

(*Continued on page 8*)

Fight on Sale Levy Set Back Until Hearing

Distributors to Argue Stand Next Monday

Local exhibitor organizations will take no immediate action, legal or otherwise, in opposing the city's two per cent sales tax on film rentals, which New York exchanges are now collecting from their theatre accounts, until after the new hearing to be held Monday before representatives of the city finance department at which time local distributors will present new arguments against the application of the tax to rentals.

Distributors have already presented arguments against the application of the tax to film revenue derived from theatres within the city, and, although no official ruling has been made as a result of that hearing, the city has made known its intention of extending the tax to apply to rentals derived

(*Continued on page 2*)

Koenig in Meyer's Place at Universal

Hollywood, Jan. 16.—William Koenig joins Universal Monday as general studio manager, succeeding Fred Meyer, a succession which has been rumored here for several weeks. Koenig signed a contract today. Meyer, with almost two years to go on his current contract, will take a production post with the company, to be announced next week.

The placing of Koenig in a chief executive spot at the studio is understood to have been engineered by Charles R. Rogers, here ironing out the details of the Standard Capital option for Universal.

Ampa Dinner Set March 14; Musical Program Is Put On

Ampa's annual Naked Truth dinner will be held March 14, Gordon White told the members yesterday at the weekly meeting. The Astor will be the place as usual.

It turned out to be quite a meeting. So many guests appeared that Jack Dempsey's chefs were caught by surprise. When the lamb chops gave out the diners waited while the chefs argued whether they should substitute vegetable plates or sliced steak. It was a tie vote. Some got the vegetables; others got the steak after the entertainment had started. The Ortiz Ensemble had competition from knife and fork wielders who couldn't keep up with the rhumba rhythm.

Hy Daab was there. He proved to be the first Titan who would not sit on the dais. When White introduced him he bobbed up in a dark corner and merely took a bow. Others

(*Continued on page 9*)

Dual Clause Ruled Out By Appeal Court

Majors Lose in Review Of Perelman Suit

Philadelphia, Jan. 16.—Major companies defending the double features case lost out today when a decision was handed down by the U. S. Circuit Court of Appeals here stating that the contract clause forcing independent exhibitors to agree not to double feature is in violation of the Sherman Anti-Trust Law. The clause was ruled illegal and amounting to restraint of trade on both exhibitors and independent producers.

The decision upholds the original finding of Federal Judge George A. Welsh on Jan. 31, 1935, who declared adversely to the majors when the Perelman case came to its first court climax. The new decision applies specifically to Fox, Vitagraph, RKO,

(*Continued on page 2*)

Ascap Claims Few Licensee Losses

Renewals by radio stations throughout the country of their contracts with the American Society of Composers, Authors & Publishers are proceeding at a pace which indicates few, if any, losses of licensees, it was stated by Ascap yesterday.

The society had a total of 551 stations licensed last year and the number of renewals has already passed the 500 mark, Ascap said. The renewals are on the basis of five-year contracts at the same terms as formerly, despite the loss to the Society of the Warner music catalogues. The renewals cover the principal networks which, to date, have made no licensing agreements with Warners.

Ascap's deadline for renewal of contracts expired early yesterday but many notifications of renewals are believed to be still in the mails, it was said.

Ginsberg Quits as Roach Studio Head

Hollywood, Jan. 16.—Henry Ginsberg, for the past five years vice-president and general manager of Hal Roach Studios, yesterday resigned from the board of directors, and requested a release from his two-year contract as a studio executive, to be effective April 1. Ginsberg declined to give a reason for his resignation.

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Cantor Picture Has Big Start at Hall

Eddie Cantor had a big day yesterday at the Music Hall. So did Ethel Merman. They're both in "Strike Me Pink," which got off to a flying start with crowds all around the street in the morning, and by 5 o'clock had topped the opening day's take on "Cardinal Richelieu" and "Henry the VIII," according to United Artists. "Richelieu" did $107,000 in a week.

It was Miss Merman's birthday. She and Cantor were among the guests at a birthday party staged at 11:30 by W. G. Van Schmus in the suite of rooms atop the Music Hall, and they both officiated at the cutting of a big birthday cake.

Among the guests were: Conde Nast, Benny Rubin, Parkyakarkas, Nathan Burkan, Irving Berlin, Rene Clair, Eleanor Powell, Paul Warburg, Erik Charrell, Lew Brown, who wrote most of the music in the picture, and Lillian Hellman.

"Strike Me Pink" was reviewed in the MOTION PICTURE DAILY in the issue of Jan. 11.

Mrs. Aller Dies

HOLLYWOOD, Jan. 16.—Mrs. Gregory Aller, 60, mother of Herbert Aller, local I. A. T. S. E. business representative, died last night at Cedars of Lebanon Hospital of injuries sustained when she was struck by a car driven by Walter Wanger last Saturday. The funeral will be held on Sunday, with burial at Home of Peace Cemetery.

Purely Personal

ED CHURCHILL, president of Donahue & Coe, will leave today or tomorrow for the coast to confer with Mary Pickford in connection with a series of broadcasts for the ice industry which she will make from her home, Pickfair.

•

HENRY DUFFY, coast stage producer who recently became an associate producer for Twentieth Century-Fox, will sail today on the *Majestic*. He intends to look over plays in London. He will be away about four weeks.

•

JANE COOPER, who is to be seen in "Collegiate" and who at present is in George White's "Scandals," will return to Hollywood on completion of the show's run here.

•

KAY FRANCIS is due from the coast Sunday morning. Following a vacation here she will return to do "Lovely Lady."

•

AL CHRISTIE is back from a year-end trip to Hollywood ready to resume work at the Astoria studio.

•

DAVID GARTH'S novel, "Cabin Cruiser," has been acquired by Paramount. A. M. BOTSFORD will produce.

•

WALLACE BEERY has arrived from the coast and is at the Waldorf-Astoria.

•

HARRY MOSKOWITZ was due to leave Buenos Aires yesterday on his way here.

•

ETHEL MERMAN leaves tomorrow for a brief holiday in Miami.

200 Houses Is Aim Of Odeon Expansion

By BRUCE ALLAN

LONDON, Jan. 16.—Odeon Theatres, Ltd., headed by Oscar Deutsch, in which United Artists Theatre Circuit, Inc., bought an interest some time ago, plans an expansion which will bring the total houses of the circuit to 200 throughout the United Kingdom in a short time. The capital value is said to be $50,000,000.

It is understood the plan of the enlarged circuit is to release pictures simultaneously with London throughout the circuit, in place of the present arrangement which brings product to the smaller centers approximately six months after London openings.

Kentucky Tax Repealed

Due to an error in a wire it was stated in MOTION PICTURE DAILY that a three per cent sales tax law had been passed in Kentucky and signed by Gov. Asa B. Chandler. As a matter of fact it was a law repealing the present three per cent tax which was passed and signed by the Governor.

Weisfeldt Takes Over

Max Weisfeldt has assumed his new duties as supervisor of short subject sales for Columbia, coming on from the coast after his appointment by Abe Montague, general sales manager. He succeeds J. W. McFarland.

Dual Clause Ruled Out By Appeal Court

(*Continued from page* 1)

Paramount, M-G-M and United Artists.

Warner Brothers Pictures, Inc., First National Pictures, Inc. and Paramount Publix Corp. were also named in the original suit filed May 28, 1934, by Harry and Louis Perelman, independent exhibitors, but the court decree does not apply to them because they were not served with a writ in the suit because they are outside the jurisdiction of the court here. The decision, written by Judge Joseph Buffington and concurred in by Judges J. Warren Davis and J. Whitaker Thompson, states these three corporations "were in fact not proper parties and consequently have been omitted from it."

Charges Sherman Law Violation

Judge Buffington said the evidence submitted to Judge Welsh was conclusive that the defendants were in conspiracy to violate the Sherman law but that there is a question as to the sufficiency of evidence to support the charge of violation of the Clayton law. But inasmuch as the evidence bears out the charge of Sherman Act infraction, the finding of Welsh was sustained. Judge Buffington's opinion states, on the "conspiracy to restrain trade" angle, "the defendants are connected with the strongest interests of the industry. They distribute more than half the annual product in which the artists who command the largest audiences are displayed. While they compete among themselves they have a common interest in confronting minor or independent producers who lack the resources to manufacture exhibitions on their scale. The independent theatres require their productions in order to continue in business. But to improve business and permit them in some fashion other than offering lower prices of admission, to carry on in the face of de luxe theatres, they must exhibit double features. The independent theatres generally purchase the second full length film from the independent producer but they are prohibited from exhibiting double features, as in the case of the plaintiffs, by their contracts with major producers. Thus they purchase less film from independent producers.

Judge Discusses Duals

"With such a situation existing in the industry one might be logically struck with the idea that it is more than mere coincidence that the defendants, who represent the large majority of major producers, are in unanimity in prohibiting double features in contracts. The fact this unanimity of purpose is not carried out formally in the same language does not destroy the inference."

Judge Buffington also stated, "double feature clauses undoubtedly reduce the production of full-length motion pictures. . . . If they (the plaintiffs) exhibit features of one of defendants they must agree not to display at the same time a feature of another producer. This naturally prevents exhibitors from purchasing film from producers in competition with the defendants and destroys the opportunity of these independent producers to produce and sell more films.

The defendants disclaimed any intention of violating the law or driving competitors out of business, alleging their action was in the best interests of the industry and the public.

Answering this contention, Judge Buffington stated, "The condition in the industry leads to the conclusion that the inclusion of provisions in the contracts between the defendants and independent exhibitors seriously affects exhibitors and smaller companies. This tends to reduce production and stifle competition."

Detroit First Runs Raise Their Scales

(*Continued from page* 1)

Sundays the scale will be 40 cents from opening until 5 P. M. and 65 cents thereafter, which is a rise of five cents in the afternoon and maintains the present evening prices for these days.

Key houses and subsequent runs have not announced any raises yet but it is expected that they will do so shortly. Subsequent run owners have been talking of getting together on a general rise and, now that the first runs have upped theirs, will probably be able to get together on the proposition.

The new scale of prices does not affect the State and Adams, first runs playing double features, it was said.

Fight on Sale Levy To Be Heard Monday

(*Continued from page* 1)

from theatres outside the city limits, wherever served by local exchanges. Monday's hearing will be on arguments directed at the latter policy which had not been indicated at the time of the first hearing.

A decision from the city is expected within a few days following Monday's hearing, at which time the local exhibitor organizations, the I. T. O. A. Allied of New Jersey and T. O. C. C. will decide on the action each will take in relation to the tax. Local exchanges have already decided to appeal an adverse decision to the appellate division.

Mexico Peace Talks Ended by Producers

By JAMES LOCKHART

MEXICO CITY, Jan. 16.—Settlement of the strike against major distributors now seems farther away than ever. Conversations intended to bring about an agreement have been called off.

Spokesmen for the Cinematographic Workers' Union said distributors called off the parleys without giving a reason, but it was learned they decided to end them rather than continue what they consider fruitless arguments.

Lewen Pizor to Build

PHILADELPHIA, Jan. 16.—Lewen Pizor is demolishing his Rialto in Phoenixville. He plans to erect a new, modern house on the site.

CRAMMED WITH SUSPENSE . . . HEAVY APPEAL . . . A MAGNET THAT WILL DRAW THEM IN FOR THAT SOMETHING NEW IN ENTERTAINMENT"! —*Hollywood Reporter*

"THIS THRILLER SPELLS VISIBLE MONEY . . . THE PICTURE HAS THE MONEY BRAND ALL OVER IT . . . IT WILL FULFILL EVERY ENTERTAINMENT REQUIREMENT"! —*Daily Variety*

The INVISIBLE RAY

UNIVERSAL'S NEWEST WINNER

Setbacks Hit Government At St. Louis

(*Continued from page* 1)

with Harry C. Arthur or Marco Wolff.

March 17 to Nov. 21, 1934, was the span covered. The initial session was claimed to have been held with Sidney R. Kent, president of Fox Film Corp., in his office on March 17. Efforts to impart what Kent was supposed to have said were ruled out by the court on the ground that the Fox official had not represented any of the defendants in this action.

Number two allegedly was held two days later with Ralph Kohn, then high in the executive roster of Paramount. Whatever he might have said was not permitted to be entered because the court maintained no authority for Kohn to act had been established.

Agnew, Dembow Named

Third was Neil F. Agnew, then general sales manager of Paramount and the place and time identical. The court held in this instance that the Government had not demonstrated any relationship by which Agnew could have bound his company.

Sam Dembow's name was linked in the fourth. Partington got far enough to describe Dembow as a Paramount theatre executive and said he had met him in a hallway of the Paramount Building after leaving Kohn and Agnew. He failed to get beyond mention of the name, because there had been established no proof of Dembow's authority to act in the St. Louis matter.

Hardy here asked for special permission to introduce the text of the purported conversations with these various men through independent witnesses to take the stand later. The court again denied the application for admissibility, advising Hardy it wanted the foundation for authority laid first.

The fifth conversation was supposed to have been held with Joseph Bernhard, general manager of Warner Brothers Circuit Management Corp., during lunch on a train eastbound from Chicago to New York on Nov. 21. The defense moved to keep this out of the record with the contention that Bernhard had been discussing the narration of a past event not in the scope of his authority.

Court Holds for Defense

Hardy here entered upon considerable effort to allow Bernhard's alleged remarks in the testimony by trying to establish the latter's authority through the introduction of a letter dated March 28, 1934, to Ned E. Depinet, president of the RKO Distributing Corp. The letter concerned RKO's product commitment to Warners for the Shubert-Rialto, leased as one of the latter company's own first run outlets in St. Louis.

For approximately 90 minutes Wood and Hardy, turning to citations from various U. S. circuit courts of appeal and the U. S. Supreme Court, argued on the admissibility of Bernhard's reputed conversation. The doctrine of *res gestae* again applied as it did earlier in the week, the contention being an agent could not bind his principal where a matter foreign to that for which the agent was the authority at the time entered in discussion. The court held for the defense.

Before doing so, however, Judge Molyneaux inquired what Hardy's purpose was in seeking to have the alleged train conversation admitted in evidence. The Government attorney replied he proposed showing Bernhard had told Partington of his reluctance in acquiring theatres in St. Louis, but that he had been overruled by Harry M. Warner; that Bernhard had further told the witness that he (Bernhard) was a good soldier and obeyed orders. An important ruling was handed down from the bench at this juncture. The court pointed out it did not believe Bernhard had been a conspirator and that what he may have said to Partington was not in furtherance of a conspiracy and merely a statement of that which someone had said to him.

Stresses Two Points

On direct examination, the story Partington told today practically dovetailed with his testimony in the criminal trial. Additions, however, were brought in. These had to do with alleged statements made by Warner executives at their home office on March 6, 1934. The witness here stressed two points. He gave as one the allegation that Warners would use all of its resources to get theatres in St. Louis and if necessary run double bills at 10 cents. He gave as the other allegation that Warners would protest to the court the reorganization plan for the Ambassador, Missouri and New Grand Central.

Wood found Partington a difficult witness. He also accused Hardy of furnishing him with leading questions. More acrimony between counsel was displayed at today's session than at any other time during the trial to date. The Warner counsel apparently found Partington's recollection of today's testimony as well as that in the criminal proceedings hazy. Constant objections to Wood's method of cross-questioning were interposed by the Government lawyer. On two occasions Wood appealed to the court to instruct Hardy not to cross-examine the witness while the defense had him and was sustained.

Alternately probing from his seat and on his feet the Warner counsel went into spirited action today. His eyes would flash. His fingers would dangle almost under the witness's nose. His gestures to the court would be dramatic and eloquent. He would crouch in his chair. His voice would ring with anger and perhaps indignation as what he regarded as simple and direct questions were met with an "I don't recollect but it could have happened," rejoinder.

Wood worked with the transcript of Partington's criminal trial testimony before him. Constantly did he remind the witness of what he had said on the stand in the previous case. Just as frequently did Hardy rally to his witness's support. And significant was Judge Molyneaux's comment in overruling the Government that the object of Wood's persistence perhaps was to impeach the witness.

The Warner attorney charged Hardy had coached Partington not to mention the name of Harry Koplar because the defense had introduced documents covering the receivership suits instituted by Koplar against the St. Louis Amusement Co., Skouras Brothers Enterprises and various Warner officials in 1931.

These were the actions which Spyros Skouras on Tuesday testified he had tried to ward off by appealing to Koplar. It was because of this "vexatious litigation" that Warners since have maintained they regard Koplar as an "arch enemy" who was engaged in an attempt to "blackmail them," and so have refused to do any business with him or anyone associated with him. Partington denied his memory had been "jogged" by Government counsel.

Wood Draws Admission

Wood drew the admission that Koplar had been identified with F. & M. when that company, in association with Allen L. Snyder, took over the Ambassador, Missouri and New Grand Central. The Warner attorney tried to go further and wring from Partington an admission that Koplar was still associated with the company. The witness said he did not know.

"Was Koplar's name mentioned at the March 6 meeting at Warners?" inquired Wood. "Yes," replied Partington, "but I don't like to repeat what was said."

"By all means do so," instructed the judge. It's all right. Anything goes here and you can say s— and s— if you want to."

"Koplar was a dirty so-and-so and something a pelican spits up," Partington alleged Abel Cary Thomas had said. He had cost Warners $80,000 in St. Louis and "we are going to get him too," the witness further quoted Thomas on Koplar.

An attempt to gain privilege for matters confidentially discussed with the Department of Justice was overruled when Hardy sought to prevent Partington from answering Wood's query as to whether or not the witness and Harry C. Arthur jointly and at any time had aided the March 6 conference with the department.

Partington's testimony today differed on the date when he and Arthur claimed to have conferred with George J. Schaefer in New York on Paramount product for St. Louis which the witness alleges had been promised F. & M. but had been sold to Warners. This is the meeting at which Schaefer is supposed to have given as his reasons pressure put on by Warners coupled with threats to upset Paramount's theatre organization in Detroit.

Today Partington set the date of that alleged meeting as the week of March 19, 1934. In the criminal case he fixed an earlier date. The significance rests in Paramount's contention in the previous case that such a conference was fictitious because Schaefer had been vacationing in Florida and had not returned to his office until March 12.

The wrangle revolving around admissibility of certain of Partington's testimony carried him over to Friday and further sets back Harry C. Arthur. Irving Lesser returned from New York today ready to go on as a Government witness.

There will be no session Saturday. Ex-Senator James A. Reed leaves Friday night for Toledo to deliver an address Saturday on the Constitution before the Ohio Bar Association. This is one reason for the weekend recess. The second is to give local attorneys a breathing spell and to find out what's going on in their offices.

On the Lighter Side

By BILL ORNSTEIN

St. Louis, Jan. 16.—Walter Branson, RKO district manager, left the local scene after a day talking with Cresson E. Smith.

+

Samuel A. Fordyce, who is recuperating from pneumonia, will leave Friday for Arizona. This means he will not assist on the Paramount defense.

+

Louis Phillips expects his wife to join him either the latter part of this week or early next.

+

Irving Barry, who accompanied Spyros Skouras on his return from New York earlier in the week, will go to the coast to meet Skouras when he returns from Honolulu.

+

Austin C. Keough didn't return this week as expected. Pressure of business kept him at the home office.

+

Spyros Skouras was spotted in a spirited conversation with Harry C. Arthur Tuesday between recesses and Skouras testimony. Skouras may delay his trip to the coast, but this will be decided later.

+

Chick Evens, manager of Loew's says "A Tale of Two Cities," which ends a 16-day run Thursday night, is the longest run for any film in that house. The Dickens film will probably get around $33,000, which is not as good as the Marx Bros. take.

+

Dinty Moore, Warner's city manager, should be in court to receive his mail. A letter was delivered for him the other day, but there was no Dinty.

Refuses to Allow Arthur-Kann Talk

(*Continued from page* 1)

began to tell of a luncheon with Arthur. During it, he said, the latter had informed him of a conversation presumably a few minutes earlier with Kann.

"What was the conversation?" asked Hardy. Before Partington had an opportunity to answer, Frederick H. Wood, co-counsel for Warners, rose to his feet with an objection on the ground that the conversation was immaterial and had no bearing on the case. The judge at once ruled out any disclosure of the asserted talk, holding that what an editor of a trade publication might have said had nothing to do with the points at issue.

Judge Molyneaux, however, permitted reference to the supposed conversation to stand in the record as a basis for the suggestion which Partington said he made for Arthur to visit the Warner headquarters in an endeavor to personally confer on the St. Louis "war" reported under way at the time.

THE MOST EXTRAORDINARY RECORD EVER MADE BY A PICTURE!

At 5 p. m. Wednesday, January 15th, a power plant catastrophe plunged New York City into a darkness and a paralysis of subway traffic that lasted until late at night, as a climax to an all-day downpour of rain. Nevertheless,"King of Burlesque," 20th Century-Fox musical, opening that day at the Center Theatre, set a new high record for the house.

The Light That Failed could not stop

"King of Burlesque"!



THE KEYSTONE OF YOUR FUTURE

"CAN'T MISS LANDING IN THE IMPORTANT MONEY LISTS!" *Cheers Variety Daily*



—which reminds us . . ."Don't envy 20th Century-Fox exhibitors. Be one!"

Victor

McLAGLEN

Freddie

BARTHOLOMEW

in

PROFESSIONAL SOLDIER



with

GLORIA STUART

CONSTANCE COLLIER
MICHAEL WHALEN
C. HENRY GORDON

a

DARRYL F. ZANUCK

20th CENTURY PRODUCTION

Presented by Joseph M. Schenck

Associate Producer: Raymond Griffith

Directed by Tay Garnett

Screen play by Gene Fowler and Howard Ellis Smith. Song: "Joan of Arkansas," by John W. Green and Edward Heyman

Based on a story by Damon Runyon

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Payroll Gains Stir Optimism AroundCanton

(Continued from page 1)

ton's nine theatres are operating, all presenting films with the sole exception of the old Grand Opera House where a repertoire company has been holding forth since last fall with every indication that the run will extend well into the spring.

During the past year major first runs, Loew's, Palace and Warner's Alhambra, have maintained a standard top admission of 35 cents and a dime to children at all times. There is no immediate indication that this top will be upped, not for another year at least unless the three per cent admission tax fails to be returned and, in such case, top will be increased to 40 cents, executives said. Second run houses, of which there are five, have been maintaining a straight dime admission with one exception where a 15 cent price is on after 5 P. M. Subsequent run houses report excellent business the last eight months of the year with turnaway patronage almost every Saturday night and Sunday.

Smaller Towns Renovating

While there has been no new construction locally, throughout the district much modernization is reported in the smaller towns and there are no dark houses for the first time in several years. Several theatres have been enlarged, many have added improvements and the most recent in sound equipment, while others have replaced obsolete appointments and seating. At the present time there are several new theatres under construction throughout eastern Ohio with openings scheduled shortly.

In the Akron district where the rubber industry has been humming for the past three months, there has been considerable new construction, management changes and extensive improvements. Admission prices in this city are slightly above those charged here, and in the Youngstown area where there is only an occasional stage show at the Palace, top admissions are slightly above those here with practically all houses in operation. Steel production has been more active in recent months than at any time since the boom days of 1929, reports indicated.

Free sound film shows, popular in eight eastern Ohio amusement parks, which proved a constant worry to exhibitors and to a certain extent diverted patronage in downtown theatres, have in each instance been abandoned in favor of free vaudeville and circus acts.

In this particular territory Bank Nights and other forms of trade stimulants are at a minimum, due to concentrated efforts of the exhibitors to keep away from such promotions.

Boost Scales in N. O.

New Orleans, Jan. 16—The St. Charles is now operating under a new scale of prices, the night prices, 26 cents, taking effect at noon of each day. Improved business conditions are given as a reason.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Brides Are Like That"

(*Warners*)

Hollywood, Jan. 16.—This is a light domestic comedy taken from Barry Connors' stage success, "Applesauce." It is played with intelligence and zest and affords pleasing average entertainment.

Ross Alexander, a lovable idler, living on the bounty of Joseph Cawthorn, a thrifty uncle, wins Anita Louise from her suitor, Richard Purcell, against the wishes of her parents, Gene and Kathleen Lockhart. Following the wedding, Alexander is hounded by creditors, but succeeds in reconciling the two families and finally comes through with an invention that assures a happy future for all.

As teams, Alexander and Miss Louise, and the Lockharts, use the situations furnished by the plot to establish themselves in the front rank as comedy performers. Joseph Cawthorn turns in another tongue-twisting characterization which is good for many laughs while Purcell as the rejected suitor and Kay Hughes as the momentary rival of Miss Louise furnish good contrasts.

Director William McGann has followed closely the technique of the stage production and has timed his scenes expertly. Ben Markson's adaptation is clever, with fresh dialogue well spotted. Bryan Foy supervised production. The picture is good, wholesome family entertainment and should score well with general audiences.

Production Code Seal No. 1,810. Running time, 69 minutes. "G."

"Muss 'Em Up"

(*Radio*)

Hollywood, Jan. 16.—Unfortunately for this otherwise acceptable production, the mussing up process was followed by the script writers with the result that the audience is frequently left wondering what the story is all about. The valiant efforts of a really good cast cannot triumph over the incoherency of the script, which sets out to be a mystery thriller, but succeeds in being only a mystery.

Preston Foster plays the part of Tip O'Neill, rough and tumble smarty detective specializing in the solving of mysterious shootings and kidnap threats. Alan Mowbray does his usual smooth work as a millionaire with a house full of guns and rather silly relatives. Ralph Morgan goes through the film looking suspicious and doing embroidery. Molly Lamont, Margaret Callahan and Florine McKinney look worried very competently. Big Boy Williams and Maxie Rosenblum, as a couple of dumb clucks, are good for a number of laughs. Noel Madison is excellent as a ratty gangster and the smaller parts are handled nicely by John Carroll, Robert Middlemass, Maxine Jennings, Harold Huber, Clarence Muse, Paul Porcasi, Ward Bond and John Adair.

Erwin Gelsey did the script from the novel by James Edward Grant. Director Charles Vidor strove to hide all clues to the mystery from the audience, and succeeded—even to the very end. Pandro Berman produced. Best angle for the exhibitor is to capitalize on the rapidly growing popularity of Preston Foster.

Production Code Seal No. 1,800. Runing time, 70 minutes. "G."

Looking 'Em Over

"Grain"

(*Amkino*)

Produced by Mosfilm, Moscow company, this latest importation from Russia is an adaptation of a novel by Ivan Shuhov, and once again attempts to glorify the Russian worker of the new order. It tells of the victory of a group of peasants organizing their first collective farms, over the unscrupulous efforts of the kulaks, or land owners, to preserve their waning power over the peasantry.

The film is plentifully sprinkled with English translations of the Russian dialogue, making for ready understanding of the story, but it is doubtful that the picture has any real entertainment value for the average American audience. It is one of those films which is apt to have an appreciative audience only among those who have a distinct sympathy for the Russia of today.

There is a romance, rather subordinated to the central theme of

(Continued on page 9)

Short Subjects

"I Don't Remember"

(*Columbia*)

Harry Langdon suffers from lapsing memory in this comedy and needs to be hit on his head to remember what it was he forgot. The usual Langdon comicalities prevail and some amusing situations develop. Langdon as an artist is exasperating to his wife, Geneva Mitchell, who calls his mother when she is at her wit's end. Mary Carr gives out the head-banging secret and for the moment all is well. Vernon Dent persuades Langdon to part with money intended for a furniture payment and they buy a sweepstakes ticket. Miss Mitchell leaves Langdon, who goes after Dent to get revenge. After Dent has dodged Langdon's bullets he tells him they have won. A scramble for the ticket follows and Langdon chases it out to sea by way of a sewer. Good comedy fare. Production Code Seal, No. 1761. Running time, 18 mins. "G."

"Voice of Experience No. 8"

(*Columbia*)

This latest issue is quite the most tear jerking of the series. In its one reel it reveals the plight of a boy whose love for his dead mother has him stealing a tombstone for her grave. He is found out and faces arrest. His foster parents refuse to make good and he is given a week in which to pay. Appealing to the Voice he is helped out and warned not to let his affection for his mother get the better of his good judgment. A change of policy in his foster parents makes him a happy boy again. For the radio admirers. It is lugubrious fare. Production Code Seal, No. 0755. Running time, 10½ mins. "G."

"Melody in May"

(*Radio*)

Ruth Etting, escaping from the annoyances of a celebrity's life, dashes off to a small town where she is unknown. At a boarding house she comes on the plight of a youngster who is teased to distraction by his associates. On the night of a school dance his girl stands him up and Miss Etting accompanies him. Seeing how he is so unpopular among his friends she makes her identity known and her young friend becomes something of social lion. It all ends on a hypocritical note. Miss Etting's singing makes amends for the adolescent histrionics. Ordinary musical offering. Production Code Seal, No. 1572. Running time, 19½ mins. "G."

"Camera Cranks"

(*Radio*)

Joey Ray, Kitty McHugh and Edward Keane act out some primitive comic situations in this short. The supposed humor is done in a studio where Ray is to take a screen test. Miss McHugh, a beauty contest winner and annoying, is trying to crash the films and she gets by on an executive's say so. She interrupts take number 52 and then her dog pulls a storm effects switch and the piece ends with all the characters sitting dejectedly in the rain. The effort lacks what it takes. Production Code Seal, No. 1470. Running time, 18½ mins. "G."

"Hostess" on Dual $15,000, Montreal

MONTREAL, Jan. 16.—"Broadway Hostess" and "The Rainmakers," a dual at Loew's, with "La Vie Paree" on the stage proved a winning combination last week. The $15,000 take was $4,500 over the normal mark.

"If You Could Only Cook" and "Escape From Devil's Island" passed par by $1,500 on a take of $8,500 at the Princess.

All takes were good because the French Canadians were completing the holidays by observance of Epiphany, or Little Christmas, on Jan. 6.

Total first run business was $48,500. Average is $41,500.

Estimated takings for the week ending Jan. 11:

"THE BRIDE COMES HOME" (Para.)
"SO RED THE ROSE" (Para.)
CAPITOL — (2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $9,500. (Average, $9,500)

"TOUT POUR L'AMOUR" (French)
"FORCED LANDING" (Republic)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. **Gross:** $4,000. (Average, $3,500)

"BROADWAY HOSTESS" (F.N.)
"THE RAINMAKERS" (Radio)
LOEW'S — (3,115), 30c-34c-40c-50c-60c, 7 days. Stage: "La Vie Paree," stage unit. **Gross:** $15,000. (Average, $10,500)

"MARY BURNS FUGITIVE" (Para.)
"CORONADO" (Para.)
PALACE — (2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $11,500. (Average, $11,000)

"IF YOU COULD ONLY COOK" (Col.)
"ESCAPE FROM DEVIL'S ISLAND" (Col.)
PRINCESS—(2,272), 25c-30c-35c-50c-65c, 8 days. **Gross:** $8,500. (Average for 7 days, $7,000)

Fox Cooper Dissolved

DOVER, Del., Jan. 16.—The Fox Cooper Theatre Co., a Delaware corporation, has been dissolved. A certificate of dissolution was issued by the Secretary of State, Walter Dent Smith.

Wall Street

Universal Leads Gains With 4 Pts.

	High	Low	Close	Net Change
Columbia	42⅞	42½	42⅞	+ ⅜
Columbia, pf'd	50⅜	50	50	— ⅛
Consolidated	6½	5⅞	6	.....
Consolidated, pfd.	18⅞	18¼	18⅝	— ⅛
Eastman Kodak	161	160	160	—2¾
Loew's, Inc.	52	51¼	51⅞	.....
Paramount	10¼	9⅞	10¼	+ ⅜
Paramount 1 pfd.	79½	79	79½	— ¼
Paramount 2 pfd.	12	11⅝	11⅞	+ ⅛
Pathe Film	7⅞	7½	7⅛	+ ⅛
RKO	7¼	6½	7¼	+ ¾
20th Century-Fox.	26	25¾	25¾	.....
20th Century, pfd.	34½	34	34⅜	+ ⅞
Universal, pfd	70	65¾	70	+4
Warner Bros.	10¼	9¾	10⅛	+ ⅛
Warner, pfd	50¾	50	50¾	+ ¾

Curb Issues Up Fractionally

	High	Low	Close	Net Change
Century Safety	⅞	⅞	⅞	+ ⅛
Chronotone	2¼	2⅛	2¼	+ ⅛
Technicolor	22⅜	21½	21⅞	+ ½
Trans-Lux	3⅞	3¾	3¾	— ⅛

General Theatre Bonds Rise

	High	Low	Close	Net Change
General Theatre 6s '40	25	23¾	24	+1
General Theatre 6s '40, ctf	24½	22⅝	24½	+1⅞
Keith B. F. 6s '46	96	96	96	— ¾
Loew's 6s '41 ww				
deb rights	104	104	104	— ½
Paramount B'way 5s '55	57½	57	57	—1
Paramount Pict. 5s '55	93¼	92¼	92⅞	+ ⅛
RKO 6s '41 pp	80	79½	80	.....
Warner Bros. 6s '39 wd	88½	88⅛	88¼	+ ¼

(Quotations at close of Jan. 16)

Looking 'Em Over

(*Continued from page 8*)

workers' triumph, woven into the story, and complication enters as the kulaks, through bribery of certain of the poorer peasants, attempt to ruin the grain crop which the collectivists had planted. Eventually, of course, the kulaks are revealed in their true light, are routed from the village, and the peasants revel in their successful harvest.

Reviewed without production code seal. Running time, 85 minutes. "G."

"Ceiling Zero," tomorrow morning's opener at the Strand, was previewed by wire from Hollywood on Dec. 21.

"Exclusive Story," opening this morning at the Capitol, was previewed from Hollywood by wire on Jan. 7.

"Strike Me Pink," which opened at the Radio City Music Hall yesterday morning, was reviewed by wire from Hollywood on Jan. 11.

"Charlie Chan's Secret," reviewed by wire from Hollywood on Oct. 15, was previewed at the Roxy last night.

"King of Burlesque," now current at the Center, was reviewed by wire from Hollywood on Dec. 24.

Ampa's Dinner Is Set For March 14

(*Continued from page 1*)

who were presented were: Dave Bader, who will leave soon for England; L. Howell Davis, chairman of the Pennsylvania censor board, and E. S. Gregg, comptroller for Erpi.

Vandy Cape, who has been singing in the Rainbow Room and at the Barbizon Plaza, made a hit with her demonstration of how foreign artists come over here and sing "Parlez Moi d'Amour."

Dr. Sigmund Spaeth, introduced as the "G-Man of Rhythm," showed how he keeps his tune detecting up to date by demonstrating where the composers of "Music Goes 'Round and Around" got their chords.

"Its success," he said, "is due to its nonsensical syllables, a form of comic showmanship, which goes back to the English madrigals." All his hearers gasped when he showed the similarity to certain chords of Liszt's Second Hungarian Rhapsody.

Shows Tune Relationships

Then Dr. Spaeth demonstrated the distinguished musical ancestry of "A Little Gypsy Tearoom," by showing that it was a first or second cousin to "La Cucarache," which, the doctor said, "was very appropriate because cucaraches are often found in Gypsy tearooms." From this his nimble fingers leaped to "Isle of Capri," to "Auf Wiedersehn," to "Il Trovatore" to the funeral music in Grieg's "Peer Gynt" suite. Then he assembled all of them in the order in which they are heard in "A Little Gypsy Tearoom."

Even the budding composers and veteran publicity men who had heard him before gasped.

Dr. Spaeth closed with a serious discussion of the possibilities of new uses of music in pictures. He predicted that it would be made to enhance comedy and dramatic values and that story-telling methods could be worked out so that the music would seem like a logical part of the production.

Some of the recent musical productions had reached new heights in artistry, he said.

Overrules Demurrer In Lincoln Actions

LINCOLN, Jan. 16.—Judge Munger in Federal court here yesterday overruled the demurrers of the defendants, Lincoln Theatre Corp., J. H. Cooper and R. L. Livingston, in the $1,797,000 suits of Independent and State Theatres, Inc. The defense alleged the plaintffs failed to state facts sufficient for a cause of action. Other defendants are several major distributors. The plaintiffs allege they were refused product.

"In Person" Gets $3,700 at Lincoln

LINCOLN, Neb., Jan. 16.—"In Person" was the big money-maker of the week here with a gross of $3,700, up by $1,500, at the Lincoln. It ran eight days.

"If You Could Only Cook" also was a strong draw. It went 100 per cent over par on a take of $2,400 in eight days at the Varsity.

With the help of two stage shows, and three pictures, most notable of the latter being "Mary Burns, Fugitive," which stood it four days alone, the Orpheum gathered in $3,700, $1,600 over the par of $2,100 on a week.

Total first run business was $14,950. Average for seven days is $9,850.

Estimated takings:

Week Ending Jan. 7:

"CHARLIE CHAN'S SECRET" (20th-Fox)
"FRISCO WATERFRONT" (Republic)
COLONIAL—(550), 10c-15c, 7 days. **Gross:** $950. (Average, $850)

Week Ending Jan. 8:

"TALE OF TWO CITIES" (M-G-M)
STUART—(2,000), 10c-25c-40c, 8 days. **Gross:** $4,200. (Average, 7 days, $3,100)

"IN PERSON" (Radio)
LINCOLN—(1,600), 10c-20c-25c, 8 days. **Gross:** $3,700. (Average, 7 days, $2,200)

Week Ending Jan. 9:

"IF YOU COULD ONLY COOK" (Col.)
VARSITY—(1,100), 10c-20c-25c, 9 days. **Gross:** $2,400. (Average, 7 days, $1,300)

"IT'S A GREAT LIFE" (20th-Fox)
"PERFECT GENTLEMAN" (M-G-M)
"MARY BURNS, FUGITIVE" (Para.)
ORPHEUM—(1,350), 10c-15c-20c-25c, 9 days. Stage: "Monkey Shines" and Miami Bound" units, 5 days. **Gross:** $3,700. (Average, 7 days, $1,700)

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"Kentucky" Is Repeat Smash In Washington

WASHINGTON, Jan. 16.—With the New Year pickup the city's B houses skyrocketed to record and near-record highs, topped by a return engagement of "In Old Kentucky" at Loew's Columbia which shattered the record established by "Naughty Marietta." The $8,000 gross was $4,400 over average.

At the Metropolitan, Warner B. house, "Show Them No Mercy" hit $8,700, to top par also by $4,400.

"I Dream Too Much" on a nine and one-half day run at RKO-Keith's, took $19,800, or $18,000 on the first seven days, plus $1,800 on the last two and one half days. The weekly average is $10,600.

In the stage-screen field, the Earle, with "Collegiate" on the screen and Stepin Fetchit in person, took $23,000, topping average by $4,400.

"The New Gulliver" at the Belasco and "The Littlest Rebel" at Loew's Palace, both on their second weeks, took, respectively, $2,300 and $11,300, as against first week averages of $3,000 and $15,900.

At Loew's Fox "The King of Burlesque," with Leon Navara and his orchestra headlining the stage show, hit a par of $20,900.

Snow and rain during the first part of the week failed to make any dent in the week's totals.

Total first run business was $94,000. Average is $76,700.

Estimated takings, exclusive of tax:

Week Ending Jan. 7:

"THE NEW GULLIVER" (Amkino)
BELASCO—(1,140), 25c-65c, 6½ days, 2nd week. **Gross:** $2,300. (Average, first week, $3,000)

"IN OLD KENTUCKY" (20th-Fox)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $8,000. (Average, first week, $3,600)

"THE LITTLEST REBEL" (20th-Fox)
LOEW'S PALACE—(2,370), 35c-77c, 7 days, 2nd week. **Gross:** $11,300. (Average, first week, $15,900)

"SHOW THEM NO MERCY" (20th-Fox)
METROPOLITAN — (1,591), 25c-40c, 7 days (including New Year's Eve midnight show at 40c). **Gross:** $8,700. (Average, $4,300)

Week Ending Jan. 9:

"COLLEGIATE" (Para.)
EARLE—(2,218), 25c-77c, 7 days. Stage: Stepin Fetchit, Alice Dawn, Lime Trio, Virginia Bacon, with Andrew Twins, Ray Wolber. **Gross:** $23,000. (Average, $18,400)

"THE KING OF BURLESQUE" (20th-Fox)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Leon Navara & His St. Moritz Orchestra; Frank Conville & Sunny Dale; Lynn Burno Revue, with Violet West, Florence Hodges, Dorothy Arden, Teddy Wren; Al Schacht. **Gross:** $20,900. (Average, $20,900)

Ten Days Ending Jan. 9:

"I DREAM TOO MUCH" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 9½ days. **Gross:** $19,800 ($18,000 on first 7 days, including 4 New Year's screenings at 99c; $1,800 on 2½ days, on second week). (Average, first week, $10,600)

To Pick New Director

Irving Ceasar, Donald Flamm, Allan Corelli and Dave Ferguson have been named as a committee of the Cheese Club to select a successor to the late S. L. (Roxy) Rothafel as director of the program for the testimonial dinner to Harry Hershfield at the Astor Jan. 26.

"Opera" at $2,000 Best in Charlotte

CHARLOTTE, Jan. 16.—Continued bad weather and a one-night stand at the Armory-Auditorium by Sally Rand, held down grosses.

"A Night At the Opera" which opened Friday at the Carolina was the leader with a take of $2,000. Average is $2,000 for three days. "Captain Blood" merely broke even at the Broadway in six days with $4,000 after a good run last week.

Total first run business was $10,500. Average is $11,000.

Estimated takings for the week ending Jan. 11:

"CAPTAIN BLOOD" (F. N.)
BROADWAY — (1,114), 25c-40c, 6 days, 2nd week. **Gross:** $4,000. (Average, $4,000)

"AH, WILDERNESS" (M-G-M)
CAROLINA — (1,40J), 25c-40c, 4 days. **Gross:** $2,000. (Average $2,000 for three days)

"A NIGHT AT THE OPERA" (M-G-M)
CAROLINA — (1,400), 25c-40c, 2 days. **Gross:** $2,000. (Average, $2,000 for three days)

"39 STEPS" (G.B.)
IMPERIAL—(949), 25c, 4 days. **Gross:** $1,000. (Average, $1,500 for three days)

"ANOTHER FACE" (Radio)
IMPERIAL—(949) 25c, 2 days. Stage: "Mixed Nuts." **Gross:** $1,500. (Average, $1,500 for three days)

Olive Is Reelected Head of D. C. Allied

WASHINGTON, Jan. 16.—Charles H. Olive was reelected president of Allied Theatre Owners of the District of Columbia here today. Also reelected were E. E. Lichtman, vice-president, and John Henry Hiser, treasurer. William R. Hoyle, acting secretary, succeeded E. Laurence Phillips as secretary, because of the frequent business absences of the latter. Olive was renamed a delegate to the national directors' meeting, and Hiser, Lichtman and E. S. Wilcox were named delegates to the sessions of the eastern directors.

Jack Whittle, secretary of the M. P. T. O. of Maryland, urged the exhibitors with Maryland theatres to start a campaign against new taxes, which may be levied to replace the one cent sales tax expiring March 31. A tax on films is threatened. National General Counsel Abram Myers explained Allied's stand on the Pettengill bill, and asked the cooperation of exhibitors. Lichtman, Olive and Ben Trendler were named to the entertainment committee for the national directors' meeting, to be held here Feb. 4-5. Wilcox is chairman.

Atlanta Group Asks For Variety Charter

PITTSBURGH, Jan. 16.—An application has been received at National Variety Club headquarters for a charter for a new Variety Club tent at Atlanta. If granted, this will be Tent No. 18.

Hudson County, N. J., men also have requested a charter. This would be Tent No. 19. The national organization intends to limit the tents to 20.

Vallee Warner Ball M. C.

Rudy Vallee will be master of ceremonies at the annual Warner Club ball Feb. 22, at the Waldorf-Astoria. Committee chairmen for the affair include A. W. Schwalberg, Steve Trilling and Max Blackman.

Thumbnail

Norfolk, Va., Jan. 16.—What does a theatre manager look like?

Here's one description, penned and published by E. M. Holmes in his "Do You Know?" column in the *Norfolk Ledger-Dispatch:*

"Leo Trainor, or Leo to you after this, is manager of the Granby. He is a six-footer, built like Tarzan and has a heart larger than the largest Smithfield ham you have ever seen."

Trainor expects the deluge of film salesmen any minute now.

Temple Is $13,000 Smash in Houston

HOUSTON, Jan. 16.—Shirley Temple led the field here in one of the biggest box office weeks theatres have had in several months. "The Littlest Rebel" grossed $12,000 at the Majestic, where the average weekly take is $7,000.

Playing seven days, "Riffraff" at Loew's State reached $10,000. "Collegiate" had same take at the Metropolitan. Both theatres count $7,000 a par week, but "Collegiate" ran nine days in order to bring the Metropolitan back to pre-holiday opening dates.

Bank night, introduced at the Kirby Tuesday night, ran the take at that theatre for one day to $1,000, which is about $500 more than the usual Tuesday take. The picture was "Broadway Hostess."

Total first run business was $37,000. Average is $26,000.

Estimated takings for the week ending Jan. 7:

"CORONADO" (Para.)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $3,000. (Average, $3,000)

"BROADWAY HOSTESS" (F. N.)
KIRBY—(1,450), 15c-35c, 1 day. **Gross:** $1,000. (Average, $500)

"FRECKLES" (Radio)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,500. (Average, $1,500)

"RIFFRAFF" (M-G-M)
LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $10,000. (Average, $7,000)

"THE LITTLEST REBEL" (20th-Fox)
MAJESTIC—(2,250), 25c-50c, 7 days. **Gross:** $12,000. (Average, $7,000)

"COLLEGIATE" (Para.)
METROPOLITAN—(2,600), 25c-50c, 9 days. **Gross:** $10,000. (Average, $7,000)

Columbia Sales Meet In Chicago Tomorrow

CHICAGO, Jan. 16.—Columbia will hold its third regional sales meeting of the season Saturday and Sunday of this week at the Congress Hotel here. The two previous sessions were held at Des Moines and Dallas. Abe Montague, general sales manager, who will preside, leaves the home office tomorrow with Rube Jackter and Joseph A. McConville. Policies on current films and product in work will be discussed.

Present, in addition to the home office executives, will be Max Roth, Sam A. Galanty and Carl H. Shalit, Midwest division manager, Washington and Detroit branch heads, respectively. Also represented will be Pittsburgh, Cincinnati, Cleveland and Indianapolis. Montague will go from here to San Francisco, where the coast regional session will be held Jan. 25-26.

"Dangerous," Show $31,500 In Pittsburgh

PITTSBURGH, Jan. 16.—The New Year's boom extended all over town last week. For the Stanley, it meant a new recent high, with the Major Bowes' amateurs, the third time one of these units has played this house, and "Dangerous" running up the remarkable take of $31,500.

"Captain Blood" also did exceptionally well at the Penn, gathering around $18,000, while "Peter Ibbetson" and "Miss Pacific Fleet" boosted the Warner to $6,750. At the Fulton, "The Littlest Rebel" remained two days beyond the regulation second week and did very nicely at $4,350, while the Alvin, on six days only with "King of Burlesque," managed to attract a fair $5,000. The Davis, remained in the doldrums, and a weak $3,300 in nine days for "Sanders of the River" and "$1,000 A Minute" meant the closing of this house after a two-month try with double features.

Weather conditions were anything but good, a big snowstorm hitting town Monday to be followed by two days of sleet and rain.

Total first run grosses were $68,900. Average is $48,000.

Estimated takings for the week ending Jan. 9:

"KING OF BURLESQUE" (20th-Fox)
ALVIN—(2,000), 25c-40c, 6 days. **Gross:** $5,000. (Average, for 7 days, $5,500)

"SANDERS OF THE RIVER" (U. A.) "$1,000 A MINUTE" (Republic)
DAVIS—(1,700), 25c-40c, 9 days. **Gross:** $3,300. (Average, for 7 days, $3,000)

"THE LITTLEST REBEL" (20th-Fox)
FULTON—(1,750), 15c-40c, 9 days, 2nd week. **Gross:** $4,350. (Average, for 7 days, $4,000)

"CAPTAIN BLOOD" (W. B.)
PENN—(3,300), 25c-40c, 7 days. **Gross:** $18,000. (Average, $12,000)

"DANGEROUS" (W. B.)
STANLEY—(3,600), 25c-55c, 7 days. Stage: Major Bowes amateurs. **Gross:** $31,500. (Average, $18,500)

"PETER IBBETSON" (Para.) "MISS PACIFIC FLEET" (W. B.)
WARNER—(2,000), 25c-40c, 8 days. **Gross:** $6,750. (Average, for 7 days, $5,000)

Census of Business Data Ready July 1

PHILADELPHIA, Jan. 16.—Field work on the 1935 census of business, which will include amusements, and which began Jan. 2 will be completed in about three months. Preliminary reports, by states, will be released beginning about July 1. Headquarters for the project are located here, with Fred A. Gosnell as chief statistician in charge.

Manager Transferred

PATERSON, N. J., Jan. 16.—Irving Lefkowitz, former manager of the Warner Regent here, is now manager of the Troy House, at Troy, N. Y. He will return to Clifton, N. J., in two months, to take over the management of the new theatre under construction there.

Ade at Miami Opening

MIAMI BEACH, Jan. 16.—GEORGE ADE dedicated the new Lincoln yesterday. Celebrities of stage and screen were introduced from the stage.

• *A Frank Statement by*

Dr. Alfred N. Goldsmith

PAST PRESIDENT OF S.M.P.E.

on

F. H. RICHARDSON'S

New

BLUEBOOK *of* PROJECTION



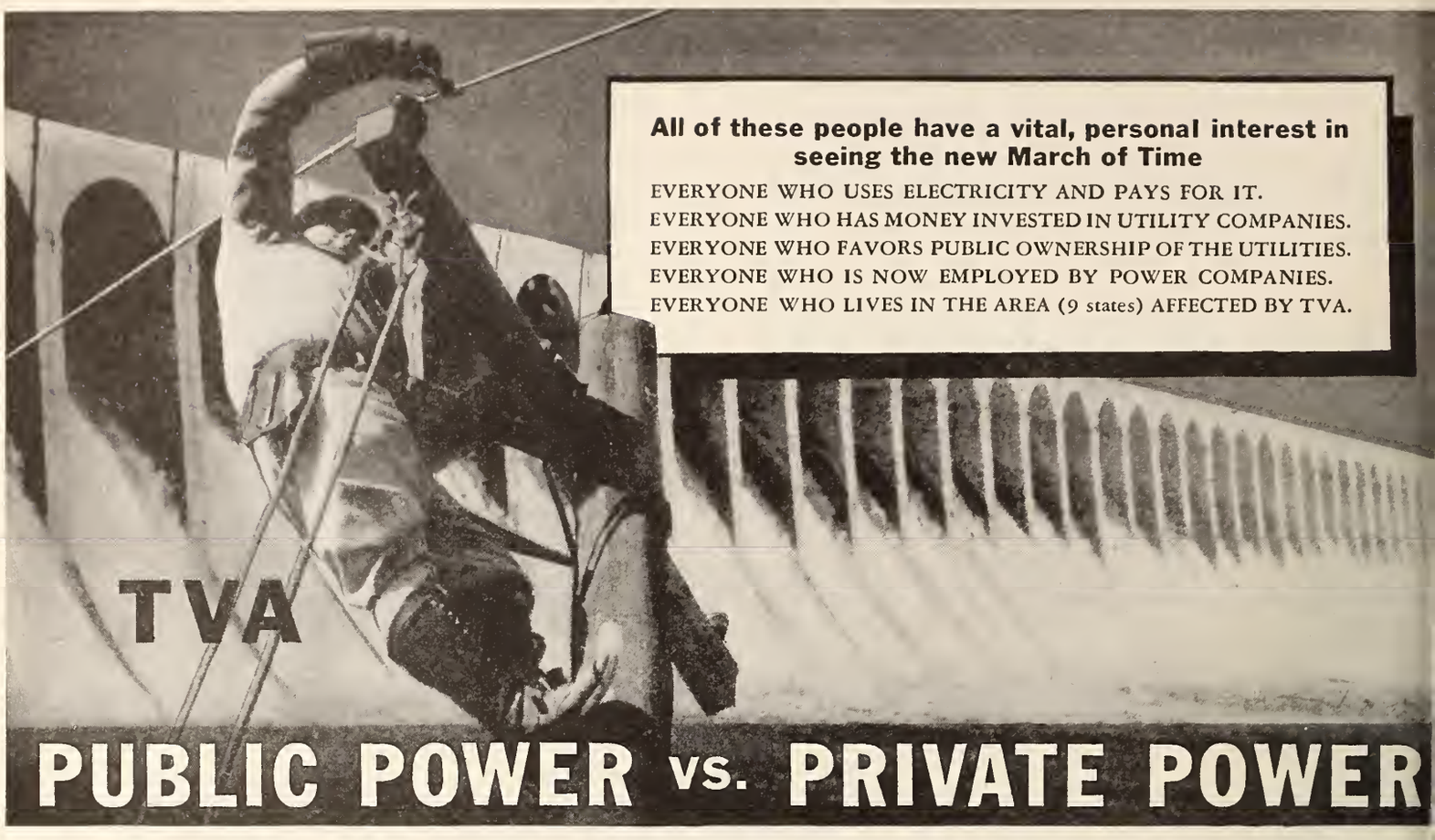
Dr. Alfred N. Goldsmith

WE sincerely appreciate this authorized unsolicited statement from Dr. Alfred N. Goldsmith on F. H. Richardson's new Bluebook Projection. We know that you will be interested in the frank opinion of this recognized authority who as Past President of The Society of Motion Picture Engineers did so much to further the cause of projection and projectionists.

IN every field, there are a few books which must be regarded as "classics" and important guides by the workers in that field. Richardson's "Bluebook of Projection" compresses between its covers substantially all the information and guides which motion picture projectionists need. The projectionist who makes himself thoroughly familiar with the contents of this book and constantly applies his knowledge in the projection room can hardly fail to do a good job and to command the respect of his fellow workers and employer. In their own interests, projectionists should not hesitate to avail themselves of such a mine of information.

THE convenience of using Richardson's "Bluebook of Projection" is greatly increased by a novel and helpful indexing system which the author has developed. Preceding each chapter are a series of numbered questions which adequately cover the subject matter of that chapter. In the chapter itself, the answers to the questions are preceded by the corresponding number. Accordingly, the projectionist can readily check up his knowledge of the subject material of each chapter before and after reading it; and can return to these questions at any time to make sure that his knowledge of the subject is still complete. This indexing system is a fine method of "perpetual self-examination."





All of these people have a vital, personal interest in seeing the new March of Time

EVERYONE WHO USES ELECTRICITY AND PAYS FOR IT.
EVERYONE WHO HAS MONEY INVESTED IN UTILITY COMPANIES.
EVERYONE WHO FAVORS PUBLIC OWNERSHIP OF THE UTILITIES.
EVERYONE WHO IS NOW EMPLOYED BY POWER COMPANIES.
EVERYONE WHO LIVES IN THE AREA (9 states) AFFECTED BY TVA.

PUBLIC POWER vs. PRIVATE POWER

IN its first issue of 1936, MARCH OF TIME turns its cameras on the program of the Tennessee Valley Authority (TVA), affecting 9 states, an area as large as England. As the government pushes its power lines out through the Tennessee watershed to hundreds of southern towns and hamlets, millions of people will get their first taste of TVA cheap electricity and like it. By this great experiment in regional planning, TVA proposes a national yardstick for measuring what *all* U. S. electricity should cost.

But TVA is in head-on collision with other millions of people who are employed by, or have their money invested in, the third largest U. S. industry. So to the nation's Supreme Court turn the power companies to defend their property and to challenge the government's right to go into business.

With the headlines scarcely dry on the NRA and AAA decisions, now TVA goes on trial. On this collision between public and private power is focused the attention of all U. S. industry.

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EXPLOITATION

5,430,000 STOCKHOLDERS
258,000 EMPLOYEES

These 5,688,000 people and their families have been notified by the power companies they are associated with, that the new MARCH OF TIME tells the full story of both sides of the TVA program. Now they are waiting for YOU to tell them when it will play in your theater. Here is exploitation value plus ready-made box-office.

OTHER EPISODES IN No. 1 for 1936

FOR ADVENTURE AND STIRRING ACTION, the new March of Time pictures a Robinson Crusoe, Mutiny-on-the-Bounty adventure on three desert islands near the Equator. The U. S. Coast Guard, acting on sealed orders from Washington, wins new air bases in the U. S. conquest of the Pacific.

FOR SHEER PRESENT DAY MYSTERY, March of Time turns to the strangest man in 1936 France—Monsieur de Paris. Few know his name or remember his face, but for half a century, like his father before him, he has been owner of the guillotine, traveling over France, using it, collecting its gruesome fees.

THE MARCH OF TIME

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VOL. 39. NO. 15 NEW YORK, SATURDAY, JANUARY 18, 1936 TEN CENTS

Asked Help From Zukor, Wolff States

F. & M. Executive Sought First Run Product

By RED KANN

St. Louis, Jan. 17.—Marco Wolff, the "M" of F. & M., and executive vice-president of that company, today revealed for the first time that he had appealed to Adolph Zukor on two different occasions for his assistance in obtaining Paramount first runs here after the product had been committed to Warners.

The intervention allegedly sought supplemented efforts directed at both George J. Schaefer and Neil F. Agnew and took place at the Ambassador Hotel, Los Angeles, on June 6, 1934, during a Paramount sales convention. Two months later the second conference was declared to have been held at the Paramount studio with Schaefer present at both.

This was a highlight of Wolff's testimony. It was the first time in his life that he had ever taken the wit-

(*Continued on page 3*)

M-G-M Loses Appeal On "Lynton" Ruling

The U. S. Circuit Court of Appeals yesterday reversed a district court decision and held that M-G-M's "Letty Lynton" was an infringement of the play "Dishonored Lady," by Edward Sheldon and Margaret Ayer Barnes. The court directed that a decree for damages and an accounting be entered, and awarded the two plaintiffs attorneys' fees in both the circuit and district courts.

When the action was filed by the authors of "Dishonored Lady" in 1932 an injunction was asked against "Letty Lynton" and the circuit court in its decision granted this petition, although it will have little, if any, effect on distribution of the picture at this late date.

In its decision the court held that "much of the picture owes nothing to the play; some of it is plainly drawn

(*Continued on page 2*)

Richard Bennett in Critical Condition

Richard Bennett, actor, and father of Constance, Barbara and Joan Bennett, who has been at Harbor Hospital since collapsing last Saturday after a performance of "Winterset," in which he had been appearing, was reported in a critical condition yesterday by attending physicians.

Directors Go Into a Guild; Quit Academy

Another Phase of Drive For a Closed Shop

Hollywood, Jan. 17.—A Screen Directors' Guild was formed here last night as the culmination of a series of meetings attended by 40 prominent directors. Until last night's meeting at the Hollywood A. C., which lasted until 5 o'clock this morning, sessions had been secret.

Formation of the directors' group is another phase of the closed shop drive.

Last night's meeting was attended by several officers of the Screen Actors' and Screen Writers' Guilds with whom the directors will cooperate.

Laurence Beilenson, attorney for the Screen Writers' and the Actors' Guilds negotiated the legal aspects of the new organization. A corporate charter was obtained in Sacramento last Monday, it was learned.

Temporary officers of the Guild are

(*Continued on page 4*)

Warner Music Units Sue on Broadcasts

Four suits asking a total of $20,000 damages were filed in U. S. District Court here yesterday by the Warner owned music publishing firms, charging NBC, CBS and others with copyright violation through publicly performing Warner music without a license.

Harms, Inc., brought suit against Columbia alleging an unauthorized use of the song "I Get a Kick Out of You" after Dec. 31, when the Warner music catalogues were withdrawn from Ascap. Remick Music Corp. filed suit against NBC for the singing of "Put on Your Old Gray Bonnet." M. Witmark & Sons filed suits against Knickerbocker Broadcasting Co., and the Marcus Loew Booking Agency, Schenley Products Co. and William H. Rankin Co.

"Rancho" and Show Give Para. $40,000

Stage attractions at the Paramount coupled with "Rose of the Rancho" gave the big Broadway house a neat $40,000 for the first 10 days of this bill. The picture opened for its regular run Wed., Jan. 8.

"Captain Blood" was strong in its third week at the Strand at $20,500; while "The Ghost Goes West," drawing $39,000 for the Rivoli, and "The

(*Continued on page 2*)

Some Laugh!

Boston, Jan. 17.—Herbert L. Ohrenberger now has two claims to fame. His laugh—a boisterous guffaw that gets audiences going — first attracted attention during the showing of Columbia's "Three Stooges" recently at the South Boston.

The management gave him a pass.

Now Columbia is going to give him a screen test to see what it does to the sound track. It may develop into something like that Lexington shot in 1775 that was heard around the world.

Quota Changes Being Studied By FBI Group

By BRUCE ALLAN

London, Jan. 7.—A special committee of the Film Group of the Federation of British Industries is considering further recommendations for the revision of the quota clauses of the Films Act. Conferences between the full group and the council of the Cinematograph Exhibitors' Ass'n will follow with a view to arriving at mutually agreeable suggestions for the Board of Trade.

The Government, which has asked for an agreed trade policy before considering revision of the Act, has already had a confidential report on the situation from the advisory committee, representative of producers, exhibitors and the public, which was appointed by the original legislation.

Separately, producers are believed to favor a minimum cost clause of $50,000 for British films and exhibitors want a reduction in the present 20 per cent exhibition quota. American distributors for the most part would prefer a cash quota system, permitting them to spend a fixed sum

(*Continued on page 2*)

Silverstone May Be Director of Odeon

London, Jan. 17.—Maurice Silverstone, managing director for United Artists here, may be named to the board of directors of Odeon Theatres, Ltd., the Oscar Deutsch circuit, it is understood here. A close product tie-up on an immediate release basis throughout the Odeon circuit, understood planned, is seen as indicative of closer relations among London Films, United Artists and Odeon.

Reel Change Is Set Back To August 1

Shift Follows a Report From Committee

The date for the official adoption by the industry of the new 2,000-foot reel was set back from April 1, next, to Aug. 1, by agreement of the reel committee at a meeting yesterday at M.P.P.D.A. headquarters.

The postponement resulted from reports submitted jointly by the committee and the manufacturers of the new equipment. The reports set forth that it was not possible for the manufacturers to meet the concentrated demands for simultaneous delivery to all studios and exchanges by April 1. The later date, the committee said, was agreed upon in view of the special designs, steel dies and the large amount of equipment required through the adoption of the larger reel.

All major distributors were represented at yesterday's meeting.

Expect High Court Dual Case Appeal

Philadelphia, Jan. 17.—With the film center here alive with rumor following the decision of the U. S. Circuit Court of Appeals calling the dual feature clause in contracts a violation of the Sherman Anti-Trust Law, it is expected the major companies will carry an appeal to the U. S. Supreme Court.

Independent exchange men here are jubilant, expecting many independent exhibitors to begin double featuring as soon as possible, although most of the product contracted for is on a single feature basis. Premium dealers and giveaway operators see an increase of dualing cutting into their business. Warners are seen as strong competitors if they shift from their former opposition to duals.

Reserves Decision On Mrs. Fox Motion

Federal Judge William Bondy yesterday reserved decision on motion by Mrs. William Fox to set aside two subpoenaes served on her last Sunday by the Capital Co. in connection with its action to satisfy a $280,000 judgment against William Fox. Mrs. Fox's attorneys contended that a subpoena service on Sunday was not valid.

William Fox, who is said to be

(*Continued on page 2*)

MOTION PICTURE DAILY
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"Riffraff" Attacked By Cleveland Unions

CLEVELAND, Jan. 17.—The Cleveland Federation of Labor has passed a resolution protesting against the showing of "Riffraff" at Loew's State. The union men claim the picture is "a slander on the militant trade unions of the west coast."

Col. Henry E. Long, Loew division manager, was surprised by the allegation, he said. Max Hayes, editor of the labor paper, *Cleveland Citizen,* described the picture as "propaganda to prejudice the public against trade unionism."

Postpone Examination

Hearing on the examination before trial of Herman Robbins of National Screen Service and Charles L. Casanave of the American Display Co., in connection with the suit brought by Master Art Products, has been postponed until next Thursday.

Berlin to Be Honored

HOLLYWOOD, Jan. 17.—Irving Berlin will be feted here Monday night at a dinner in observance of his 25th anniversary as a tunester, being tendered him by 150 song writers, singers and studio executives. Fred Astaire will be master of ceremonies.

Sentenced as Bomber

CHICAGO, Jan. 17.—Peter Cunniff, was sentenced to one to five years in prison by Judge Joseph Burke of the Criminal Court for an attempt to bomb the Bobby Burns school for operators.

Purely Personal

TED LLOYD, at present producing for Celebrated, must write another novel to fulfill a contract with his publisher. In 1934 he wrote "Pulitzer Prize Winner." His new one is to be called "Me and Casanova."

•

LLOYD C. and MRS. DOUGLAS sail today on the *Santa Elena* to Los Angeles. DOUGLAS is the author of "Magnificent Obsession."

•

JACK DONOHUE, the dance director, MARCEL DE SANO and CHICK YORK leave these shores today on the *Lafayette* for Europe.

•

MADELEINE CARROLL is on her way to this country on the *Majestic* and will arrive Tuesday.

•

MARY ASTOR has left for the coast after a stay of several weeks at the Lombardy.

•

KAY FRANCIS is due in town this morning for a short visit.

•

LINA BASQUETTE is here getting ready for a stage engagement.

Thalhimer Reelected Virginia MPTO Head

RICHMOND, Jan. 17.—Morton G. Thalhimer has been renamed head of the Virginia M.P.T.O.

Charles A. Somma succeeds Sam Bendheim, Jr., as treasurer, and Harold Wood was named to succeed Elmer H. Brient as secretary.

Time Has a New Folder

Ralph Roland has gotten out a new type of exploitation folder for use with The March of Time. It is in a red indexed folder that can be slipped into a file and used when releases are scheduled.

The contents are on heavy stock sheets, many of them in color, designed, apparently, for the double purpose of selling the exhibitor on the value of special exploitation for The March of Time and telling him how to do it. The usual publicity releases, mats and accessories are included. One card is devoted to *The Photo Reporter,* a sheet which circulates in schools.

To make sure exhibitors will do something more than file the material a contest for best exploitation is included, with radios as prizes. The judges will be Bruce Barton, Jules Levy and S. Barret McCormick.

J. M. J.

Skouras in Los Angeles

LOS ANGELES, Jan. 17.—Spyros Skouras will spend a few days here disposing of business problems before hurrying to San Francisco for the start of his Honolulu trip.

Columbia Pays Dividend

Columbia Pictures declared an initial dividend of 66 1/3 cents a share on its $2.75 convertible preferred stock, payable Feb. 15 to holders of record Feb. 3.

Centaur Films, New Unit, Gets Started

HOLLYWOOD, June 17. — Centaur Films, Inc., new producing and distributing unit incorporated about the first of the year, has begun operations, with the intention of having the first release ready in March.

Its backers claim for it a new idea to enable the public to "assist in the creation of its own screen fare," but details are being withheld at present.

Lawrence W. Fox, Jr., head of Standard Capital, who has been financing the "Hop-a-Long Cassidy" series starring William Boyd, is back of the company. Harry O. Hoyt is president, Walter M. Kofeldt is general sales manager and is now touring first run centers, and Billy Leyser is in charge of advertising, exploitation and publicity.

M-G-M Loses Appeal On "Lynton" Ruling

(*Continued from page* 1)

from the novel, but that is entirely immaterial. It is enough that substantial parts were lifted. No plagiarist can excuse the wrong by showing how much of his work he did not pirate. We cannot avoid the conviction that if the picture was not an infringement of the play, there can be none short of taking the dialogue.

"The decree will be reversed and an injunction will go against the picture together with a decree for damages and an accounting. The plaintiffs will be awarded an attorneys' fee in this court and in the court below."

Arthur F. Driscoll of O'Brien, Driscoll and Raftery, was attorney for the author plaintiffs and Nathan Burkan for M-G-M.

Reserves Decision On Mrs. Fox Motion

(*Continued from page* 1)

receiving medical attention at a Toronto hospital, has an appeal before the U. S. Circuit Court of Appeals on an order citing him for contempt of court for failure to answer to a subpoena served on him by Capital, but directing him to submit to oral examination in order to purge himself of contempt citation. Capital is endeavoring to examine Fox on his financial resources in connection with its unsatisfied $280,000 judgment against him. The judgment results from a defaulted lease on the Fox, San Francisco, which was said to have been personally guaranteed by Fox.

Cameraman Is Pardoned

PARIS, Jan. 17.—Lucien Audriot, RKO cameraman, who was sentenced to a year in prison here for failure to do military service in France, although he had served with the American army in the World War, was pardoned by Presidential decree today after serving five months of his sentence. He went to America in 1911.

Sally Eilers Resting

HOLLYWOOD, Jan. 17.—Sally Eilers, who has just finished work in "Don't Get Personal," has been forced to delay her trip to London in order to recuperate from a bad cold contracted while in the desert.

Quota Changes Being Studied By FBI Group

(*Continued from page* 1)

annually on one or more supers, for world distribution, rather than on a number of frequently unusable "quickies."

Because Nora Swinburne, announced as Joanna in "The Beloved Vagabond," has been claimed for a theatre part, Betty Stockfield, already cast for the part in the French version, will also play it in English. The Chevalier vehicle is to have exteriors in the South of France.

* * *

Direction of London Films' "Hamlet," with Robert Donat, will be shared by William Cameron Menzies and Miles Malleson, Shakespearian actor and producer.

* * *

Charles Laughton's next three for London Films will be "Cyrano de Bergerac" (in progress), "I, Claudius" and "Randlords," the Paul Emden novel.

Televised Reel Worries British

LONDON, Jan. 7.—Provision in the standard contract for prohibition of the television of films until after the last theatre runs is regarded, in many quarters here, as likely to stimulate the production of an official newsreel, for television only, by the British Broadcasting Corp.

Captain West of Baird Television Ltd., supports this possibility in an article in *Cinema,* in which, however he emphasizes that the final decision as to film broadcasts must rest with the owners of the film. Baird, which with E.M.I (Marconi-H.M.V.) will monopolize transmission for the B.B.C.'s experimental television service, is closely associated with Gaumont British.

Press stories of the development of a film production department at the B.B.C., with interest as well as news films in view, are discredited, the Wardour St. angle being that an accommodation with the trade will be arrived at, newsreels offering the only point of difference.

"Rancho" and Show Give Para. $40,000

(*Continued from page* 1)

Invisible Ray" and a stage show bringing the Roxy $29,000, both were bright spots. "Ah, Wilderness" was fair with $14,000 for its third week at the Center.

The Music Hall and Capitol trailed the Broadway group for the week. "Sylvia Scarlett" finished at the Music Hall with $58,000, and "Riffraff" at the Capitol got $29,000. The Palace collected $7,200 with its second run, double feature, "Show Them No Mercy" and "Your Uncle Dudley."

Radin Joins Republic

Paul Radin joined the Republic publicity department yesterday. He has been assistant advertising manager for Columbia and in the past has been connected with several advertising agencies.

Asked Help From Zukor, Wolff States

(*Continued from page* 1)

ness stand, Wolff declared. He followed Jack A. Partington a half-hour after the session opened and was under a gruelling cross-examination by ex-Senator James A. Reed for Warners when court adjourned until Monday morning.

It was the second of the alleged conferences in California, where the St. Louis situation was seriously broached by Wolff, according to his testimony. On the first occasion, he said he had brought up the situation with Schaefer, who had earlier invited him to be a guest of the convention when Zukor walked in. A portion of his talk with Schaefer and Zukor dwelt on the possibility of Fanchon & Marco producing a musical for Paramount release, according to the witness, when Barney and John Balaban joined the trio. With Zukor present, Wolff declared he had turned to Barney Balaban and said, "These gentlemen are allowing Warners to take away Paramount pictures from us in St. Louis. Can't you stop them?" Balaban's reply, the witness stated, was, "You haven't lost a picture yet and I believe you will get them (referring to Paramount product), so don't worry."

Discussed Musical Film

At the Paramount studio two months later when presumably the second discussion was held, Wolff, accompanied by his sister, Fanchon, the "F" in F. & M., testified the conversations swung largely around the deal for the musical aired at the first meeting. This is what Wolff in substance said then took place:

Zukor agreed with Fanchon & Marco that the Ambassador, Missouri and New Grand Central were the best theatres in St. Louis. Although it was Paramount's preference not to sell away, he declared big companies had to do things at times which they preferred not to do. Wolff told Zukor this meant the extermination of F. & M. The last few years have not been so good for him either, Zukor rejoined.

He promised to send a wire regarding St. Louis in a promise to see if something could not be done. Wolff did not quote Zukor as mentioning to whom the contemplated wire had been or would have been sent. He never heard from Zukor thereafter about this but subsequently received a note from the then Paramount president referring Wolff to a Paramount studio executive relative to their discussed deal on the musical.

Reed Objects

Reed entered an objection on the ground that since no representative of Warners had been present the alleged conversation could not be binding upon his client. Louis Phillips for Paramount also rose to protest on the contention no foundation for authority has been established. Both were overruled and the testimony admitted in evidence, with the explanation by Judge Joseph West Molyneaux that it would stand on the record only if the Government subsequently during the course of the proceedings linked the defendant companies, Warners, Paramount and RKO, in a conspiracy.

In the talks he said he had had separately with Schaefer and Agnew, Wolff credited them with acknowledging the superiority of the three theatres as against the Shubert-Rialto which Warners had acquired for their first run outlet.

This is what Wolff testified further as to one of his talks with Agnew: "You know the Warners and what they can do," said the Paramount sales executive. "We would rather sell F. & M. but we are afraid of what Warners might do if we turned them down." They had threatened to upset Paramount's theatre reorganization for Detroit, where the company had a $12,0000,000 to $14,000,000 investment, Agnew added.

Questioned Legality

"We can't afford to have Warners break into that situation," was another comment. "Sometimes I think Harry Warner is drunk with power." Agnew was supposed to have said. Marco pleaded with him that the taking away of the Paramount product would ruin F. & M. in St. Louis and that one of the reasons for leasing the three theatres was the 25-year franchise they held for Paramount product. He told Agnew he did not think it was legal to take away that franchise. Agnew replied he did not know about the legality of such a step but that the deal with Warners had not been completed and spoke of the existence of a possibility for F. & M. to get the pictures.

Wolff, according to this testimony, declared Schaefer said he was satisfied with F. & M. as operators, pointing particularly to the Paramount Los Angeles, operation of which had been taken over by the interests with which Wolff was identified. Schaefer told him, declared Marco, that he did not want to take Paramount away from the Ambassador, Missouri and New Grand Central, but that Warners were "difficult people to deal with and sometimes we have to do things we don't want to." Marco at this point said Schaefer held out a ray of hope and indicated it was "not all over yet." This testimony developed under direct examination by Russell Hardy, Government attorney, who again attempted to bring in a conversation allegdly held by Wolff with Joseph Bernhard, general manager of Warner Theatres in an east-bound Chicago-New York train on Nov. 21, 1934.

Denies Giving Interview

Motion Picture Daily today again played a prominent part. When Reed began his cross-examination his first point centered around a story published on Jan. 11, 1935. It was an article with a Los Angeles dateline telling of a transcontinental telephone conversation between Wolff and Harry C. Arthur, and dealt with the proceedings of the St. Louis grand jury which resulted in the criminal indictments against Warners, Paramount, RKO, Harry M. Warner, Abel Cary Thomas, Gradwell L. Sears, Herman Starr, George J. Schaefer and Ned E. Depinet.

Reed's question to the witness was, "After talking with Arthur did you not give an interview to the effect that, 'everything is turning out in our favor'?" The witness denied the query as well as the story. "Did you take it up with the newspaper?" asked Reed. "No," replied the witness. "Did you telegraph them?" further queried Reed. "No, I don't even know if they have an office in Los Angeles," rejoined Wolff.

After establishing the approximate date on which F. & M. leased the St. Louis, Reed hammered hard and long for information concerning policy and prices. He sought to prove that it was F. & M. which, by putting on duals and stage shows at 25 and 40 cents as against the 40 and 55-cent scale prevailing generally in St. Louis first runs at the time, had precipitated the price war which later embroiled the Fox, which also passed to F. & M. management 10 weeks after the St. Louis had been leased. With both theatres under joint management, it was established that the original price scale had been restored and the "war" then terminated.

Under questioning, Wolff conceded the St. Louis had stayed in the red each week under his company's regime and finally had to go dark. By the introduction of film contracts Reed demonstrated, and persuaded Wolff to admit, that the St. Louis and the Fox had been able to contract for RKO, Fox and Columbia, thereby giving it three major brands of product. But Wolff contended this was not enough to keep the theatres going. "Yet you double-billed in them, did you not?" pressed Reed. "Not always," replied the witness. "When we got an unusual attraction, we showed it single."

Wolff Hesitant

Picking up earlier threads in the Warner defense technique, which is constantly stressing the association of Harry Koplar, admitted "arch enemy" of the Warner organization, Reed endeavored to make Wolff admit that Koplar was identified with the operation of the five first runs currently under F. & M. management. Wolff admitted the lease of the St. Louis provided Koplar was to go along, but said he was not familiar with any arrangement covering Koplar in the other four except as an employee in a managerial capacity. While he did not state it in specific language, Reed implied definitely that Koplar was in the entire picture through $25,000 put up as part of the $105,000 guarantee on the Ambassador, Missouri and New Grand Central by Dr. Jacob Probstein, who is Koplar's brother-in-law.

Wolff was a halting and hesitant witness. He persistently warded off direct answers to Reed's often sarcastic interrogations on the ground that he had had little to do with negotiations involved in the leasing of any of the five first runs under F. & M. management. He said he was not an officer of any of the various local F. & M. corporate entities and maintained his general knowledge about the deals covering the local theatres was limited. Frequently he advised Reed that the man to answer the barrage of questions fired was Arthur. He added he had only made two trips to St. Louis, one of them a forced landing while en route from New York to Los Angeles.

Partington Queried

Reed probed him in great detail about Chicago and New York meetings held prior to the acceptance of the Snyder bid in which F. & M. had become associated. Here, too, Wolff's knowledge was apparently limited.

Partington's final half-hour on the stand this morning had to do with a cross-examination by Phillips, who sought to check dates on which the witness and Arthur presumably spoke to Schaefer during the week of March 19, 1934. This ties in with Paramount's contention that Schaefer had been vacationing in Florida when both Partington and Arthur claimed they had conferred with him in New York about the situation in St. Louis. Partington declared he had made a special

(*Continued on page* 4)

On the Lighter Side

By BILL ORNSTEIN

St. Louis, Jan. 17.—Sam Dembow is fed up on The Merry-Go-Round cocktail room at the Park Plaza and has a new rendezvous.

+

Spyros Skouras left early Wednesday morning, Honolulu-bound. Crash of a transcontinental plane at Goodman, Ark., interfered in no wise with his plans. He flew.

Elmer and Mrs. Rhoden are traveling west from Kansas City by train. Mrs. Spyros Skouras, now in Los Angeles, will join the party at the embarkation point, San Francisco.

+

Harold J. Fitzgerald, operating head of Fox theatres in Wisconsin, paid a one-day visit here to confer with Skouras. He squeezed in a short visit to the courtroom.

+

Large pitchers of water decorate the two tables used by Warner, Paramount and RKO counsel, but are noticeably absent from the Government bailiwick.

+

When Walter Rice, Government lawyer, asked Jacob Chasnoff, Government witness, what stood out in his mind—referring to one of the meetings of the bondholders' group, he started by saying:

"It struck me . . . "

"We're not interested in what struck him," snapped Frederick H. Wood.

+

The court had to call for order in what was the first judicial admonition to various counsel when Joseph H. Grand occupied the witness stand.

+

He and ex-Senator James A. Reed were at loggerheads almost all the way. Reed was seeking direct answers, preferably a "yes" or a "no." Grand, perhaps because he is a lawyer himself, insisted upon "explaining."

It took a lot of words and a lot of time.

+

The gang here has been trying to figure out the economics of the $4.50 daily allowed each witness by the Government.

Eddie Alperson doped it for Sam Dembow. "He's out money before he tumbles out of bed each morning."

+

Arthur V. Lashly, brother of Jacob, local RKO counsel, pinch-hit while the latter appeared in a Jefferson City court on Wednesday.

Asked Help From Zukor, Wolff States

(Continued from page 3)

trip to New York from here to check the MOTION PICTURE DAILY files in an effort to definitely fix the date on which Schaefer had returned to that city from Miami.

Judge Molyneaux showed annoyance as the session terminated when there developed a need for subpoenaed records of the St. Louis Theatre. They were not in the courtroom. "If they are not produced, there will be something happening around here," the judge stated. There was a brief flurry which brought no results.

It's a cinch that when the hearing resumes Monday morning the required papers will be on hand.

By agreement with the court, Warners will produce the books of the Orpheum and a breakdown of that theatre's operation. This probably explains the presence here of Stuart McDonald, an assistant secretary of the Warner company. If the records are admissible, the court held they may be turned over to the Government for its own accountant to verify. Warner counsel stated it would put its own witness on the stand to explain details in this connection.

Ned E. Depinet is slated to leave for New York at noon Saturday and Harry M. Warner is now expected Sunday.

Delay Carolina Session

PINEHURST, N. C., Jan. 17.—It has been necessary to postpone the convention of the North and South Carolina theatre owners indefinitely, according to Charles Picquet.

Wall Street

Fractional Gains, Losses on Board

	High	Low	Close	Net Change
Columbia, vtc	43½	42⅞	43½	+ ⅞
Columbia, pfd	50¼	47⅞	50	.....
Consolidated	6¼	6	6	.....
Consolidated, pfd.	18¾	18⅜	18¾	+ ⅛
Eastman Kodak	160	160	160	.....
Loew's, Inc.	51⅞	51	51⅛	— ¾
Paramount	10⅜	10⅛	10⅛	— ⅛
Paramount 1 pfd.	81	79½	80	+ ½
Paramount 2 pfd.	12⅜	11⅞	11⅞	.....
Pathe Film	7⅞	7½	7½	— ⅜
RKO	7¾	7⅛	7½	+ ¼
20th Century-Fox.	25½	25½	25½	— ¼
20th Century, pfd.	34⅞	34	34	— ⅜
Universal, pfd	71	69	69⅞	— ⅛
Warner Bros.	10½	10	10½	+ ⅜

Little Curb Activity

	High	Low	Close	Net Change
Sentry Safety	⅞	11/16	⅞	.....
Sonotone	2¼	2¼	2¼	.....
Technicolor	22	21¼	21½	— ⅜
Trans-Lux	4	3¾	3¾	.....

Keith Bonds Off 1¼ Points

	High	Low	Close	Net Change
General Theatre 6s '40	25¼	24	24⅜	+ ⅜
General Theatre 6s '40, ctf.	25½	25	25½	+1
Keith, B. F. 6s '46	95½	95½	95½	—1¼
Loew's 6s '41 ww deb rights	104½	104	104¼	+ ¼
Paramount B'way 3s '55	56¾	56½	56½	— ½
Paramount Pict. 6s '55	93¼	92¾	93	+ ⅜
RKO 6s '41 pp	80¾	80	80	.....
Warner Bros. 6s '39 wd	89	88½	89	+ ¾

(Quotations at close of Jan. 17)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Timothy's Quest"

(Paramount)

HOLLYWOOD, Jan. 17.—What this production lacks in the way of big names is more than compensated for in a wealth of heart-warming entertainment. It has that sympathy and stimulation which really gets under the skin. The reaction of the preview audience here indicated that the show will receive public support parring or topping many more heavily ballyhooed productions.

Adapted from the novel of Kate Douglas Wiggins, the story portrays childhood heartbreak, tragedy and triumph skillfully and sympathetically. The screen play is by Virginia Van Upp, Dore Schary and Gilbert Pratt. It is a fine blend of drama, comedy and contrasting love interest. Charles Barton's skillful direction capitalizes fully on these values and accentuates the competent work of the featured players to a high degree.

Life is bitter for Dickie Moore and Sally Martin, orphans, under the heartless guardianship of J. M. Kerrigan and Irene Franklin. Sheltered in the home of wealthy but rigid Elizabeth Patterson, the little pair contribute performances that would do credit to more mature artists. Their childlike simplicity and fortitude in the face of many discouraging events captivates the heart of Miss Patterson. It aids in climaxing a charming romance between Eleanore Whitney and Tom Keene, and completely regenerates the brattish Virginia Weidler.

The rural locale plus an abundance of clean, wholesome drama and romance embellished by natural human comedy give the show an unusual appeal for small town and family audiences.

Production Code Seal No. 1,897. Running time, 70 minutes. "G."

Looking 'Em Over

"King of the Damned"

(Gaumont British)

LONDON, Jan. 7.—This Helen Vinson, Noah Beery, Conrad Veidt vehicle is surely a remarkable proof of the extent to which G.B. has assimilated American formulas and technique. The sets, the mob scenes and the vigorous action, not to say the Devil's Island plot, might all have come from, and done credit to, a major coast studio.

Original angles in a convict mutiny story, somewhat familiar in its main outlines, are that the leader of the revolt is saint rather than tough and that he has actually been given his freedom but sacrifices it to save his fellow victims from oppression; there is the further development that the convicts, in control of the settlement, govern it more wisely than their gaolers did and surrender in the end on a promise that they will receive justice.

There is fighting aplenty and it is hair-raising stuff in the scenes of the convicts' capture of the barrack square and of the shelling of the settlement from a cruiser. An execution by garroting, too, is carried through until the steel necklet tightens about the Beery neck. The love interest, with Helen Vinson as an officer's fiancee who summons the avenging cruiser, and then repents, is suggested rather than shown. Beery is as unctuous and as effective as ever, as the heart-of-gold ruffian essential in any convict settlement. Veidt is a very gentle revolutionary, but many will respond to the emotional appeal of his last demand for justice for the oppressed, which nevertheless does not quite lift the film out of the class of effective melodrama. Running time, 75 minutes. "A."

ALLAN

Ask Civil Service Change

ALBANY, Jan. 17.—Under the provisions of a bill introduced in the Senate by Norman A. O'Brien, Democrat of Rochester and referred to the Civil Service Committee, the Civil Service Law is amended to prohibit a public officer or employe from performing service as a projectionist or stage hand in connection with performances given by or for inmates of any state institution unless civil service employes are by occupation or vocation operators or stage hands.

Take Up West Option

HOLLYWOOD, Jan. 17.—Paramount today exercised its option on Mae West for an additional year, settling reports she would leave the company. She may do only one film during the year, which will be produced by William Le Baron.

Lou Holleb Recovers

COLUMBUS, Jan. 17.—Lou Holleb, owner of the New, has been discharged from Grant Hospital following a severe attack of pneumonia.

Directors Go Into a Guild; Quit Academy

(Continued from page 1)

King Vidor, president; Lewis Milestone, first vice-president; Frank Tuttle, second vice-president; William K. Howard, secretary and John Ford, treasurer. The board of directors includes Frank Borzage, Clarence Brown, John Cromwell, Howard Hawks, Wesley Ruggles, Rouben Mamoulian, William Wellman, Gregory LaCava, Edward Sutherland and Bruce Humberstone, in addition to the officers.

Among the aims of the guild, its sponsors say, is protection of directors from producers who have been minimizing the power of the directors recently. The directors say they fear producer tactics will affect wages, if continued.

All directors attending the meeting drafted resignations from the Academy which were submitted today.

Although Academy heads seemed unperturbed over the new setup this morning, it was intimated that a board of directors' meeting will be called within the next two days for discussion of the directors' move. It was understood that the Academy will continue with the achievement awards.

A decision regarding possible affiliation with the A. F. of L. has not yet been decided by the directors, a spokesman said.

Telegrams were dispatched to approximately 250 directors this morning inviting them to join.

Corporate papers were filed in Sacramento under the title of Screen Directors, Inc.

Academy Asks Short Makers for Choices

HOLLYWOOD, Jan. 17.—Short subject producers have been asked by the Academy to submit immediately to that organization a list of titles of product they intend entering in the short subjects division for the eighth annual awards.

Each producer may enter not more than two subjects in each of the three classifications, cartoon, comedy and novelty. A brief description of the film and the date of its Los Angeles or general release must accompany the titles.

A committee comprised of E. H. Allen, Lee Marcus and Leon Schlesinger will decide questions pertaining to proper classification.

Prints must be available for screening before the nominations committee by Jan. 22.

Grombacher a Manager

PORTLAND, Jan. 17.—Ray Grombacher, veteran exhibitor, who formerly controlled all the downtown theatres in Spokane, has joined Hamrick-Evergreen as manager of the Liberty here.

Julius Klein to Radio

HOLLYWOOD, Jan. 17.—Julius Klein, newspaperman formerly with Universal, has been signed to a long term contract by Radio. Klein will work on and suggest stories with topical themes taken from newspapers.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 16 NEW YORK, MONDAY, JANUARY 20, 1936 TEN CENTS

Money Export Ban Restricts German Trade

End of Production Also Complicates Licenses

By J. K. RUTENBERG

BERLIN, Jan. 9. — Germany has, like many other countries in Central Europe and elsewhere, prohibited the export of currency. This situation creates a peculiar problem so far as the exploitation of foreign-made pictures is concerned.

In former years some of the American branches in this country have distributed German-made films or have produced such films with the money that has piled up. A year has passed since these companies stopped their German production and restricted their business to distribution.

By their withdrawal from production in this industry the American

(*Continued on page 2*)

Oklahomans Attack Cooper Foundation

OKLAHOMA CITY, Jan. 19.—J. H. Cooper's plan of devoting his entire income from the theatres he operates to the establishment of a foundation for destitute children was denounced by members of the Oklahoma City M. P. Council as a deliberate "attempt to hoodwink public sympathy to cover up the corruption of youth through bad pictures."

"The thing is so obvious that it is almost amusing," said Mrs. C. R. Loucks, secretary of the council,

(*Continued on page 2*)

Invite Them Collect

Kansas City, Jan. 19.—One way to get a crowd out to a Variety Club party here is to send collect telegrams to all the members and some of their friends, it has been discovered. Some show up to tell the sender what they think of him and others arrive expecting a good time.

About 65 messages went out last week signed "The House Committee." George Naker, chief barker, and Dick Biechele, chairman of the house committee, listened to what the boys had to say when they arrived.

It was a big turnout.

Last Argument On Sales Tax Set for Today

Court Appeal to Follow An Adverse Ruling

Local distributors will present final arguments today in answer to the city's moves to apply the two per cent sales tax to the entire film rentals of New York exchanges, regardless of the location of the theatres from which they are derived.

The exchanges are prepared to make stipulations covering testimony already given at an earlier hearing in opposition to the application of the sales tax to any film rentals. The new testimony to be presented today will be brief and directed specifically at the legality of the city's move to levy against film rentals derived from theatres outside the city limits.

A decision on the right of the city to levy the tax on film rentals is ex-

(*Continued on page 6*)

Distributors Deny Charges by Momand

OKLAHOMA CITY, Jan. 19.—Eight distributors, charged with conspiracy in a civil suit brought by Mrs. Loretta Momand, owner of a Shawnee, Okla., theatre, in court here denied any concerted action to eliminate the Odeon from competition in Shawnee.

Mrs. Momand is asking a Federal court injunction prohibiting the companies from discriminating against her in the release of product.

Attorneys for the companies admitted that they had cancelled a contract with Mrs. Momand, but it was stated this was because the manager, A. B. Momand, had wilfully and brazenly violated terms of the contract. Date for final hearing on the injunction plea has not been set.

Mexico Extends Its Concession on Duty

By BRUCE LOCKHART

MEXICO CITY, Jan. 19.—The Ministry of Finance has continued for from 60 to 90 days the term of the special franchise granted exhibitors in December to import films, discs, etc., at a flat duty of $9.72 per kilogram, instead of the normal $19.85 per kilogram. The exhibitors requested the extension as necessary to keep their houses open, following the virtual breakdown of negotiations to end the strike of employes against eight major American distributors.

WARNER QUARTER NET IS $1,031,315

U. S. May Finish in St. Louis This Week

By RED KANN

ST. LOUIS, Jan. 19.—Weekend indications pointed toward completion of the Government's case against Warners, Paramount and RKO on a conspiracy charge by the middle or the end of the week. The defense immediately will move for dismissal. Arguments on this point probably will run a day.

In the first two weeks of the trial, the Government put 19 witnesses on the stand. Its plan now is not to call all of the witnesses for whom subpoenaes were issued and already some of those who have been parked here for 14 days and more have been released. Sam Dembow and E. L. Alperson were among those officially excused and left for New York by train Saturday night.

The witness roster so far has included Thomas N. Dysart, Maurice Schweitzer, Ben Reingold, Hall Walsh, Clayton Lynch, Joseph Garrison, William Feldstein, Clarence Hill,

(*Continued on page 6*)

Two Bay State Bills Aimed at Bank Night

BOSTON, Jan. 19.—Two bills aimed at regulation and abolition of cash giveaways by theatres have been introduced in the state legislature. One, proposed by Frank Lydon, local exhibitor, seeks an amendment to the present general laws which would declare bank nights not to be lotteries unless the participants were required to pay money or assume a risk of loss.

The second seeks to have bank nights specifically declared illegal in the state.

Hays for Split of Will Rogers Funds

OKLAHOMA CITY, Jan. 19.—Division of funds raised in the Will Rogers memorial drive between California and Oklahoma has been approved by Will H. Hays, general chairman of the finance committee.

By telephone, Governor Marland told Hays that he thought California should retain the funds raised there for a memorial in that state and Oklahoma should do the same for endow-

(*Continued on page 6*)

Profit Exceeds Total On All of Previous Fiscal Year

Profits of Warner Bros. Pictures, Inc., and subsidiaries, took a sharp jump during the three-month period ending Nov. 30. The net after deducting all charges, including interest, amortization, depreciation and Federal taxes, was $1,031,315.96. This bears out predictions made at the annual stockholders' meeting.

It is far greater than the net for the entire fiscal year ending Aug. 31, when the total was $674,158.96. For the same three-month period last year the net, after the charges mentioned above, was $16,248.69.

Gross income for the 13-week period was $8,602,147.32. Amortization of film costs, including depreciation of studio properties, was $4,873,634.14. Amortization and depreciation of

(*Continued on page 6*)

Court Decides Fox Must Be Examined

William Fox will have to submit to oral examination as to his financial resources or be adjudged in contempt of court as a result of the dismissal by the U. S. Circuit Court of Appeals on Saturday of his appeal from a contempt citation by Federal Judge William Bondy.

Fox failed to answer a subpoena served on him by the Capital Co., which holds an unsatisfied judgment for $280,000 against Fox, and was cited for contempt by Judge Bondy,

(*Continued on page 6*)

Those Passes!

Mexico City, Jan. 19.—A warning to grateful exhibitors who issue passes for favors:

A lawyer in Leon, Guanajuato state, has sued an exhibitor for $2,500 because the exhibitor cancelled a pass granted the attorney and his family for a favor rendered many years ago. The lawyer said the cancellation hurt his dignity, but the exhibitor contends the pass was not issued for life.

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MAURICE KANN
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Brown to Baltimore In Loew's Changes

WASHINGTON, Jan. 19.—Louis A. Brown, for nearly four years chief publicist for Loew theatres here, has been named to a similar position in Baltimore, succeeding Herbert Morgan, promoted to shorts subject manager in the M-G-M home office.

Brown will handle publicity for Loew's Century, Valencia and Parkway. He is succeeded by J. Raymond Bell, formerly Brown's assistant here. Brown was given a farewell party at the Carlton Hotel.

Weiss in Coast Deal

HOLLYWOOD, Jan. 19.—Louis Weiss has closed a deal with George M. Montgomery and Armand S. Cohn of All Star Features Distributors, Inc. for the California distribution of "Custer's Last Stand."

MITCHELL MAY, Jr. COMPANY
INC.
SPECIALISTS IN
FILM and THEATRE
INSURANCE
75 Maiden Lane New York
Los Angeles 510 W. 6th Street Cal.

Purely Personal

JOHN F. OTTERSON is scheduled to return from the Paramount studio Wednesday to attend the regular meeting of the Paramount board the following day.

•

EMMETT THURMON, secretary of the Rocky Mountain Theatre Owners' Ass'n., is in town from Denver on a brief business trip.

•

MARGARET CALLAHAN has returned here for a vacation. She plans to see as many plays as time will permit.

•

WILLIAM FITELSON is due back from the coast late this week.

•

. . . *Atlanta*

PAUL BRYAN, of Oklahoma City, former film salesman here, has returned to this city.

ARTHUR C. BROMBERG, head of Republic Pictures in the southeast, is in Birmingham and Memphis on business.

AL ROOK, former theatre manager in North Carolina, has joined the Republic sales force out of Atlanta.

KING CHARNEY of Agfa and S. S. KRELLBERG were in Atlanta this week, the former en route to the coast by auto, and the latter accompanying him as far as Dallas.

•

. . . *Denver*

BILL AGREN, Fox theatre booker, has just returned from California.

HARRY GOLUB has been in a hospital for a minor operation. He is manager of the RKO Orpheum.

ARCHIE HURLEY is building a new theatre at Tucumcari, N. M., to be opened in the spring.

AL GORREL is back from Hollywood with several films to distribute in this territory.

JOE DEKKER, who has been playing some great golf lately, recently made an eagle two on a par four hole at Berkeley golf course, and went around nine holes in 37.

TONY ARCHER flew east and back on a hurried business trip.

•

. . . *Pittsburgh*

MRS. IRA. COHN won first prize in a costume ball aboard the *Kungsholm* during her recent three-week cruise.

SAM STERN is running into a lot of tough luck. He left the hospital a few weeks ago after a threatened breakdown and now he's back again to eliminate a bad case of ptomaine.

HARRY PUGILESE has just been named manager of the Variety Club, replacing RED BRACCONIER.

Portland Gets "Dream"

PORTLAND, Jan. 19.—"A Midsummer Night's Dream" opened last night at the Mayfair after an exceptionally heavy exploitation campaign. It is booked for 14 days, with a guaranteed sellout of $12,500 for the first week. This is claimed to be a record here.

Alton House Damaged

ST. LOULS, Jan. 19.—The Gem, Alton, was almost ruined when a fire caused $10,000 damage. The theatre was closed at the time.

Money Export Ban Restricts German Trade

(*Continued from page 1*)

companies have come under a new regulation which forms a part of the kontingent laws in effect since 1916, although in a different form.

In the past the wording of the kontingent law has been changed every year, making a clear policy for an extended range of years impossible for American companies. Since the arrival of the new Government the kontingent provisions have been untouched, only the prices of the kontingent licenses having been changed in the meantime.

Import Licenses Distributed

Each year, at least since the present stipulations have been in force, 105 import licenses have been distributed. Sixty of them are handed free of charge to distributors of German films and 30 to exporters of German films. The 60 distributors' licenses must, according to the provisions of the law, be used by distributors themselves and are non-transferable. The 30 exporters' licenses, however, are transferable once and have, in former times, been sold to U. S. companies at a price which has been regulated by market conditions. To prevent an over-rating of these exporters' licenses the Government prescribed at the end of 1934 a price of 20,000 marks ($8,000) for each license. After a stormy debate, which was conducted by George R. Canty, U. S. Trade Commissioner, the Government agreed to reduce this price and introduced a sliding scale.

The main point of this regulation is, that the wholesale price is reduced to 10,000 marks ($4,000) if the imported film is to be run in Germany in foreign language (original version) or with super-imposed German titles.

If this film is dubbed in German in a German studio with German negative stock and German actors, the price is reduced to 9,000 marks when more than 20,000 reichsmarks are paid for the dubbing. For each 5,000 marks more spent in making the German version the license price is reduced by another 1,000 marks, so that 5,000 marks are paid when the cost of the dubbing reaches the 40,000 mark limit.

U. S. Films Best of Foreigns

The license is issued on presentation of bills. After the American film companies retired from production the showing of U. S. films depended upon the availability of exporters' licenses and external licenses were used to differentiate them from the 60 internal licenses. Internal and external licenses make a total of 90 licenses every year, so that 25 licenses per year remain in the hands of the Government which are issued only when a special need for films exists.

U. S. films have always held first place so far as foreign-made product is concerned and there is no sign of a change in this connection. This preponderance of American films is mainly due to the fact that with a few exceptions only American film companies have their own representation in Germany.

Selection of American films for this market has not always been good. Some have done a tremendous business, beating house records. Others, however, have completely failed.

Some countries send films abroad which have been unsuccessful in the country of origin largely to cover the expense of production. This is always wrong. It spoils the market and hurts following productions because of the dissatisfaction of exhibitors.

Restrictions on Foreign Films

Germany has severe provisions for the showing of foreign-made films. Each company has to arrange a trade show which must be published three days ahead in the official organ of the Ass'n. of German Film Exhibitors. Even when there is a contract signed months before the exhibitor has a right to refuse the film within four days after the first public presentation. This provision causes constant fluctuation in the number of bookings and complicates the problems of foreign companies, which, generally, present films in original versions at first to judge reactions of the public and the press.

Germany considers films a cultural medium rather than mere distractions and films with logic and reasonable scenarios, and, possibly, with a healthy and fine humor, are more welcomed than typical American features which are rarely understood here. Historical films have a better chance than modern satires, human features a greater one than "hot stuff."

Oklahomans Attack Cooper Foundation

(*Continued from page 1*)

which was organized recently to fight an alleged monopoly of films which is said to be denying pictures to "schools, churches and independent exhibitors."

Cooper operates 30 theatres in partnership with Paramount. He plans to build two new houses here and others at Ardmore and Bartlesville and devote his share of the profits of the entire group to a $1,000,000 foundation for the establishment of homes "to maintain and provide education for destitute, deserving youngsters."

Cooper's plan was also criticized by Paul Harrup, president of the council, as socially unsound. "I am greatly opposed to the institutionalizing of children," he said. "In my work as boys' secretary of the Y. M. C. A., I have observed the situation closely and I have learned that boys who come to us from institutions definitely are not well prepared for life. They lack initiative. Granted that Cooper is sincere in his plan, I believe that the money could be spent to greater benefit."

Harrup declined to comment on whether he believed the council or the Y. M. C. A. could put Cooper's money to better use.

Has New Camera Device

ROCHESTER, Jan. 19.—Eastman Kodak has developed Polascreen, a camera device to remove the oblique glare of reflection from surfaces not intended to be in the picture. Similar to a lens filter, the device may be used in either still or motion picture camera work.

A Republic

ACHIEVEMENT TO MAKE ANY COMPANY PROUD

★

FIVE IN JANUARY

LOEW CIRCUIT

•

"$1,000 A MINUTE"*

with

ROGER PRYOR
LEILA HYAMS

•

"FORCED LANDING"†

with

ESTHER RALSTON
ONSLOW STEVENS
SIDNEY BLACKMER
TOBY WING
EDDIE NUGENT

•

RKO CIRCUIT

•

"HITCH-HIKE LADY"†

with

ALISON SKIPWORTH
MAE CLARKE
ARTHUR TREACHER
JAMES ELLISON
WARREN HYMER

•

"FRISCO WATERFRONT"†

with

BEN LYON
HELEN TWELVETREES
ROD LA ROCQUE

•

REPUBLIC PICTURES

"The Crime of Dr. Crespi" BOOKED INTO NEW YORK'S New RIALTO THEATRE

*FIRST RUN NEW YORK ROXY & BROOKLYN STRAND

†FIRST RUN FOX'S BROOKLYN

"HITCH-HIKE LADY"

BOOKED FIRST RUN

Boston Theatre, Boston, Mass.
Strand Theatre, Syracuse, N. Y.
RKO Golden Gate, San Francisco, Calif.
RKO Downtown, Detroit, Mich.
Fulton Theatre, Pittsburgh, Pa.
Fox's Brooklyn, N.Y.

JANUARY IS DEFINITELY Republic MONTH

UNIVERSA



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RADIO

VAR

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COPYRIGH
NEW Y

Vol. 121 No. 5

Mpls. Orph Ups 40c to 55c for 'Obses And They Love It, $14,000;

For the first time the Orpheum has upped its top from 40c to 55c for a screen offering sans stage entertainment and the public response to 'Obsession' seems to justify the procedure.

Orpheum (Singer) (2,890; 25-35-55) 'Magnificent Obsession' (U).—Swell exploitation campaign and picture's own superlative merits bringing 'em in, plenty of feminine patronage for this one and advanced prices not keeping 'em away, en route to fine $14,000. Last week, 'Dream Too Much' (RKO), $6,700, fair.

'OBSESSION' BIG $12,000 2D WK. BUFFALO

Lafayette (Ind.) (3,400; 25) — 'Obsession' (U) (2d week). Still running close to top speed, with second stanza satisfactory in every way. Around $12,000. Another h.o. maybe. Last week, all attendance records for house broken; high at $17,000.

PTSBG'S 'OBES IS M

'Magnifice to great St with smas and certa opening $10,000, t or witho and wit yond th into re

Alv 'Mag awe har ou o'

'Obsession' 29C

25-3

ADD TO THESE THE MOST PHENOMENAL RECORD OF HOLDOVERS AND EXTENDED RUNS EVER CHALKED UP BY A SINGLE PICTURE!

AND KEEP YOUR EYE ON MARGARET SULLAVAN IN URSULA PARROTT'S "NEXT TIME WE LOVE"!

L STEALS

ETY

15¢

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64 PAGES

EDNESDAY, JANUARY 15, 1936

'OBSESSION' AT $20,000 IN HUB, MAGNIFICENT

Boston, Jan. 14.

(Best Exploitation: Keith's)

For straight film strength 'Magnificent Obsession' at the Keith Memorial seems to have edge on town at $20,000 pace. Getting ace play from women on matinees, but plenty femmes are dragging in escorts for night shows to swell the take to that very satisfactory figure.

Keith Memorial (RKO) (2,900; 25-35-50) — 'Magnificent Obsession,' (U). Very attractive here and heading towards dandy $20,000.

K.C.'S B.O. BALLY, 'OBSESH' $12,000

Tower (Rewot) (2,200; 25-35)—'Obsession' (U) and 'Black and White' revue. Management went on the billboards for the picture, and gave it extra newspaper space; better than normal, headed for near $12,000, big.

'OBSESH,' 13G, FRISCO OK

Orpheum (F&M) (2,440; 30-35-40)—'Obsession' (U). Looks like a smash week for this house; ought to hit better than $13,000.

Chi $50,000 with 'Obsesh' Magnif at $27,000,

In two other spots the pictures are the heavy money-makers. 'Magnificent Obsession' heads into the high water figures at the Palace and from indications on its opening days, it looks a cinch for at least a two or three weeks' gallop.

Palace (RKO) (2,500; 25-35-55-65)—'Obsession' (U), and vaude. Weaver Bros. heading the vaude. Picture is packing 'em, crowding the register to its biggest slice of money in many weeks. Looks like a holdover at $27,000, on almost completely adult draw.

'OBSESH,' 'CITIES' 2 H.O. IN ST. L. A RECORD

St. Louis, Jan. 14.

(Best Exploitation: Fox)

It's been ages since two St. Louis cinema palaces had celluloid features of sufficient b.o. at same time to hold 'em over for a second week but that is situation here this week. Fox. F&M's big first runner in midtown, is showing 'Obsession' for second week to swell business.

Fox (F&M) (5,638; 25-35-55)—'Magnificent Obsession' (U) (2d wk) First week was a surprise to town and word of mouth got b.o. $17,600 to count; second week is still going strong and should finish for a nice $11,000.

Radio City Music Hall (5,989; 55-60-85-99-$1.10-$1.65) — 'Magnificent Obsession' (U) and stage show. Opened 30 for 10-day run and stanza's ground $135,000, excellent shows New York shows. 'Lit-

For L. A. 'Obsession' Strong at $25,000,

Pantages (Pan) (2,700; 25-35-40)—'Magnificent Obsession' (U). With two previews thrown in on first three nights, this one, though not needing that aid, is headed for close to $13,000 on first week.

'Obsesh' $8,300, Indpls.

The Indiana is in the money on 'Magnificent Obsession' with a probable take of $8,300.

Indiana (Katz-Feld) (3,100; 25-40)—'Magnificent Obsession' (U). Word of mouth and reviews helping this one build along to a very good $8,300.

'Obsession' $17,500, Cincy

Cincinnati, Jan. 14.

(Best Exploitation: Albee)

Only two fresh releases at the major stands currently, and they're real b.o. 'Magnificent Obsession,' at the Albee, is the acer at a $17,500 tempo.

Albee (RKO) (3,300; 35-42)—'Magnificent Obsession' (U). Irene Dunne the heavy noise, ticketed for $17,500, fine..

'Obsession' $9,500,, Balto

Baltimore, Jan. 14.

Keith's (Schanberger) (2,500; 15-25-30-35-40)—'Obsession' (U). A veritable blaze at the b.o. for the best week house has had all this season. Smashing $9,500 and will hold on for a while.

'Obsession,' 10 Days, $135,000.

Behind good exploitation and strong local angle on author's book, 'Magnificent Obsession' is pulling in a terrific $29,000 clientele at Fox, while Paul Muni with 'Bride Comes C.O.D.' for about $28,00 [illegible] latter fig

U. S. May Finish in St. Louis This Week

(*Continued from page 1*)

Robert Taylor, Clarence N. Turley, Spyros Skouras, Joseph H. Grand, Jacob Chasnoff, J. M. Ulmer, B. D. Gordon, David Levinson, Jack Partington, Frederick Kreismann and Marco Wolff, the latter resuming Monday when ex-Senator James A. Reed will take up the pounding he left off on Friday. Louis Phillips for Paramount and George S. Leisure for RKO then will get the witness.

While the third week which starts Monday morning may find the Government resting its case before Saturday there is nothing at all definite about such a forecast.

Among the important witnesses who are here on Government subpoena are Harry C. and Milton B. Arthur, John S. Leahy, Irving Lesser, Cresson E. Smith and Fred Wehrenberg. They are awaiting the call which may never come.

Theatres Picking Up In the Philippines

WASHINGTON, Jan. 19.—Improved conditions in the Philippines have increased attendance at theatres, according to a report to the U. S. Department of Commerce from its Manila office.

An up-to-date theatre called the State has been opened in Manila. It has 1,020 seats, is air-conditioned, and is the first in the Philippines to have elevators to the balcony.

With the opening of the State, the Philippines have a total of 313 houses, which is equivalent to one for every four municipalities, or for every 43,000 inhabitants. Manila leads with 93, or one for every 3,000 of the population. Rizal, the neighboring province, is third with 18, being exceeded by Occidental Negros with 22. Laguan, Tayabas, and Pampanga provinces, all on Luzon Island, follow with 16, 13, and 12 respectively.

Hays for Split of Will Rogers Funds

(*Continued from page 1*)

ment of a hospital for handicapped children at Claremore, Okla.

Further, he said, all other general funds should be divided between the two states.

Hays informed the Governor that a hospital in New York, valued at $1,046,000, had been dedicated for a Will Rogers memorial hospital for theatrical folk. Five theatrical agencies have agreed to raise $100,000 each year to support it.

W. B.'s "Forest" for M. H.

The Music Hall has booked Warner's "The Petrified Forest," starring Leslie Howard, for the week beginning Feb. 13. This is the fourth Warner picture to play the Music Hall instead of one of the company's own Broadway houses.

Move Up "Prairie" Date

HOLLYWOOD, Jan. 19. — Paramount has moved up the release date on "Call of the Prairie," fourth of the "Hop-a-long Cassidy" series, from April 17 to March 6. The picture was finished this week.

On the Lighter Side

By BILL ORNSTEIN

ST. LOUIS, Jan. 19.—FRED WEHRENBERG, who nabbed 61 rabbits on a shooting foray a couple of days ago and who subsequently was kidded as to their disposal, declares he has solved the problem.

All his friends and employes were on the receiving end. The remainder were converted into hassenpfeffer.

✚

The bunch has found a new eating place, the Victoria Club. It's run by CHRIS ALLOS, a friend of SPYROS SKOURAS. That may or may not be.

Every Greek restaurant owner in town claims to know the SKOURASES intimately.

✚

JACK FOWLER, secretary to GEORGE S. LEISURE, special counsel for RKO, volunteers the information he is one of the ranking experts on bridge in New York.

✚

BILL BENHAM, special investigator for the Department of Justice, has dropped his Pickwickian collars for the loose and easy soft collar-attached idea. His appearances in court on the former standard were greeted with "Hello, Deacon."

✚

Ex-Senator JIM REED has a new solution to the recess solution. He now merely walks out instead of asking the court for a respite.

✚

ABEL CARY THOMAS hasn't missed a single day in court.

✚

The Government's witnesses dutifully each day check into the Federal district attorney's office to have their "report cards" checked off. No checks, no $4.50 allowance per diem.

✚

Where do the witnesses keep themselves?

Excluded by JUDGE MOLYNEAUX while brother witnesses are on the stand, they presumably are to hold themselves in readiness in Witness Room No. 3, set aside for that purpose.

However, on inspection, the room was found locked.

Southio Circuit Now Controls Ohio Town

MIDDLETOWN, O., Jan. 19.—Southio Theatres, Inc., a Paramount subsidiary, has leased the Gordon and Sorg, formerly controlled by Gordon Theatres, Inc., and now dominate this town with operation of the Paramount and Strand, which gives the organization 5,500 out of the 6,000 seats in this 30,000 population situation. The Sorg is one of the oldest stands in the territory and was recently acquired by the Gordon interests.

Under the new setup, prices at the Gordon have been reduced from 35 to 25 cents, and the Strand prices boosted from 15 to 20 cents. Both are all-day prices. James Stamper, assistant manager at the Strand, becomes manager of the Sorg, and Robt. Gibbs, Jr., in charge of the Sorg, goes to the Gordon. R. E. Peffley remains as city manager.

U. S. Pictures Lead In the Danish Field

WASHINGTON, Jan. 19.—During the first seven months of 1935, 80 per cent of the paid admissions to all theatres in Copenhagen, Denmark, were to film houses, according to a report from that city to the U. S. Department of Commerce. American films rank first among imported pictures, with German second and British third. It is estimated American films accounted for 60 per cent of the pictures released during the first nine months of last year.

There are now more than 300 houses in the country wired for sound. Generally speaking, says the report, pictures favorably received in the United States are also popular in Denmark.

Douglas Back at Work

BOSTON, Jan. 19.—Kenneth Douglas has returned to his post as manager of the Capitol Theatre Supply Co. here after being confined following an emergency appendicitis operation.

Last Arguments Up Today on Sale Tax

(*Continued from page 1*)

pected within a few days following the hearing. Local distributors already are prepared for an either partially or wholly adverse decision, which will be appealed immediately to the appellate division. Although the tax already is being collected by the exchanges it will be refunded to exhibitors if the exchanges are successful in their efforts to have the assessment declared illegal.

Court Decides Fox Must Be Examined

(*Continued from page 1*)

who, however, provided that Fox might clear himself by submitting to the examination sought by Capital. Fox appealed from this ruling and as a result of the circuit court's decision on his appeal, attorneys in the case are expected to agree within the next few days on the time and place for the examination of Fox. The latter is now in Toronto.

Walgreen Finances Film

CHICAGO, Jan. 19.—C. A. Walgreen, drug store magnate, is financing the first picture to be made in the old Essanay studios by Wilding Pictures. The picture will be a one-reeler derived from the poem, "Lincoln, the Man of the People." Edwin Markham, who wrote the poem, is appearing in the picture which will be ready for release next month. Cullen Landis is directing.

U. A. Members to Meet

HOLLYWOOD, Jan. 19.—A series of meetings is to be held by United Artists' producer-members this week for discussion of details of Douglas Fairbanks' plans as a result of his five-year absence. Other current problems also will be taken up.

Work on "Marco Polo" will be held in abeyance in the meantime, it is said.

Warners' Net For 3 Months $1,031,315

(*Continued from page 1*)

properties (other than $188,737.02 in respect of studio properties charged to film costs), interest and provision for investments in affiliated companies, totaled $2,586,740.93, leaving a profit of $1,141,772.25 before other income, minority interests' share of profits and losses and Federal income taxes.

Other income included interest and discount earned, dividends received from affiliated companies, additional proceeds under the settlement with Erpi and from miscellaneous sources. This totaled $119,459.14.

Profit before providing for Federal income taxes was $1,258,359.16. Income taxes reduced this by $227,043.20.

A discount of $568,535.07 realized on redemption of six per cent convertible debentures and bonds of subsidiary companies was applied to the deficit account, thereby reducing the total of this to $13,361,458.93.

The consolidated balance sheet as of Nov. 30 shows total current assets of $20,377,695.17, including cash of $3,541,220. Current liabilities totaled $14,886,442.30.

Pauline Frederick Ill

HOLLYWOOD, Jan. 19.—Pauline Frederick, for many years a stage and screen star, is at the Cedars of Lebanon Hospital here, where she was operated on for an intestinal obstruction.

U. S. Dept. Finishes 5

WASHINGTON, Jan. 19.—The U. S. Department of Agriculture has available three silent and two sound subjects, in one and two reels, on various subjects pertaining to its work.

Wall Street

Eastman Issues Up on Board

	High	Low	Close	Net Change
Columbia	44½	43½	43½	.....
Columbia, pfd.	50⅛	50⅛	50⅛	+ ⅛
Consolidated Film.	6	6	6	.....
Consolidated, pfd.	18¾	18¾	18¾	.....
Eastman Kodak	160¾	160¾	160¾	+ ¾
Eastman pfd.	165	165	165	+2
Loew's Inc.	50¾	50¼	50¾	— ⅝
Paramount	10¼	10	10⅛	.....
Paramount 1 pfd.	80½	80	80	.....
Paramount 2 pfd.	12	11¾	11¾	— ⅛
Pathe Film	7⅝	7⅝	7⅝	+ ⅛
RKO	7½	7⅛	7⅛	— ⅜
20th Century-Fox.	25½	25⅛	25⅛	— ⅜
20th Century, pfd.	34¼	33⅞	34¼	+ ¼
Universal pfd.	70½	70	70½	+ ⅝
Warner Bros.	10⅝	10¼	10½	.....

Sentry Control Off Fractionally

	High	Low	Close	Net Change
Sentry Safety	⅞	¾	¾	— ⅛
Technicolor	21⅝	21⅝	21⅝	.....

Little Activity in Bonds

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	24	24	24	— ⅜
General Theatre Equip. 6s '40 ctf.	24	24	24	—1
Paramount Pictures 6s '55	93	93	93	.....
RKO 6s '41 pp	80	80	80	.....
Warner Bros. 6s '39 wd	89	89	89	.....

(Quotations at close of Jan. 18.)

Short Subjects

"Unrelated Relations"

(*Columbia*)

Monte Collins awakes in his boarding house room and a little later becomes rich by virtue of oil stocks which overnight have proved valuable. He marries Ruth Skinner, and the bride has her relations come to live with them. The usual mother-in-law, brother-in-law comic angles arise and Collins brings in a rival for them, Louise Carver. Miss Carver brings along her wrestling sons, and together they proceed to wreck the place. Collins is again seen back at the boarding house lunging after the breakfast where he is happy. Production Code Seal No. 1773. Running time, 18 mins. "G."

"Excursions in Science No. 2"

(*G.E.-A.O. Bondy*)

An interesting industrial subject that should entertain and instruct audiences, this film shows a toothless set of gears, a sorting "phototube" and the manufacture of electric bulbs. The latter part is the most interesting. From the materials that go into the making of glass there is shown the gradual construction of bulbs right to the finished product. Excellent photography of the various machines reveals mechanical wonders. This should satisfy curiosity as to how bulbs are made. Distributed free as advertising. No production code seal. Running time, 11 mins. "G."

"King of the Mardi Gras"

(*Paramount*)

Popeye and his man mountain rival in this one have rival spots on a midway and each boasts of his superiority to draw the crowd from the other. The rival makes off with Popeye's girl and the usual chase takes place on a roller coaster which makes for an exciting few moments with some spectacular animation. As usual the spinach settles accounts. Good cartoon offering. Production Code Seal, No. 0485. Running time, 7 mins. "G."

"Scrappy's Boy Scouts"

(*Columbia*)

A somewhat far fetched version of Boy Scout activities, this cartoon, by merit of some novel invention should prove entertaining. The theme concerns Scrappy's attempts to join a troop. He is found not to be up to standards and rejected. As the troop marches off he leads his own troop of dachshunds on a hike. Later he rescues the outfit that rejected him in a storm and is taken in after saying the scout oath. Production Code Seal, No. 1613. Running time, 7 mins. "G."

"Morocco"

(*Van Beuren-Radio*)

Differing from other offerings of the same country, this one gives glimpses of the handicrafts and arts of the polyglot populace. There is to be seen the tanning of Moroccan leather, silk making, manufacture and methods of dyeing. Interesting dialogue jocularly explains the gathering of snails and young locusts as food delicacies. Novel shots of peculiar eating customs in a native restaurant close an offering of merit. Good travel fare. Production Code Seal, No. 1572. Running time, 11 mins. "G."

Looking 'Em Over

"Soak the Rich"

(*Paramount*)

The unquenchable Ben Hecht and Charles MacArthur, who wrote, directed and produced this picture, have done a farce comedy centered about an extremely wealthy man, his spoiled daughter and a group of "radical" college students, who, the Hecht-MacArthur combine is at pains to point out, are merely suffering from the modern form of intellectual growing pains.

As comedy, it has some mildly amusing moments, but, as in the case of other of the pair's pictures, it is pointed, but perhaps not very accurately, for the sophisticated screen audience. It is, in effect, considerably more of a stage play lifted bodily to the screen, and it is open to question whether the average film patron will find much in it to entertain. The cast is headed by Walter Connolly, the only player whose name is apt to mean anything on the theatre marquee. Mary Taylor, with an amateur dramatic club speaking voice, plays his spoiled daughter; John Howard the young "radical," and Lionel Stander, Ilka Chase and Alice Duer Miller have the more important minor roles.

Connolly rants and raves over the "soak the rich" taxation, feels sorry for himself, and goes completely into the air when Miss Taylor, electing to return to the college her father built, falls in with Howard, leader of a small faction of students crying for the oppressed and poor. When the two fall in love, via considerable by-play which ridicules the boy's radical notions, Connolly takes a hand, attempting to steer her away from Howard. She is kidnapped by a lunatic, rescued through more farce comedy, and eventually turns against Howard and his professed ideals. Then the showdown, when Howard's resistance is broken down by the girl, and romance wins, while his erstwhile "radical" group enjoys the Connolly champagne, and ends by singing his praises.

It is, on the whole, a typical Hecht-MacArthur concoction, not, however, nearly so promising as certain of their earlier efforts. Some of their horse-play in this is not very funny and much of it is questionable in taste and judgment.

Production Code Seal, No. 0761. Running time, 87 minutes. "G."

Columbus Front Novel

COLUMBUS, Jan. 19.—One of the most modern fronts in the country has been installed at the RKO Palace, with an iridescent color motif, an indirect lighting arrangement and revolving figures of picture stars. Several types of glass, steel and porcelain enameled sheet steel and similar materials have been used for a red, blue and black color scheme which is trimmed in silver and gold.

Fifty thousand watts thrown off by 500-watt bulbs are used in lighting the new front.

Hartford House Closes

HARTFORD, Jan. 19.—The Loew-Poli Palace is closed because of lack of pictures. The house had been running holdovers from the Poli Capitol. "Ah Wilderness" didn't seem to warrant one, and the theatre closed. Lou Cohen, manager, hopes to be able to open Jan. 24 with a holdover on "Riffraff."

Atlanta Bowlers Busy

ATLANTA, Jan. 19.—Film Row has formed a Duckpin League, composed of teams from Paramount, M-G-M, Columbia, Theatrical Printing Co., Lucas & Jenkins and National Screen Service. Teams are "mixed," with women outnumbering the men on some of them.

Charter Jefferson Corp.

ALBANY, Jan. 19.—The Jefferson Amusement Corp. has been chartered here by Nettie Weisman, Lee Resnick and Edward Lee.

Old Films for Seattle

SEATTLE, Jan. 19.—In association with the Museum of Modern Art in New York, the University of Washington division of drama has scheduled a series of films showing their advancement from 1895 to the beginning of sound. Admission will be by series ticket only, to be sold for $2 for the five shows. The Egyptian, in the University district, will have the show for two days each month from Jan. 23 until May.

"Burlesque," "Navy Wife" Lead in K.C.

KANSAS CITY, Jan. 19.—With programs running from seven to 10 days as a result of the New Year's Eve shows at advanced prices, grosses were up.

"King of Burlesque" and "Navy Wife," on a dual at the Uptown, were nearly 100 per cent over par on a take of $8,000 for 10 days.

"Riffraff," held to a normal seven days at the Midland, ran up to $15,800, topping normal by $3,800. "Rose of the Rancho" was strong with $10,400 at the Newman. "Sylvia Scarlett," with a vaudeville bill at the Mainstreet, failed to make the grade, closing a nine-day run at $11,500.

Snow, followed by sleet and slush for three days, failed to hurt business.

Total first run business was $53,200. Average is $43,800.

Estimated takings:

Week Ending Jan. 7:
"RIFFRAFF" (M-G-M)
MIDLAND—(4,000), 25c-40c, 7 days. **Gross:** $15,800. (Average, $12,000)

Week Ending Jan. 8:
"ROSE OF THE RANCHO" (Para.)
NEWMAN—(1,900), 25c-40c, 8½ days. **Gross:** $10,400. (Average, $8,000)

Week Ending Jan. 9:
"IF YOU COULD ONLY COOK" (Col.)
TOWER—(2,200), 25c-35c, 7 days. Stage: Pinky Lee Co., Pete, Our Gang Dog, Six Avalons, and the Three Brown Buddies. **Gross:** $7,500. (Average, $7,000)
"SYLVIA SCARLETT" (Radio)
MAINSTREET—(3,100), 25c-35c-50c, 9 days. Stage: Benny Meroff & His Orchestra, with Little Jackie Heller, Jack Marshall, Florence Gast, Larry Powell, Jeffrie Gill, Coffie Sisters, Babs LaVal, Peter Ray, Meroff's Glee Club. **Gross:** $11,500. (Average, $12,000)

Week Ending Jan. 10:
"KING OF BURLESQUE" (20th-Fox)
"NAVY WIFE" (20th-Fox)
UPTOWN—(2,000), 25c-40c, 10 days. **Gross:** $8,000. (Average, $4,800)

Saunders Back on Job

BRIDGEPORT, Jan. 19.—Matt Saunders, manager of the Poli Palace, has resumed his duties after a week's illness.

BY ORDER OF SUPREME COURT: NEW YORK COUNTY

RECEIVER'S SALE

PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF
Vs. PHOTOCOLOR CORPORATION, PHOTOCOLOR PICTURES, Inc., et al

ARTHUR ALBERT, AUCTIONEER

WILL SELL AT PUBLIC AUCTION ON

THURSDAY, JANUARY 23, 1936, AT 11 A.M.

AT SOUTH ASTOR STREET

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THE COMPLETELY EQUIPPED and MODERN PLANT FOR PRODUCING MOTION PICTURES IN COLOR

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Shout The News

"THE GREATEST AIR F

Men! Here's a show that's absolutely classic, epic, colossal—in fact we'd ever go as far as to say it's a real good picture! Now for the luvva Mike and Pa and Jimmy, don't let it go out as just another Cagney-O'Brien hit!

Sure there's magic in those names... But don't let them carry the whole load

CEILIN

(Ask anybody in New York who

JAMES

CAGNEY

WARNER BROS. started th
ago with daily key-paper publicit
– – from coast to coast. And a
will back the engagements in fif

SENSATIONAL PREMIERES LA

Now don't be bashful abo

✳ Jimmie

With June Travis • Stuart Erwin • Barton MacLane Henry Wadsworth Martha Tibbetts Isabel Jewel • Directed by Howard Hawks

A Cosmopolitan Production
A First National Picture

The Skies, About
SINCE HELL'S ANGELS"*

You can get a lot more dough than this duo ever snared before if you'll bang home the news that this picture has a lot more innards and assorted entertainment features than any of their other shows.

So don't hold back on the promotion beat. Don't be afraid to step right out and tell the whole stirring truth about

ZERO

it was on the stage last season!)

PAT O'BRIEN



s story rolling for you three weeks
ncluding 29-day story serialization
imately 5000-line ad campaigns
major territories starting with the

EEK IN NEW YORK & BOSTON

ng in—and cashing in!

e Radio

FLASH BULLETIN!

Mark Hellinger, in his nationally syndicated column:
"Don't miss 'Ceiling Zero' when it reaches your vicinity. And if you don't get a kick out of it, run—do not walk—to the nearest doctor."

Grosses Leap On the Loop; 'Whipsaw' Top

CHICAGO, Jan. 19.—First runs had the best week since the opening of the Century of Progress exposition. The Chicago's gross was the best in two years, with "Whipsaw" on the screen and Burns and Allen heading the stage show. The $51,200 gross was $19,200 over normal.

"Mutiny on the Bounty" ran $3,100 over the line to a total of $4,500 at the Apollo. "I Dream Too Much," with Ken Murray on the stage at the Palace, was $13,500 to the good on a take of $32,500 at the Palace. At the Oriental a combination of "This Is the Life" and a Major Bowes' amateur unit on the stage hit $24,700. This was $9,700 above par.

Total first run business was $142,400. Average is $117,000.

Estimated takings:

Week Ending Jan. 7:

"MUTINY ON THE BOUNTY" (M-G-M)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $7,600. (Average, $4,500)

"SPLENDOR" (U. A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days, 2nd week. **Gross:** $13,000 (Average, $17,000)

Week Ending Jan. 9:

"I DREAM TOO MUCH" (Radio)
PALACE—(2,509), 25c-35c-50c, 8 days. Stage: Ken Murray, Lillian Roth with stage revue. **Gross:** $32,500. (Average, $19,000)

"WHIPSAW" (M-G-M)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Burns and Allen in person with Ben Blue and stage revue. **Gross:** $51,200. (Average, $32,000)

"THIS IS THE LIFE" (20th-Fox)
ORIENTAL—(3,490), 25c-40c, 7 days. Stage: Major Bowes' Amateurs No. 3. **Gross:** $24,700. (Average, $15,000)

"MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
GARRICK—(900), 25c-35c-50c, 7 days, 2nd week. **Gross:** $7,000. (Average, $5,500)

Week Ending Jan. 10:

"REMEMBER LAST NIGHT" (Univ.)
STATE-LAKE—(2,776), 20c-30c-35c, 7 days. Stage: Verne Buck, Joan Abbott and Revue. **Gross:** $13,100. (Average, $13,000)

"ROSE OF THE RANCHO" (Para.)
ROOSEVELT—(1,591), 30c-40c-60c, 7 days, 2nd week. **Gross:** $11,000. (Average, $11,000)

Building Gains in Toronto; 4 Started

TORONTO, Jan. 19.—Further theatre building is in evidence here. The construction of the Casino, on Queen St., West in the downtown section, is well under way with the walls completed. This house, which will be operated by an independent enterprise, Casino Theatre, Toronto, Ltd., will cost $175,000. The plans by Kaplan & Sprachman provide for a full stage and all screen equipment, with a seating capacity of 1,200.

Kaplan & Sprachman have also drawn plans for an independent theatre on Danforth Ave., in Northeast Toronto, to cost $90,000 and with a capacity of 800. The name of the owner has not been divulged.

Bloom & Fine Theatres, a subsidiary of Famous Players Canadian Corp., operating a group of suburban houses here, has started the erection of a theatre on College St., near Brunswick Ave. W. C. McClelland, owner of the Capitol in North Toronto, is completing the Eglinton, Eglinton Ave., also in the North End.

This makes four new houses under way in Toronto alone.

Out Hollywood Way

HOLLYWOOD, Jan. 19.—JACK HOLT's next for Universal to be "International Team," an original by SCOTT DARLING and GEORGE WAGGONER . . . Paramount picks up option on Sir GUY STANDING, at present on loan to WALTER WANGER for "Palm Springs" . . . ANN DVORAK and her husband, LESLIE FENTON, back from Panama . . . PAUL DRAPER, finished at Warners, returns to New York.

LAIRD DOYLE, Warner writer, father of seven-pound boy . . . DAVID O. SELZNICK borrows MAX STEIMER from Radio to supervise the score and recording for "Little Lord Fauntleroy" . . . JOSEF PASTERNACK to direct the FRITZ KREISLER music in GRACE MOORE's next for Columbia . . . PERRY LIEBER, Radio publicity department, in hospital to have his tonsils out . . . JOE E. BROWN buys his fourth race horse . . . CHARLES BICKFORD training for Columbia's "U. S. Smith."

HAL ROACH to share half of JACK HALEY's contract with Twentieth Century-Fox . . . He will be starred in "Once Over," starting Feb. 15 . . . RONALD HOWARD, young son of LESLIE HOWARD, an extra in "Romeo and Juliet" . . . Republic to start five before the end of the month.

ANN DORAN replaces IRENE WARE in "The Show Goes On," SOL LESSER production . . . SAM BRISKIN finishes analysis of story material owned by Radio . . . Approves five stories, "Puzzle of the Briar Pipe," "One to Two," "Fugitive Gold," "Witness Chair" and "Mary of Scotland."

JEAN HERSHOLT sends 30 books and 16mm camera to DR. DAFOE . . . CLARK GABLE planning a trip to China . . . CLARENCE BROWN offers his private flying field to the Department of Commerce.

✚

Casting—MARISKA ALDRICH completes cast for Pickford-Lasky film, "One Rainy Afternoon" . . . LOUIS HEYWARD replaces ERROL FLYNN in "Anthony Adverse" . . . STUART HOLMES the heavy in Warners "Murder of an Aristocrat" . . . OSCAR POLK of "Green Pastures" cast set for "Hearts Divided," Warners.

EDGAR KENNEDY signed by M-G-M for "Small Town Girl" . . . JIM PIERCE and HENRY PEMBROKE added to HAL ROACH's "Kelly, the Second" . . . HORACE MURPHY and RAFAEL CARIO in "The Farmer and the Dell," Radio . . . BETTE DAVIS and GEORGE BRENT teamed in "The Golden Arrow," Warners . . . H. B. WARNER signed for Columbia's "Opera Hat" . . . JACK OAKIE lined up for "Florida Special" and "Burlesque" at Paramount . . . VIRGINIA WEIDLER and MIKE SIMMONS in "Good for Nothing," same studio. . .

✚

Directors—GENE YARBOROUGH, assistant at Radio, made a director on the next GENE AUSTIN short . . . ARTHUR JACOBSON's option as assistant lifted by Paramount . . . WILLIAM DIETERLE assigned by Warners to direct KAY FRANCIS in "Angel of Mercy."

✚

Writers—ELMER HARRIS assigned to script of DAMON RUNYON's "Three Wise Guys" . . . FRANK DOLAN on script of "The Puzzle of the Briar Pipe," Radio . . . SHERMAN ROGERS doing screen treatment of "Sitting on the Moon" and DORRELL and STEWART MACGOWAN assigned to "The Singing Cowboy," Republic . . . TOM REED doing screen story of "Gold Diggers," Warners.

✚

Title Changes—"Don't Bet on Love," Radio, now "Love on a Bet" . . . "Here Comes Trouble," new title for "The Black Gang," Twentieth Century-Fox . . . "Outlaws of the Range" picked as the title for the last of BILL CODY's series of eight . . . "Airhoppers" new title for PETE SMITH's short at M-G-M filmed as "Air Minded."

✚

Story Buy—LOUIS BROMFIELD's "It All Came True" acquired by Warners for DICK POWELL and RUBY KEELER.

Completing K. C. Houses

KANSAS CITY, Jan. 19.—The two Municipal Auditorium theatres, construction of which was contracted for separately from the main building which is now completed, will be ready for use about June 1, reports N. W. Hyland, acting director of public works.

Takes Pittsburgh House

PITTSBURGH, Jan. 19.—George Jaffe will take over the old Harris Theatre Feb. 1 and reopen it as a vaudeville and picture house. The Harris, which Warners have under a lease that still has a year to run, has been closed for more than two years. It will be renamed.

Acquires Montreal Theatre

MONTREAL, Jan. 19.—C. O. Auclair, proprietor of the Hollywood and Rex, has acquired the Stella which has operated for the past four years as the home of French stock presentations and stage revues. The Stella will be rebuilt and sound equipment will be installed.

Children Make Feature

PROVIDENCE, Jan. 19.—Believed to be one of the first features made with an entire cast of school children, "Colonial Rhode Island," now is being presented throughout the state as a preliminary to the Rhode Island Tercentenary celebration.

The players are all between the ages of eight and 12, and 655 children assisted in some way or other in the production. Robert W. Peabody, a school principal, directed, and the sequences were checked for historical accuracy by Howard M. Chapin, librarian of the Rhode Island Historical Society. The picture is in three episodes and runs for an hour and a half.

"Forest" Premiere Set

ST. LOUIS, Jan. 19.—The world premiere of "The Petrified Forest" will be held at the Orpheum here Jan. 31. The theatre will close for a half day in preparation for the opening night. The first showing will be at advanced admissions after which the regular grind policy will be effective.

"Obsession" Sensational On the Coast

LOS ANGELES, Jan. 19.—"Magnificent Obsession" cracked a few records in sensational day and date runs at the Pantages and Hillstreet. The take at the former, $12,400, was $9,200 over normal. At the latter the $11,500 gross was $3,500 over average.

Grosses were generally good. "If You Could Only Cook" garnered $21,000, over par by $3,000, at the Paramount with a stage show to help. "Captain Blood," playing day and date at the Warner houses, Downtown and Hollywood, took $11,000 at the former and $12,100 at the latter.

"A Tale of Two Cities" was weak at both the Chinese and Loew's State.

Total first run business was $96,450. Average is $86,150.

Estimated takings for the week ending Jan. 15:

"A TALE OF TWO CITIES" (M-G-M)
CHINESE—(2,500), 30c-55c, 7 days. **Gross:** $11,000. (Average, $12,500)

"FIRST A GIRL" (G. B.)
4 STAR—(900), 30c-55c, 7 days. **Gross:** $4,200. (Average, $12,500)

"THE NEW GULLIVER" (Amkino)
GRAND INTERNATIONAL—(750), 35c-40c, 7 days, 3rd week. **Gross:** $1,250. (Average, $1,200)

"MAGNIFICENT OBSESSION" (Univ.)
HILLSTREET—(2,700), 25c-40c, 7 days. **Gross:** $11,500. (Average, $8,000)

"A TALE OF TWO CITIES" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $12,000. (Average, $14,000)

"MAGNIFICENT OBSESSION" (Univ.)
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $12,400. (Average, $3,200)

"IF YOU COULD ONLY COOK" (Col.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Bill Robinson, Al Lyons and orchestra, F. & M. revue. **Gross:** $21,000. (Average, $18,000)

"CAPTAIN BLOOD" (W. B.)
WARNER BROS. (Hollywood)—(3,000), 25c-40c, 7 days, 2nd week. **Gross:** $11,000. (Average, $14,000)

"CAPTAIN BLOOD" (W. B.)
WARNER BROS. (Downtown)—(3,400), 25c-40c, 7 days, 2nd week. **Gross:** $12,100. (Average, $12,000)

"Bride" and "Air" Big in New Haven

NEW HAVEN, Jan. 19.—It was a big week, with New Year's Eve shows at advanced prices and extended runs to get back to the regular opening days. "The Bride Comes Home" and "Millions in the Air" nearly doubled normal at the Paramount with a gross of $9,500.

"Tale of Two Cities" was $1,200 to the good with $4,000 in its second week at the College. "Littlest Rebel" and "Your Uncle Dudley" ran $1,300 over the line to $9,300 at the Poli.

Total first run business was $30,800. Average is $19,300.

Estimated takings for the week ending Jan. 9:

"A TALE OF TWO CITIES" (M-G-M) (2nd week)
COLLEGE—(1,499), 35c-50c, 7 days, 2nd week. **Gross:** $4,000. (Average, $2,800)

"THE BRIDE COMES HOME" (Para.)
"MILLIONS IN THE AIR" (Para.)
PARAMOUNT—(2,400), 35c-50c, 9 days. **Gross:** $9,500. (Average, $4,800)

"LITTLEST REBEL" (20th-Fox)
"YOUR UNCLE DUDLEY" (20th-Fox)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $9,300. (Average, $7,000)

"CAPTAIN BLOOD" (F. N.)
"BROADWAY HOSTESS" (F. N.)
ROGER SHERMAN—(2,200), 35c-50c, 8 days. **Gross:** $8,000. (Average, $4,700)

"Bride" Tops Frisco Takes; Gets $25,500

SAN FRANCISCO, Jan. 19.—Heavy rains hit this city last week and left their mark on grosses, but there were two bright spots. "The Bride Comes Home" reached $25,500, over par by $4,500, at the Warfield. "I Dream too Much" was good for $15,000, up by $500, at the Golden Gate.

"Whipsaw" and "Freshman Love" managed to get a par $11,500 at the Paramount, but elsewhere grosses were pretty weak.

Total first run business was $77,500. Average is $80,400.

Estimated takings:

Week Ending Jan. 7:

"AH WILDERNESS" (M-G-M)
UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days, 2nd week. **Gross:** $5,500. (Average, $9,000)

"MR. HOBO" (G. B.)
"MAN OF ARAN" (G. B.)
EMBASSY—(1,400), 15c-25c-35c, 7 days, 3rd week. **Gross:** $2,200. (Average, $3,600)

"I DREAM TOO MUCH" (Radio)
GOLDEN GATE—(2,850), 25c-35c-40c, 7 days. Stage, band. **Gross:** $15,000. (Average, $14,500)

"THE BRIDE COMES HOME" (Para.)
WARFIELD—(2,680), 25c-35c-40c-50c, 7 days. Stage, band. **Gross:** $25,500. (Average, $21,000)

Week Ending Jan. 8:

"IF YOU COULD ONLY COOK" (Col.)
"GREAT IMPERSONATION" (Univ.)
ORPHEUM—(2,440), 15c-25c-35c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $6,800)

"WHIPSAW" (M-G-M)
"FRESHMAN LOVE" (W. B.)
PARAMOUNT—(2,740), 25c-35c-40c, 7 days. **Gross:** $11,500. (Average, $11,500)

Week Ending Jan. 9:

"PERFECT GENTLEMAN" (M-G-M)
"ESCAPE FROM DEVIL'S ISLAND" (Col.)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $4,800. (Average, $6,000)

"MUTINY ON THE BOUNTY" (M-G-M)
ST. FRANCIS—(1,470), 15c-30c-40c, 7 days, 3rd week. **Gross:** $6,000. (Average, $7,000)

Week Ending Jan. 10:

"DANCING DUCHESS" (Vienna)
CLAY—(400), 35c, 7 days, 2nd week. **Gross:** $1,000. (Average, $1,000)

"Obsession" Grabs $15,696, Buffalo

BUFFALO, Jan. 19.—"Magnificent Obsession" was the big money-maker here in a post-New Year week of stimulated box offices. It drew $15,696 to the Lafayette, more than doubling par, and was held over.

"Ah Wilderness" also just about doubled par with a take of $15,700 at the Hippodrome in a holiday week of fair weather.

Total first run business was $61,396. Average is $42,000.

Estimated takings for the week ending Jan. 7:

"THE BRIDE COMES HOME" (Para.)
BUFFALO—(3,000), 30c-50c, 7 days. **Gross:** $14,000. (Average, $12,000)

"AH WILDERNESS" (M-G-M)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $15,700. (Average, $7,300)

"RIFFRAFF" (M-G-M)
GREAT LAKES—(3,000), 25c-50c, 7 days. **Gross:** $12,300. (Average, $7,300)

"KING OF BURLESQUE" (20th-Fox)
CENTURY—(3,000), 25c, 7 days. **Gross:** $9,500. (Average, $5,800)

"MAGNIFICENT OBSESSION" (Univ.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $15,696. (Average, $6,000)

"DANCE BAND" (Col.)
GAYETY—(1,600), 10c-25c-35c, 7 days. Vaudeville. **Gross:** $3,300. (Average, $3,600)

"Dangerous," Bowes Group Detroit Lead

DETROIT, Jan. 19.—"Dangerous" and Major Bowes' amateurs packed the Michigan all week and piled up a gross of $26,400, a margin of $6,400 over average.

The Downtown was in the money again with a return of vaudeville and with "Mr. Hobo" on the screen. The $12,200 take passed par by $2,200. "If You Could Only Cook" also did well with $16,300 at the Fox, and "Captain Blood" was strong with $13,600 at the United Artists. It was held over.

Total first run business was $77,800. Average is $65,000.

Estimated takings for the week ending Jan. 16:

'PADDY O'DAY" (20th-Fox)
"ONE-WAY TICKET" (Col.)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $3,800. (Average, $5,000)

"IF YOU COULD ONLY COOK" (Col.)
FOX—(5,100), 15c-55c, 7 days. Stage, Toby Wing and vaudeville. **Gross:** $16,300. (Average, $15,000)

"DANGEROUS" (W. B.)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage, Major Bowes' amateurs. **Gross:** $26,400. (Average, $20,000)

"CONFIDENTIAL" (Mascot)
"BAR 20 RIDES AGAIN" (Para.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $5,500. (Average, $5,000)

"CAPTAIN BLOOD" (F. N.)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $13,660. (Average, $10,000)

"MR. HOBO" (G. B.)
RKO DOWNTOWN—(2,950), 15c-55c, 7 days. Stage, "Hollywood Revue." **Gross:** $12,200. (Average, $10,000)

"Riffraff" $6,500 Indianapolis Top

INDIANAPOLIS, Jan. 19.—Business picked up at three of the five first runs last week with the remaining two doing an average week.

"Riffraff" at Loew's led the procession with a gross of $6,500, which was $2,000 over average. "Show Them No Mercy" at the Lyric was good for a gross of $8,500, about $1,500 above normal. The stage show at the Lyric featuring Carl Freed helped the gross, as did a special midnight preview of the picture several weeks ago. "Collegiate" at the Indiana was $500 above par with a gross of $7,500.

Total first run business was $30,500. Average is $26,500.

Estimated takings:

Week Ending Jan. 7:

"RIFFRAFF" (M-G-M)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $6,500. (Average, $4,500)

Week Ending Jan. 11:

"THE MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"SYLVIA SCARLETT" (Radio)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"COLLEGIATE" (Para.)
INDIANA—(3,100), 25c-40c, 7 days. **Gross:** $7,500. (Average, $7,000)

"SHOW THEM NO MERCY" (W. B.)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $8,500. (Average, $7,000)

Dayton Apollo Rate Up

DAYTON, Jan. 19.—The Apollo, downtown house, previously a 10-cent subsequent run, has switched to first runs with 25-cent matinees and an evening rate of 40 cents. The name has been changed to the Little Playhouse. Herbert Byrd is manager.

Portland Scales Up

Portland, Jan. 19.—All first runs here have stepped up admissions five cents, making the minimum 30 cents.

"Riffraff" $5,000 Hit in Louiville

LOUISVILLE, Jan. 19.—Jean Harlow demonstrated that she has what it takes to bring the patrons in after the holiday spurt is over. "Riffraff" at Loew's State took top money for the town, $5,000, over par by $500.

"King of Burlesque" garnered $2,600 at the Strand, just $100 over normal. The Mary Anderson did well with "Captain Blood," which was well received by the critics and public. The picture received recommendations from church leaders and heads of civic groups. The second week's take was $2,800, over average by $300.

Other first runs felt the pinch, dropping below par in most instances.

The Kentucky, a Switow house on the main stem, has cut night price from 26 cents to 21 cents. This move will be felt by other Fourth Ave. houses, as this second run stand is a consistent money-maker, and strong opposition to the big-seaters.

The weather has been pleasant, with temperatures conducive to attendance.

Total first run business was $19,200. Average is $18,500.

Estimated takings:

Week Ending Jan. 7:

"RIFFRAFF" (M-G-M)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $5,000. (Average, $4,500)

"I DREAM TOO MUCH" (Radio)
BROWN—(1,400), 15c-25c-40c, 7 days. **Gross:** $1,800. (Average, $2,000)

Week Ending Jan. 9:

"COLLEGIATE" (Para.)
RIALTO—(3,000), 15c-25c-40c, 7 days. **Gross:** $3,400. (Average, $3,500)

"KING OF BURLESQUE" (20th-Fox)
STRAND—(1,500), 15c-25c-40c, 7 days. **Gross:** $2,600. (Average, $2,500)

"CAPTAIN BLOOD" (F. N.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days, 2nd week. **Gross:** $2,800. (Average, $2,500)

"FORBIDDEN HEAVEN" (Republic)
NATIONAL—(2,400), 15c-25c-40c, 7 days. Stage: Five Wonder Girls, Convey & Rowena, Harry Kahne, Irving Edwards, Elsie Weber's Boys. **Gross:** $2,500. (Average, $3,000)

"BARBARY COAST" (U. A.)
"$1,000 A MINUTE" (Republic)
"NEVADA" (Para.)
"HELL'S ANGELS" (U. A.)
ALAMO—(900), 15c-25c, 7 days, split week. **Gross:** $1,100. (Average, $1,400)

Glazier Named Booker

BOSTON, Jan. 19.—John Glazier has been named booker for the 14 theatres of Western Massachusetts Theatres, Inc. Ethel Seletzky has resigned from Columbia to join Glazier, who is also the Hub representative.

Honor Schmertz Feb. 1

CLEVELAND, Jan. 19.—The Variety Club will hold a dinner dance on Feb. 1 to honor I. J. Schmertz, newly elected president, and the new roster of officers.

Caldwell Recuperating

SPARTANBURG, S. C., Jan. 19.—Bernard Caldwell, assistant manager of the Carolina, is recuperating from an appendicitis operation.

"Rancho" Hits Swift Denver Pace, $8,000

DENVER, Jan. 19.—"Rose of the Rancho" proved a big money-winner here. It ran 100 per cent over normal to a take of $8,000 at the Denham, with standouts frequent during the week.

"Riffraff" took a par $5,000 at the Denver, and "Splendor" was normal with $2,000 at the Aladdin. "Captain Blood" held up to $1,200 at the Broadway following a week at the Denver.

Total first run business was $23,200. Average is $19,500.

Estimated takings for the week ending Jan. 15:

"SPLENDOR" (U.A.)
ALADDIN—(1,500), 25c-35c-50c-60c, 7 days. **Gross:** $2,000. (Average, $2,000)

"CAPTAIN BLOOD" (F.N.)
BROADWAY—(1,500), 25c-40c, 7 days. Followed week at Denver. **Gross:** $1,200. (Average, $1,000)

"ROSE OF THE RANCHO" (Para.)
DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $8,000. (Average, $4,000)

"RIFFRAFF" (M-G-M)
DENVER—(2,500), 25c-35c-50c, 7 days. Stage band. **Gross:** $5,000. (Average, $5,000)

"I DREAM TOO MUCH" (Radio)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"THE GREAT IMPERSONATION" (Univ.)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $2,000. (Average, $2,500)

"Wilderness" Gets Providence Honors

PROVIDENCE, Jan. 19.—Columns of publicity since a portion of the picture was shot in Grafton, Mass., plus the worth of "Ah Wilderness" itself, pushed Loew's State gross in nine days to $18,500, which is $6,500 over normal.

All downtown theatres had good weeks. The Strand took $10,800 with "The Bride Comes Home," over par by $4,300.

"Two in the Dark" and a stage show garnered $8,200 for the Albee, $1,200 to the good. The Majestic was $500 over par with "Show Them No Mercy" and "Your Uncle Dudley," which hit $7,500. Fay's, with "Born to Gamble" and a revue, was even at $7,000.

Total first run business was $52,000. Average is $39,500.

Estimated takings for the week ending Jan. 16:

"THE BRIDE COMES HOME" (Para.)
"FORCED LANDING" (Republic)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $10,800. (Average, $6,500)

"AH, WILDERNESS" (M-G-M)
"CALLING OF DAN MATTHEWS" (Col.)
LOEW'S STATE—(3,800), 15c-40c, 9 days. **Gross:** $18,500. (Average, $12,000)

"SHOW THEM NO MERCY" (20th-Fox)
"YOUR UNCLE DUDLEY" (20th-Fox)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $7,500. (Average, $7,000)

"TWO IN THE DARK" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: "International Scandals," revue. **Gross:** $8,200. (Average, $7,000)

"BORN TO GAMBLE" (Liberty)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "Radio Scandals," revue. **Gross:** $7,000. (Average, $7,000)

Falkenburg Recovers

LEXINGTON, Neb., Jan. 19.—Ralph Falkenburg, manager of the Majestic and Ralf, and a member of the board of directors of the M.P.T.O., has recovered from a 10-day illness.

ANNA KARENINA
THE HEADLINE WOMAN
THE EAGLE'S BROOD
WANDERER OF THE WASTELAND
ACCENT ON YOUTH
FATHER BROWN, DETECTIVE
MAN'S BEST FRIEND
$20 A WEEK
SWEEPSTAKE ANNIE
ONE HOUR LATE
LIGHTNING STRIKES TWICE
ROBERTA
BEHOLD MY WIFE
VANESSA, HER LOVE STORY
THE WEDDING NIGHT
RUGGLES OF RED GAP
NAUGHTY MARIETTA
THE MARRIAGE BARGAIN
THE CASINO MURDER CASE
PORT OF LOST DREAMS
PRIVATE WORLDS
WILDERNESS MAIL
BEHIND THE GREEN LIGHTS
McFADDEN'S FLATS
CYCLONE RANGER
HIGH SCHOOL GIRL
LADDIE
THE WORLD ACCUSES
ROCKY MOUNTAIN MYSTERY
THE GHOST WALKS
STRANGERS ALL
FOUR HOURS TO KILL
CIRCLE OF DEATH
SONS OF STEEL
RECKLESS
THE DEVIL IS A WOMAN
ON PROBATION
STOLEN HARMONY
GOIN' TO TOWN
ONE FRIGHTENED NIGHT
RESCUE SQUAD
THE TEXAS RAMBLER
SUNSET RANGE
HOT TIP
NEW ADVENTURES OF TARZAN

THE DARK ANGEL
UNCONQUERED BANDIT
NO RANSOM
ENTER MADAME
ENCHANTED APRIL
THE NITWITS
PEOPLE WILL TALK
ADVENTUROUS KNIGHTS
KENTUCKY BLUE STREAK
LADIES CRAVE EXCITEMENT
SYMPHONY OF LIVING
CODE OF THE MOUNTED
KID COURAGEOUS
THE VANISHING RIDERS
MEN WITHOUT NAMES
NOW OR NEVER
COLLEGE SCANDAL
MEN OF ACTION
CIRCUMSTANTIAL EVIDENCE
RAINBOW'S END
DANGER AHEAD
CHINA SEAS
JALNA
HOP-ALONG CASSIDY
SMOKEY SMITH
CAPTURED IN CHINATOWN
SMART GIRL
OLD MAN RHYTHM
ACCENT ON YOUTH
MANHATTAN BUTTERFLY
HARMONY LANE
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TWO FOR TONIGHT
WATERFRONT LADY
PURSUIT
TWO-FISTED
THE MAN ON THE FLYING TRAPEZE
HOT OFF THE PRESS
I LIVE MY LIFE
SADDLE ACES
WHEN A MAN'S A MAN
HARD ROCK HARRIGAN
THUNDER MOUNTAIN
BARBARY COAST
THE JUDGEMENT BOOK
CONFIDENTIAL
THE RIDER OF THE LAW
WILD MUSTANG
VALLEY OF WANTED MEN
FALSE PRETENSES
SOCIETY FEVER
IN PERSON
THE RAINMAKERS
MARY BURNS, FUGITIVE
SHIP CAFE
SKYBOUND
THE LAST OF THE CLINTONS
MILLIONS IN THE AIR
SPLENDOR
THE SAGEBRUSH TROUBADOUR
THE IVORY-HANDLED GUN
THE MIDNIGHT PHANTOM

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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 17 NEW YORK, TUESDAY, JANUARY 21, 1936 TEN CENTS

Records for Houses Ruled Out by Court

Also Refuses to Allow Alleged Zukor Talk

By BILL ORNSTEIN

St. Louis, Jan. 20.—All records of the Orpheum and the Shubert-Rialto during Warner operation and a reputed conversation between Fanchon Simon, the F in Fanchon & Marco, and Adolph Zukor in the late summer of 1934 at the latter's office on the coast were ruled out today by Federal Judge Joseph W. Molyneaux as the Government's civil suit against Warners, Paramount and RKO entered its third week.

During a recess following the court's refusal to admit the records and alleged conversation Russell Hardy, chief of the Government's legal staff here, and Frederick H. Wood, co-

(*Continued on page 4*)

Production Falls To a Seasonal Low

Hollywood, Jan. 20.—Production went into its third week of doldrums last week and reached the season's ow activity mark.

The seven-day survey of studio production schedules showed 29 features and two short subjects on the sound stages. These figures are a trifle less than the previous checkup which registered 30 features and four shorts.

There was a gain in features being prepared for the cameras and slated to start in two weeks with 17 in the scenario departments as compared to 12 the previous week.

Warners and 20th Century-Fox led the field in production, each having five shooting.

Columbia had three features in

(*Continued on page 3*)

Bill Imposes Limit On Boston's Censors

Boston, Jan. 20.—The banning of any film, stage show, or entertainment in the Hub by the Board of Censors, consisting of the Mayor, Police Commissioner and Chief Justice of the Municipal Court, would not be allowable until after a hearing of "all persons interested" under the terms of a bill filed in the Legislature by the newly formed Massachusetts Theatre Alliance.

The bill provides: "The Mayor and

(*Continued on page 3*)

Federal Amusement Taxes Jump $1,026,625 in 6-Month Period

Washington, Jan. 20.—Marked improvement in the amusement industries is demonstrated by a $1,026,625 increase in admission tax collections of the Government during the last half of 1935 as compared with the corresponding period of the preceding year, reported tonight by the Bureau of Internal Revenue.

Receipts from the admission tax during the first half of the current fiscal year reached $8,874,871, against $7,848,246 in the same period of the previous year.

Collections in December, the bureau reported, were nearly $112,000 under those of November, but were $89,000 ahead of December, 1934, amounting to $1,755,059 against $1,866,915 the preceding month and $1,666,060 in the same month of the previous year.

Appeal Court Holds Drawing Is a Lottery

The Appellate Division of the N. Y. Supreme Court, Brooklyn, affirming a decision of the Court of Special Sessions, has decided that prizes awarded as the result of spinning a wheel in a theatre are in violation of the state lottery law. District Attorney William F. X. Geoghan of Brooklyn saw the decision as opening the way for the arrest of theatre operators who distribute cash awards as the result of drawings.

The case was against Charles Cranides, theatre manager; Joseph Kiley, assistant manager, and Farmer Miller, who operated the wheel used in the drawing. A policeman who attended the house Aug. 22 was the complainant. He said he purchased a ticket, and was given another with a stub bearing a given name. He dropped the stub into a box, he said,

(*Continued on page 3*)

Warner Policy on Bands Not Set Yet

St. Louis, Jan. 20.—While Warners expect to file additional suits almost daily charging radio broadcasters with the unlicensed performance of Warner owned music, no legal action is contemplated against theatres, hotels, cafes or other public users of music until after such time as the company's licensing policy for these classifications of users has been made known, Herman Starr, Warner vice-president, said today.

The Warner licensing policy as it affects theatres and hotels is now under discussion, but probably will not be made known for several weeks

(*Continued on page 3*)

Quick End of Mexico Tangle Is Predicted

The settlement within a few days of labor and tax problems which have barred the operations of distributors in Mexico since September is now a possibility, foreign managers of major distribution companies were advised yesterday at a meeting at M.P.P.D.A. headquarters.

Current reports from Mexico on the situation were studied at the meeting, at which Frederick L. Herron of the M.P.P.D.A. presided. The distributors' policies will remain in status quo until the expected developments materialize, it was stated following the meeting.

American distributors curtailed their activities in the Mexican market appreciably following the imposition of drastically higher duties on American films entering Mexico last year. This was followed in September by

(*Continued on page 3*)

Rogers Named V.P. Of Alliance Films

British International Pictures, Ltd., has appointed Budd Rogers vice-president and general manager of its American subsidiary, Alliance Films Corp., as a first move in the establishment of direct sales representation here for the British company's product.

Initial sales efforts will be confined to the making of distribution deals with established distributors, but if the company is unsuccessful in this there is a possibility that B. I. P. will develop its own exchange organization in this country, probably as has been done by G. B., Rogers said yes-

(*Continued on page 3*)

Theatre Men Not Heard in Tax Protest

Get Permission to File Briefs Before Ruling

Exhibitor representatives were denied the privilige of being heard on their opposition to the city's efforts to apply the two per cent sales tax to film rentals at a hearing yesterday before representatives of the city finance department.

Louis Goodgold, of the city comptroller's office, who held that exhibitors were "not proper parties" to the hearing on the application of the tax to film rentals, conceded them the right, however, to file briefs in opposition to the city's procedure and gave them one week in which to do this. It was indicated that this would be done by Allied of New Jersey, Keith-Albee-Orpheum and the I. T. O. A., all of whom had representatives at the hearing to oppose the tax on behalf of exhibitors. A decision on the application of the tax was reserved by the city officials and is not expected until some time after the time allotted for the filing of the briefs.

Definite indications were given during the hearing that the city will rule that film rentals are subject to the tax either in whole or in large part. Distributors have been anticipating

(*Continued on page 2*)

S. K. Wolf Is Named An SMPE Executive

S. K. Wolf, manager of the Acoustical Department of Electrical Research Products Inc., has been appointed executive vice-president of the Society of Motion Picture Engineers. He succeeds Homer G. Tasker.

Wolf has served as chairman of the Projection Screen Committee and has also headed several groups which made important technical studies. He was a member of the Society's Board of Governors at the time of his appointment.

Claim Week-end Top On "Zero" at Strand

"Ceiling Zero," which opened at the Strand last Saturday morning, broke all week-end records for the house, according to S. Charles Einfeld, Warners advertising and publicity director.

Local newspapers gave the picture an excellent reception. The film will be nationally released in key cities on Saturday.

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"Pasteur" Praised By Paulist Father

The Rev. James F. Cunningham, of the Paulist Fathers, has written Harry M. Warner, president of Warners, lauding "The Story of Louis Pasteur," which is to open at the Strand early in February. Father Cunningham, who characterized the picture as "the finest I've yet seen," declared that such a film helps to indicate the efforts which all nations have made for the betterment of humanity.

Jerry Wald Married

HOLLYWOOD, Jan. 20.—Jerry Wald, Warner scenario writer, was married today to Eleanor Rudolph. Howard Lang, producer, and Mrs. Lang accompanied the couple, who were married at Tijuana, Mex.

Joe Ornstein Wed

PITTSBURGH, Jan. 20.—Joe Ornstein, cashier of the Fox exchange, is a benedict. He was married in New York over the week-end and has returned to his job here.

Malcolm Sumner Dead

Malcolm Sumner, attorney, who served as counsel for an independent stockholders' committee in the Paramount reorganization, died early yesterday at his residence in the Hotel Warwick of a heart attack. Funeral services will be held tomorrow at 11 A.M. at the Free Synagogue. Sumner was 55 years old and unmarried.

Theatre Men Not Heard in Tax Protest

(*Continued from page* 1)

such a decision for some weeks past and are prepared to appeal the city's ruling in the case to the Appellate Division.

An appeal may be based in part on the question of the constitutionality of the city's sales tax law, it was made evident at the hearing. Melvin Albert, attorney, of Weisman, Quinn, Allen & Spett, representing the I. T. O. A., pointed out that the city was attempting to levy on film rentals derived from pictures which exhibitors had contracted for months prior to the enactment of the sales tax. He declared that the result was an impairment of contract and that the provision of the sales tax which specifies that the tax shall apply to such antedated contract sales was unconstitutional.

Albert Testimony Ruled Out

Goodgold refused to permit Albert's remarks to be made a part of the record and observed "this isn't the place to argue the constitutionality of the amendment." He stated, however, that if and when the tax is found to be applicable to films the exhibitors will be given a hearing. He also declined to permit Norman Samuelson, attorney for Allied of New Jersey, and Lee Newberry, president of that organization, to testify for the record.

Assessment A Test Case

Yesterday's hearing was specifically on the right of the city to assess the United Artists exchange $21,232 on its film receipts from Dec. 10, 1934, to May 31, 1935. This assessment is being accepted as a test case by all local exchanges. A first hearing in opposition to it was held Nov. 8. Yesterday additional testimony in opposition was offered by Paul Lazarus, U. A. assistant sales manager; Samuel Rifkin, a U. A. salesman for New Jersey, and Edward Mullins, office manager of the U. A. exchange. The testimony in the main attempted to show that rentals derived from theatres outside New York City were not properly subject to the tax. At the November hearing testimony was offered to show that the rentals received from local theatres, likewise were not taxable by the city.

Edward Raftery of O'Brien, Driscoll & Raftery, attorneys for U. A., and T. N. Lawler of the same law firm, maintained that every film shipment without qualification is interstate commerce and, as such, not subject to a municipal tax.

Appeal Giveaway Fines

BOSTON, Jan. 20.—James Wells of the Felsway in Medford and Charles Wilson of the Hamilton in Dorchester will appeal from their recent convictions on anti-lottery charges. Wells was fined $200 and Wilson $50. The former case will be heard in Superior Court, Cambridge, and the latter in Superior Court here, within a few days.

Goldman Partnership Stirs Philadelphia

PHILADELPHIA, Jan. 20.—The setup whereby William Goldman will operate the theatre to be constructed in the new 69th St. Terminal has the local trade intrigued by the involutions of its partnership arrangement and its competitive aspects.

Goldman, one time local chief of the Warner forces and lately an independent exhibitor, is a partner with Warners in the new terminal theatre, though he will operate it under his own name under a 10-year lease. In competition with the house is the 69th St. Theatre, across the street which is a Warner house, and the Tower, within a stone's throw, which was recently sold by the Frichofer-Nirdlinger estates to a new corporation. Rumor states that it may eventually join the Warner string. In other words, the new Goldman-Warner spot may have strong competition from two other large Warner houses.

While this partner-competition is taking place in the West Philadelphia district, Goldman is in strong competition with Warners in the Germantown neighborhood where his Bandbox Theatre is surrounded by three nearby Warner houses definitely restricting Goldman's first run product. The question local Vine Streeters are asking is "Who's fighting whom?

Center Sets Next Five

"The Country Doctor," Twentieth Century-Fox film featuring the Dionne quintuplets and their physician, Dr. Allan Roy Dafoe, has been booked for an early spring showing at the Center. The picture is still in work. Bookings to follow "King of Burlesque," include "Paddy O'Day," "It Had to Happen," "Captain January" and "A Message to Garcia."

F. J. Smith with M-G-M

Frederick James Smith has joined M-G-M as an associate in the publicity department. Smith has had wide experience in the field, having been at various times editorial director of *Tower Magazines,* eastern editor of Fawcett Publications and managing editor of *Photoplay.*

"Rhodes" at the Ritz

The Adventure Society of America has selected "Rhodes, the Empire Builder," for a showing in connection with the society's annual banquet at the Ritz-Carlton Hotel, Feb. 19, two days before the picture's premiere at the Roxy.

Purely Personal

A. E. MEYER, export manager of International Projector Corp., has just returned from a four-month trip around the world which took him through all the principal countries of Europe and the Far East.

•

HARRY ROSS, head of Ross Federal Service, and CLIFFORD ROSS, manager of exchange operations, leave tomorrow for an extensive tour of the Ross Federal offices in the south and far west.

•

WALTER BROWN, midwestern division manager of Ross Federal Service, Inc., has returned to Chicago after a week of conferences at the home office.

•

DOUGLAS FAIRBANKS, JR., will leave England for New York next week with the first print of "Amateur Gentleman," in which he is starred with ELISSA LANDI.

•

LILLIAN MESSENGER, eastern scenario editor for Radio, will leave for the coast tomorrow to confer with studio executives.

•

OTTO KRUGER is due in from England on the *Majestic* today after completing work in "Living Dangerously" for B. I. P.

•

BILL PINE left yesterday by plane for the coast following a brief visit at the Paramount home office.

•

ELIZABETH RUSSELL, artists model, has been signed by Paramount. She will leave for the coast tomorrow.

•

KATHERINE DEMILLE will arrive in town Thursday for her first visit to New York since her early childhood. She will be here for three weeks.

•

ED SULLIVAN will bring his "Dawn Patrol Revue" back Friday to the Roxy.

•

WALTER WANGER has taken an option on "African Intrigue" by ALFRED BATSON.

•

H. J. YATES plans to leave for the coast tomorrow.

•

STANLEY SHUFORD of Warners was confined to his home with a cold yesterday.

•

DAVE BADER leaves today for the coast.



Appeal Court Holds Drawing Is a Lottery

(*Continued from page* 1)

and later a wheel was spun on the stage. It stopped at a name, and all stubs with that name were collected. One of those was drawn to decide the winner.

Justices Bayes, Murphy and McInerney in Special Sessions found the defendants guilty of maintaining a lottery and suspended sentence. Melvin Albert, defense attorney, took the case to the Appellate Division, contending one might participate in the drawing without purchasing a ticket, and that consequently there was no violation of the law. George F. Palmer, assistant district attorney, declared that purchase of a ticket made no difference. The decision of the Appellate Court was unanimous. Albert said he would seek Appellate Division permission as soon as possible to have the decision reviewed by the Court of Appeals.

The I.T.O.A. will hold a meeting at the Hotel Astor tomorrow to determine the organization's policy, pending a later decision by the Court of Appeals.

Production Falls To a Seasonal Low

(*Continued from page* 1)

work, three preparing and scheduled for starts within two weeks and six in the cutting room. Fox had five, two and six; Goldwyn, one, zero and zero; M-G-M, three, one and 10; Paramount, four, six and 11; Radio, two, zero and four; Roach, one, zero and one; Universal, three, one and one; Warners, five, one and eight; independents, two, three and zero.

Short subject production also dropped. Columbia had none shooting, two preparing and four editing. M-G-M had two, two and four; Radio, zero, one and two; Roach, zero, zero and three. The indies had zero, one and one.

Bill Imposes Limit On Boston's Censors

(*Continued from page* 1)

the Police Commissioner of Boston and the Chief Justice of the Municipal Court of the city of Boston, by a majority vote, after notice to and hearing of all persons interested, may deny to the license holder the right to present any entertainment, exhibition, or show which they find to be immoral, obscene or indecent."

Under present statutes, city authorities can ban any entertainment without a hearing, or without even viewing it.

Levy Heads Bank Board

NEW HAVEN, Jan. 20.—Edward G. Levy, general counsel for the M. P. T. O. A., has been elected chairman of the board of The Community Bank & Trust Co.

Out Hollywood Way

HOLLYWOOD, Jan. 20. — CARL LAEMMLE arrived at the studio one hour earlier on his birthday, because, he said, he wanted to leave early to celebrate the occasion at home . . . STANLEY BERGERMAN is reported planning to enter the agency business. . . . NORMAN DAWN, director of Universal's "Alaska Bound," back from northern location trip.

W. P. LIPSCOMB going to Tahiti for background material on "Hurricane," which will be produced by SAMUEL GOLDWYN . . . All of Hollywood turned out for Helping Hand Benefit . . . MADELEINE CARROLL due here soon to start "The Case Against Mrs. Ames" for WALTER WANGER. . . . LIONEL BARRYMORE is threatening to learn to play the violin for reasons known only to himself . . . ROBERT MONTGOMERY and CLIFTON WEBB battling for the tennis championship of Brentwood Heights.

MIRIAM HOPKINS planning a European vacation as soon as she finishes in "These Three" . . . L. J. SCHLAIFER of the Zeidman organization in town. . . . LUPE VELEZ planning to leave soon for a personal appearance tour.

HOBART CAVANAUGH'S option taken up by Warners . . . CLYDE HAGER to star in series of shorts for LEE MARCUS, Radio . . . JACK GOODE signed as assistant to JACK HASSELL to stage numbers in "Poor Little Rich Girl." . . . IRVIN S. COBB host to members of his company at Beverly Hills Athletic Club.

IRVING BERLIN dinner guest of Song Writers' Protective Ass'n. . . . Arrangements in charge of JEROME KERN, JACK YELLEN, L. WOLFE GILBERT, ARTHUR FREED, HARRY WARREN and DAVE DREYER . . . DORIS DUDLEY here for Radio tests . . . LEO CARRILLO and CLARK GABLE in Lower California for fishing and hunting . . . SAM WOOD showing DICK HANLEY, Northwestern University football coach, all the local golf links.

✚

Casting—TOBEN MEYER, WILLIAM WAGNER and JAY EATON added to cast of "The Farmer in the Dell" . . . MORONI OLSEN, RAY MAYER and HARRY JANE in "Fugitive Gold" . . . JOHN ARLEDGE, OWEN DAVIS, JR., and LOUISE LATIMER in "Puzzle of the Briar Pipe" . . . LILY MALYON added to "Anthony Adverse," Warners.

HARRY HAYDEN, former vaudeville player and co-producer in Bliss-Hayden Miniature Theatres, signed by Warners for "I Married a Doctor." . . . ERROL FLYNN to be starred in "Caesar's Wife," Warners . . . HELEN ERICKSON in "Kelly, the Second," Roach.

GEORGE IRVING signed by Warner for "Hearts Divided" . . . MARY LOU DIX, Columbia contract player, assigned to untitled GRACE MOORE picture . . . MARGARET MATZENAUER signed by Columbia for "Opera Hat." . . . MISCHA AUER and JOHN SPACEY signed by Warners for "Sons O'Guns." . . . FAY WRAY and RALPH BELLAMY to be co-starred in Columbia's "Roaming Lady."

✚

Writers—SAMUEL GOLDWYN signs SAM and BELLA SPEWACK to do picture story based on "The Princess and the Pauper" for MIRIAM HOPKINS . . . GERTRUDE PURCELL working on script of "The Witness Chair," ANN HARDING'S next for Radio.

✚

Story Buys—GRANT GARRETT'S "One Every Minute" acquired by M-G-M . . . CHARLES G. BOOTH'S "The General Died at Dawn" purchased by Paramount. . . .

✚

Songwriters—JACK STERN and HARRY TOBIAS signed by Pickford-Lasky to write one number for FRANCES LEDERER in "One Rainy Afternoon."

Relief List Slash Pleases Milwaukee

MILWAUKEE, Jan. 20.—The removal of 34,276 persons from the county relief list last month, due almost entirely to the WPA job program, produced some optimism here for increased employment in private industry in the next few months.

The relief list, not considering the drop two years ago because of CWA is now back to the October, 1931, level. December was the eighth consecutive month in which there has been a drop in the relief list.

K. C. Orpheum Closes

KANSAS CITY, Jan. 20.—Short on bookings, the Orpheum will go dark temporarily following "Blossom Time," which opened Jan. 19. Nazimova is scheduled to appear in "Ghosts" some time in February.

Pauline Frederick Gains

HOLLYWOOD, Jan. 20.—Pauline Frederick, veteran actress, was reported "out of danger" here today, following an emergency operation last week.

F. & M. to Give Away Fords in St. Louis

ST. LOUIS, Jan. 20.—Starting Feb. 4, each of the three F. & M. houses will give away a Ford during the subsequent 10 weeks. Drawings for the cars will be held at the Ambassador, Missouri and Fox on Tuesdays, Wednesdays and Thursdays. This is in addition to Bank Night, for which cash awards are distributed at these houses on nights other than those when the automobiles are given away.

Cameraman Is Honored

HOLLYWOOD, Jan. 20. — Charles Rosher, veteran cameraman, was presented a scroll yesterday in honor of his 25th year in the industry. The presentation was made by Dolores Costello. The scroll bears the signatures of many of the screen's leading figures.

Whitney to New York

HOLLYWOOD, Jan. 20.—John Hay (Jock) Whitney left here by plane for New York yesterday to attend home office conferences and set the release date on the forthcoming color film, "Dancing Pirates."

Warner Policy on Bands Not Set Yet

(*Continued from page* 1)

more due to delays occasioned by the hearing in progress in Federal court here of the application for an injunction against Warners, RKO and Paramount, which has required the attendance of Warner executives. At present, Warner officials do not regard theatres and cafe orchestras using Warner music as infringers, inasmuch as the company has made no arrangements for the licensing of these music users.

Suits were filed by Warners in Federal court at New York late last week against four radio broadcasters charging unlicensed performances and asking $5,000 damages in each instance. The licensing of radio broadcasters is the only licensing procedure decided by Warners to date.

Starr related that five Warner song numbers were eliminated recently from the performance of Glen Gray's Casa Loma orchestra at the Paramount, New York, although Warners have not made known their licensing policy for stage bands and had no intention of bringing suit in this instance.

It was learned that since withdrawing from Ascap, Dec. 31, to begin independent licensing, Warners have paid their first quarter royalties to Ascap for all Warner theatres. The payment, of course, covers the performance at the Warner theatres of the music not controlled by Warners.

Rogers Named V.P. Of Alliance Films

(*Continued from page* 1)

terday in making known his new association. The B. I. P. product, particularly that selected for this market, will be augmented by American players, directors and writers, according to Rogers.

Under arrangements made here last June, First Division will distribute a minimum of 10 pictures for Alliance, M-G-M one and Columbia one. First Division already has selected seven of the 10 it will distribute and has first choice from a group of five recently completed pictures now being sent here. There remain about 10 pictures designed for this market for which distribution arrangements have not been made.

Rogers has established headquarters in the RKO Building. Until recently he was eastern sales manager for Republic.

Mexican Problems Near Settlement

(*Continued from page* 1)

an enforced strike of employes in the American companies' Mexico City exchanges which brought distribution activities there to a complete halt. The American distributors' efforts to settle both obstacles to normal operations have been in progress since, with the cooperation of the Mexican Federal authorities during the past few months.

The complete cessation of American distribution has resulted in a picture shortage in Mexico which has greatly impaired theatre operation there, is is reported.

Records for Houses Ruled Out by Court

(*Continued from page* 1)

Warner counsel, almost came to blows. The clash was averted by former Senator James A. Reed, who called Wood to him after an exchange of words with Hardy.

Anxious to make notations of figures contained in transcriptions made up by Warners for the two theatres, Hardy asked Wood if he could look them over. The request was granted. Wood then told Hardy he did not want the Government to offer them again. Hardy differed with his adversary on this point and refused to return the papers when the Warner counsel asked for them.

Riled at Hardy for this, Wood said, "I suppose you will have copies made and give one to Harry C. Arthur."

Hardy, flushed and indignant, remarked, "That's a contemptible statement and I resent it."

No Apology from Wood

No apology was made by Wood as he left the Government's table. However, the Warner lawyer referred to the situation in no uncertain terms later when he declined to let Hardy glance at contracts Warners had made with Tom K. Smith for product at the Ambassador, Missouri and New Grand Central. Wood, producing the pacts under Government subpoena, placed them on the long table underneath the judge's bench when Hardy made a move to pick them up, the Warner counsel stopped him, saying, "I haven't introduced them."

Hardy queried, "You don't want me to touch them?" Wood replied, "I find it safer when you don't." Hardy then walked away from the table and that was that.

When the Government called for the records of the Shubert-Rialto and Orpheum, Stewart McDonald, assistant treasurer of Warners and vice-president and assistant treasurer of General Theatrical Enterprises, took the stand to explain them. During part of the Government's examination of the witness, it was revealed Vitagraph receives $1,000 a week for every Warner and First National picture playing the theatres in addition to $125 in weekly rental for shorts, and that Circuit Settlement Corp. acts as disbursing agent for General Theatrical Enterprises, which operates the two Warner houses here. Although Judge Molyneaux refused to admit the books and papers of the Shubert-Rialto and Orpheum, he granted the Government permission to have its accountants check the box-office statements and summaries of operation expenditures.

Phillips Objects

Fanchon's tenure of the witness box was limited to her history in the show business. When she brought her theatrical biography up to date, the witness was about to relate a conference assertedly held with Zukor. Louis Phillips of the Paramount home office legal roster, objected on the grounds that Zukor had not acted within the scope of his authority.

Moving to obviate the appearance of present and past Paramount executives here, Phillips submitted a 16-point stipulation as to the titles and functions of Schaefer, Agnew, Ralph Kohn, Sam Dembow, Y. Frank Freeman, Ralph LiBeau and Charles M. Regan. In addition, he listed the various companies, their subsidiaries and functions.

The Paramount attorney objected to two clauses, one dealing with the 25-year franchise between Skouras Super Theatres and Famous Lasky Corp., dated Aug. 1, 1928, and the cancellation of the agreement on July 28, 1932. The second was a list of theatres in which Paramount is interested.

Phillips' arguments were that the Skouras franchise was canceled because the company with which it was made not only was indebted to Paramount but had no local theatres; that the agreement was a personal contract. As for the list of Paramount houses, Phillips contended this was irrelevant to the issue as neither the parent company or any of its subsidiaries had theatres in St. Louis. The objection was overruled after Walter Rice, assistant to Hardy, stated the purpose of the list was to show the extent of power of the corporation. Rice added, "Warners threatened to interfere with Paramount's reorganization in Detroit and the list will show what theatres were in jeopardy."

Phillips held that Zukor had nothing to do with St. Louis at the time of the meeting with Fanchon, that Paramount was in bankruptcy and that the trustees and not Zukor were the only ones who could act for the company. Judge Molyneaux then told Hardy, "It's up to you to lay a foundation first for Zukor's power."

The Government counsel then contended that a stipulation entered by Paramount showed Zukor was the chief executive at the time, but Phillips countered that the trustees had designated George J. Schaefer and Neil F. Agnew in charge of sales and they were the only persons who could act.

Phillips also asserted he did not object to the Zukor-Marco Wolff conference on June 6, 1934, because Schaefer had then been present. Hardy made another effort to have the Fanchon-Zukor conversation admitted, but it was no use. The Government ended its examination there and defense counsel excused the witness without asking a single question.

In denying Paramount's objection, the court pointed out the stipulation was being received at the discretion of the court.

With this question out of the way John E. Otterson, Zukor, Freeman, Austin C. Keough and Agnew have been released from Government subpoenas and will not appear here unless needed by Phillips as defense witnesses. Dembow, who had been here two weeks awaiting a call, returned east Saturday with Edward Alperson. It is understood Leo Spitz, RKO president, will not be needed, but he is on a 24-hour call if he is required.

Wolff resumed the stand this morning and it appeared for a moment he would not be questioned by defense counsel. However, when the witness advised Reed he could qualify as to the corporated setup of various F. & M. companies Warner counsel interrogated him for 20 minutes. Wolff said he had been mistaken about some of his testimony in connection with F. & M. holdings in affiliate companies and produced two typewritten sheets supplied by Ernest L. Wilkinson, his attorney, with the complete data.

Papers Produced

All papers and records of the local F. & M. companies subpoened by Warners were produced today by Arthur. There was some question last week if they could be located but the court said that if they weren't, "something's going to happen around here." The bundles and papers were spread out on the table below Judge Molyneaux's bench and had not been introduced when the session broke up. It became a problem what to do with them. The court finally settled the matter by placing them in the custody of the clerk. Harry Koplar, appearing for the first time in this case, brought some papers of Famous Amusement Co. They were also subpoenaed by Warners.

At the request of Rice, who said he will not be here at the close of the Government's case, the court consented to hear arguments on the admissibility of testimony given earlier in the proceedings by J. M. Ulmer, Cleveland lawyer. Wood opposed the Government on this question and the debate lasted for about two hours. At the termination Judge Molyneaux reserved his decision until Tuesday morning.

Argue on Conversation

The principle of *res gestae* was the basis for the protracted arguments, the Government holding the Ulmer conversation with Herman Starr at the latter's office on Aug. 14, 1933, admissible because the talks show the state of mind of the Warner executive at the time, that it was a verbal act and an admission of an agent acting within the scope of his authority in a transaction at the time. Wood held the statements by Starr were not in furtherance of a conspiracy and cannot be introduced as a declaration of an alleged conspirator. The Warner lawyer also argued the statements were not made when Starr was acting in the scope of his authority in the Capitol, Wheeling, W. Va., matter and they further were not admissible on the same grounds covered in the alleged conversations Joseph Bernhard had with Jack A. Partington on an eastbound train from Chicago. Wood said Starr's statements would be admissible if the court were trying the Wheeling case.

Indications tonight are that Cresson E. Smith, RKO western and southern sales manager, will take the stand first Tuesday morning.

Thomas N. Dysart, who was granted leave from cross-examination by the defense to take a Florida vacation, has returned from the south and is on call. He did not appear in court today. Partington returned to New York over the week-end.

On the Lighter Side

By BILL ORNSTEIN

St. Louis, Jan. 20.—Harold Berkowitz of Cravath, DeGersdorff, Swaine & Wood returned to New York Monday after working here more than two weeks on the Warner side of the current civil action. He may come out again later.

✚

Herman Starr and Gradwell Sears have returned to the local scene again. Both Warner executives went to New York last week when they learned their testimony was not needed immediately.

✚

Spyros Skouras will return to New York from his Honolulu vacation Feb. 15.

✚

Ned E. Depinet, who returned to New York Sunday, was given a cocktail party by Sam Dembow, Eddie Alperson and some of the other boys prior to his departure. Depinet will be back again as soon at RKO enters its defense.

✚

Isidore Shaffer, a stenographer for Cravath, DeGersdorff, Swaine & Wood, is here doing some special work for Frederick H. Wood, co-counsel for Warners.

✚

Bob Perkins and Tom Cooke, who had their wives here during the criminal trial, are hoping the civil action ends soon so that they can return to their homes. Mrs. Cooke was a constant visitor during the previous proceedings and occupied herself making pencil sketches of the attorneys and jury during court sessions. She has made a booklet of the sketches and has sent copies to some of the men.

✚

Ex-Senator James A. Reed, representing Warners, had a snappy response when Marco Wolff, who, when answering questions about local F. & M. operations, said: "I'm not an expert on St. Louis," retaliated with "No, you're just a general expert."

✚

Al Zimbalist, who spent two and one-half years here as advertising and publicity head for the St. Louis Amusement Co., writes he's reading the daily accounts of the current court developments.

✚

R. M. Saunders, western division manager for M-G-M, passed through here the other day en route to the coast.

✚

Gordon E. (Tubby) Youngman of the RKO legal staff would like to go to Hot Springs, Ark., for a vacation and several rounds of golf. He recently returned from Miami.

✚

Leonard Johnson of the Warner Chicago office flew back to the Windy City the other day. His wife has been ill and is now in a hospital recuperating.

✚

George J. Schaefer is expected from Florida soon. He's coming at the request of Paramount to testify.

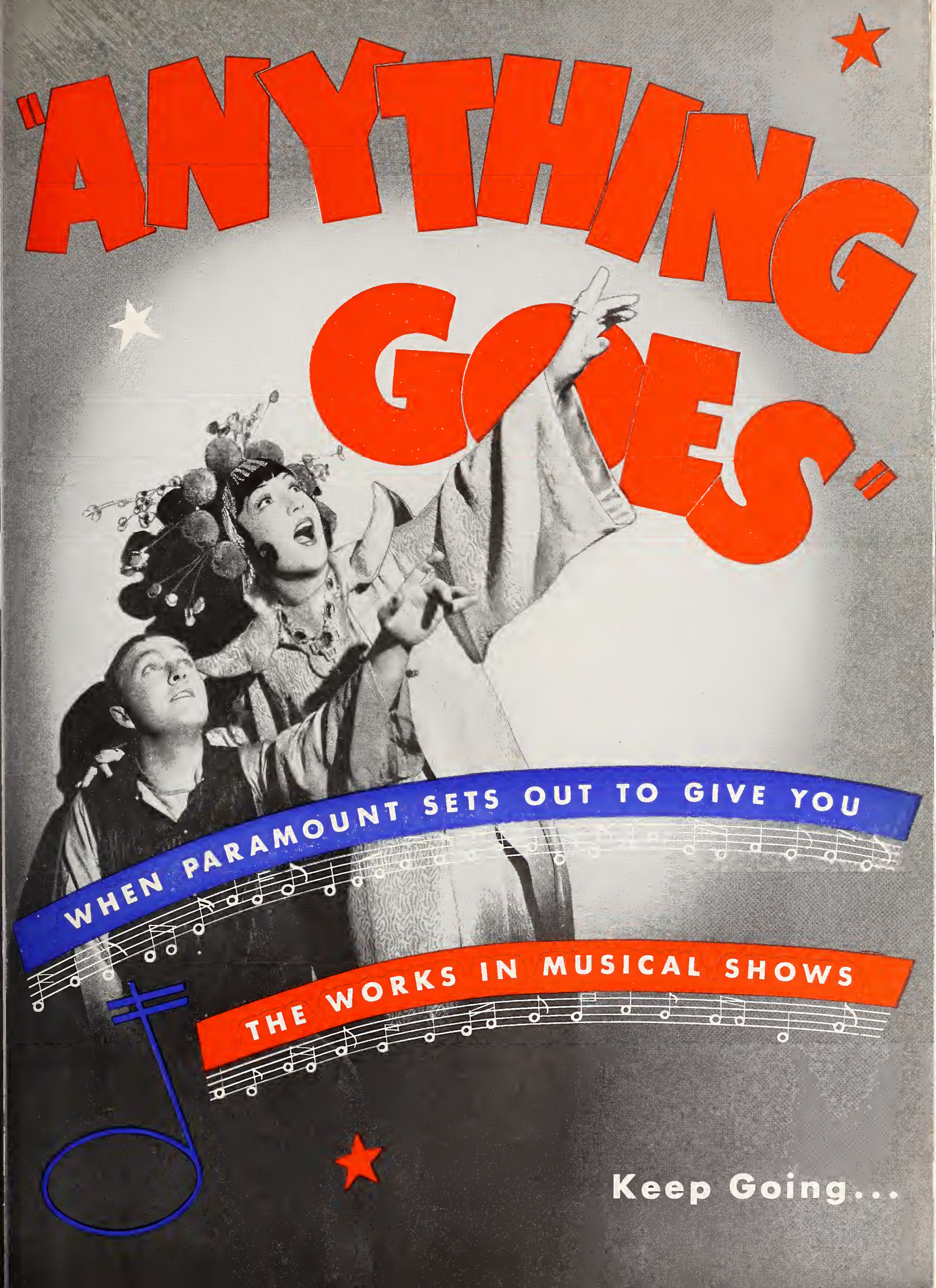
✚

C. A. Nichols of the Warner Theatre accounting department at the home office, is here working with Stewart McDonald.

Hays, Kent on Coast

Hollywood, Jan. 20.—Charles McCarthy and Sidney R. Kent arrived here today from New York. Will H. Hays also has arrived for a series of meetings with heads of the Producers' Ass'n.

"ANYTHING GOES"
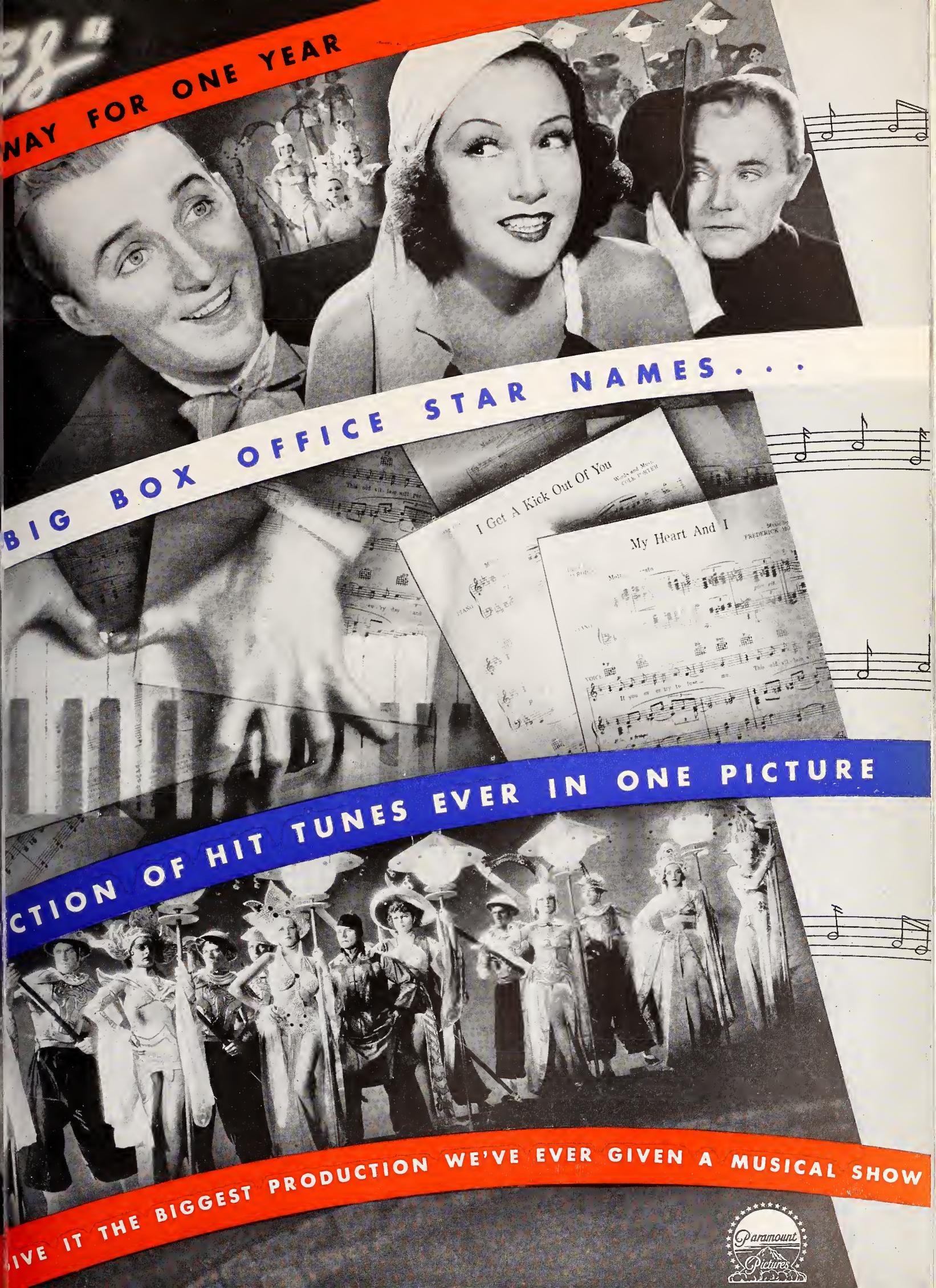


WHEN PARAMOUNT SETS OUT TO GIVE YOU

THE WORKS IN MUSICAL SHOWS

Keep Going...


Anything Go
WE BUY THE HIT SHOW THAT WOWED BROAD
WE GIVE IT A WHOLE BUNCH O
You're The Top
Sailor Beware
Anything Goes
MOONBUR
WE GIVE IT THE LARGEST COL


NAY FOR ONE YEAR
BIG BOX OFFICE STAR NAMES . . .
I Get A Kick Out Of You
My Heart And I
CTION OF HIT TUNES EVER IN ONE PICTURE
IVE IT THE BIGGEST PRODUCTION WE'VE EVER GIVEN A MUSICAL SHOW
Paramount Pictures



IN OTHER WORDS WE GIVE YOU THE

MUSICAL BOX OFFICE SENSATION OF 1936

"ANYTHING GOES"

BING **CROSBY** ETHEL **MERMAN** CHARLIE **RUGGLES**

Ida Lupino · Grace Bradley · Music (from the Broadway show) by Cole Porter · New Music for the Screen Show by a bunch of song experts

A Paramount Picture · Directed by Lewis Milestone

It Pays to Play a Paramount Picture!

Paramount Pictures

Short Subjects

"The Alchemist's Hourglass"

(*The Norton Co.*)

The industrial film departs from the usual production of this type, for it presents a historical background and has a semblance of a plot. The use of abrasives from medieval times to the present is shown by introducing a story in which an alchemist, who is sponsored by a prince, after making synthetic gems demonstrates how they can be used for purposes other than as ornaments. A grinder nicks a noble's sword and is feeling his wrath when the alchemist intervenes and, taking the sword, he puts an edge on it that can slice through silk without effort. His audience is delighted, but suspects him of being a sorcerer. Using his hourglass he shows them the future. At this point there is a finely edited array of stock shots showing modern machinery and craft which depend on abrasives for their proper functioning.

As no distribution plans have been set, the film is being handled by The Norton Co. of Worcester, Mass. It should make good program filler. Production Code Seal No. 0795. Running time, 18 mins. "G."

Atlantic City Finds Use for Dark Banks

ATLANTIC CITY, Jan. 20.—This may point a contrast, a moral or something:

While Chicago's closed bank buildings are to be made into modern film houses, this playground resort has turned its financial mausoleums into night clubs.

One marble edifice here is a swanky dine, dance and cocktail stop on the fringe of the luxury residence section. Another, on the edge of the Northside colored belt, is recommended by taxi drivers to thrill-seeking tourists.

A third recently was opened as an upper-class, upper-price cocktail and seafood spot for beachfront hotel guests.

The only other ex-bank buildings suitable for conversion here point a contrast by serving as Federal work-relief headquarters.

Get Set for Contest

KANSAS CITY, Jan. 20.—Commonwealth Amusement managers are set on the "1936 History Makers Contest." Plans for it were outlined here last week at a meeting.

The morning business session and lunch was followed by a party in the evening attended by branch managers and exchange workers. Arthur Cole of Paramount, R. R. Biechele, and Leland Hazard, attorney, were among the speakers.

Form Connecticut Firm

TORRINGTON, Jan. 20.—The Interstate Amusement Corp., has been formed here by Ernest Steele of this city. Leonard White of Oswego, N. Y., and William Banks of Brooklyn.

H. Herbel Has Mumps

CHICAGO, Jan. 20.—Henry Herbel, manager of the Universal exchange, is home with a severe case of mumps. Herbel's young son has just recovered from the ailment.

Looking 'Em Over

"Frasquita"

(*DuWorld*)

The outstanding feature in this operetta, produced in Austria by Atlantis, Vienna, is the music by Franz Lehar, who makes a screen appearance merely as the conductor of the Vienna Philharmonic Orchestra, in an opening and closing sequence. There is the usual light comedy story, of romantic complication. Lovers of music in this country may be expected to enjoy the score, and the voices of Jarmila Novotna, of the Prague Opera House, as the gypsy girl, and Hans Heinz Bollman, in the leading masculine role.

Superimposed dialogue translations, which might have been more plentiful, assist in an understanding of the story by those unfamiliar with the language. Two friends are en route to the home of Harold's prospective bride. They encounter a band of gypsies and Harold falls in love with Frasquita. His friend falls in love with Harold's fiancee. From that point often amusing complications develop as the friend attempts, with the fiancee's help, to further the romance of Frasquita and Harold, leaving the way clear for his own courtship.

Eventually, of course, after a quarrel or two with Frasquita, Harold succeeds in winning her, and his friend's romance is also completed. Throughout the film the music is highly attractive.

Reviewed without production code seal. Running time, 80 minutes. "G."

Assistants Pick 11 Pictures for Awards

HOLLYWOOD, Jan. 20.—The Assistant Directors' section of the Academy will select three assistants from a total of 11 pictures which have been submitted for an achievement award. The three nominated will be placed on the final ballot for general vote and the awards presentation at the Academy's annual dinner dance on March 5.

The preliminary list of assistant directors and their pictures are:

Walter Mayo, "Barbary Coast"; Argyle Nelson, "Becky Sharp"; Sherry Shourds, "Captain Blood"; Nat Watt, "The Captain Hates the Sea"; Sidney Bowen, "Dante's Inferno"; Joseph Newman, "David Copperfield"; Joseph McDonough, "Diamond Jim"; Ivan Thomas, "Last Days of Pompeii"; Eric Stacey, "Les Miserables"; Nate Watt, "Let 'Em Have It"; Clem Beauchamp and Paul Wing, "Lives of a Bengal Lancer."

Film Group to Run Ball

CLEVELAND, Jan. 20.—Mrs. Georgia Moffett, secretary of the Cleveland Film Board of Trade has been appointed chairman of the entertainment committee for the President's Birthday Ball to be held Jan. 30 at the Hollenden and Carter Hotels. On the committee are Nat Holt, RKO Lake Division manager; I. J. Schmertz, Fox branch manager and Variety Club president; Harry E. Long, Loew division manager, and Nat Wolf, Warner zone manager.

Siegel Joins Hitchcock

SEATTLE, Jan. 20.—Sam Siegel, for several years with John Hamrick and Evergreen Circuit advertising departments, has gone to Los Angeles to become assistant to Eddie Hitchcock in his new advertising enterprise.

Sunday Vote Up at Dento

DENTON, Tex., Jan. 20.—A special city election has been called for Feb. 1 on repeal of an ordinance prohibiting Sunday shows.

"Obsession" $6,500 In Minneapolis

MINNEAPOLIS, Jan. 20. — "Magnificent Obsession" was the big noise of the week here. It ran the Orpheum gross up to $6,500, over par by $1,000.

"The Bride Comes Home" and "Ah, Wilderness" were the only two attractions to make a showing in St. Paul.

Total first run business in Minneapolis was $26,000. Average is $25,500. Total first run business in St. Paul was $16,000. Average is $18,000.

Estimated takings:

Minneapolis:

Week Ending Jan. 15:

"SWEDENHIELMS" (Scandinavian)
WORLD—(400), 25c-55c, 7 days. **Gross:** $2,500. (Average, $3,000)

Week Ending Jan. 16:

"MILLIONS IN THE AIR" (Para.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Jan. 17:

"TALE OF TWO CITIES" (M-G-M)
MINNESOTA—(4,000), 25c-55c, 7 days. **Gross:** $10,000. (Average, $10,000)
"MAGNIFICENT OBSESSION" (Univ.)
ORPHEUM—(2,900), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)
"SPLENDOR" (U. A.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

St. Paul:

Week Ending Jan. 17:

"THE BRIDE COMES HOME" (Para.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)
"AH WILDERNESS" (M-G-M)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)
"SYLVIA SCARLETT" (Radio)
ORPHEUM—(2,000), 25c-40c, 3 days. **Gross:** $2,500. (Average for week, $4,000)
"CRIME AND PUNISHMENT" (Col.)
ORPHEUM—(2,000), 25c-40c, 4 days. **Gross:** $2,000. (Average for week, $4,000)
"MISS PACIFIC FLEET" (W.B.)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)
"LA MATERNELLE" (Metropolis)
WORLD—(400), 25c-35c, 7 days. **Gross:** $2,000. (Average, $1,500)

Charter Esquire Corp.

ALBANY, Jan. 20.—Esquire Amusement Corp. has been formed by Nettie Weisman, Lee Resnick and Edward Lee.

"Red Salute," Revue, Boston Wow, $28,000

BOSTON, Jan. 20.—A combination of "Red Salute" and a revue on the stage sent the RKO Boston gross skyrocketing to $28,000. This left the average $13,000 behind.

"Magnificent Obsession" was also in the hit division. It topped normal by $8,000 for a gross of $20,000 at Keith's Memorial. "Rose of the Rancho" was $3,000 to the good on a gross of $25,000 at the Metropolitan. "Dangerous" and "Broadway Hostess," playing day and date at the Fenway and the Paramount, were slightly over par with $6,500 at the former and $10,000 at the latter.

Total first run business was $110,500. Average is $85,500.

Estimated takings for the week ending Jan. 17:

"DANGEROUS" (W.B.)
"BROADWAY HOSTESS" (W.B.)
FENWAY — (1,382), 30c-50c, 7 days. **Gross:** $6,500. (Average, $4,500)
"MAGNIFICENT OBSESSION" (Univ.)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $20,000. (Average, $12,000)
"TALE OF TWO CITIES" (M-G-M)
LOEW'S ORPHEUM—(2,970), 25c-55c, 2nd week, 7 days. **Gross:** $12,000. (Average, $13,000)
"TALE OF TWO CITIES" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 2nd week, 7 days. **Gross:** $11,000. (Average, $12,000)
"ROSE OF THE RANCHO" (Para.)
METROPOLITAN — (4,332), 35c-65c, 7 days. Stage show. **Gross:** $25,000. (Average, $22,000)
"DANGEROUS" (W.B.)
"BROADWAY HOSTESS" (W.B.)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $10,000. (Average, $7,000)
"RED SALUTE" (U.A.)
RKO BOSTON—(3,246), 25c-50c, 7 days. Stage: "Hollywood Revue." **Gross:** $28,000. (Average, $15,000)

Wall Street

Universal Jumps Up 5½ Pts.

	High	Low	Close	Net Change
Columbia, vtc	43¾	42½	42¾	— ¾
Columbia, pfd	50½	50½	50½	+ ⅜
Consolidated	6	6	6	.....
Consolidated, pfd.	18½	18⅜	18⅜	— ⅜
Eastman	160⅜	160	160	— ¾
Loew's, Inc.	51½	50⅜	51½	+ ¾
Paramount	10¼	9⅞	10⅛	.....
Paramount 1 pfd.	80½	80	80½	+ ½
Paramount 2 pfd.	11¾	11⅝	11⅝	— ⅛
Pathe Film	7⅝	7½	7½	— ⅛
RKO	7¼	7	7⅛	.....
20th Century-Fox.	25¾	25½	25¾	+ ⅝
20th Century, pfd	34⅛	33⅞	34⅛	— ⅛
Universal, pfd.	76	71½	76	+5½
Warner Bros.	10⅜	10⅛	10⅜	— ⅛
Warner, pfd.	50¾	50¾	50¾	.....

Few Changes on Curb

	High	Low	Close	Net Change
Sentry Safety	7⅛	7⅛	7⅛	+1/16
Sonotone	2¼	2⅛	2¼	.....
Technicolor	21¼	21	21⅛	— ⅛
Trans-Lux	3⅞	3¾	3⅞	.....

Most Bonds Off

	High	Low	Close	Net Change
General Theatre 6s '40	24¼	23¼	23¼	— ¾
General Theatre 6s '40 ctf	24	23¾	23¾	—1¾
Keith B. F. 6s '46	95¼	95⅛	95⅛	— ⅜
Loew's 6s '41 ww deb rights	104¼	104¼	104¼	.....
Paramount B'way 3s '55	57	57	57	+ ¼
Paramount Pict. 6s '55	93	92½	92½	— ½
Warner Bros. 6s '39 wd	89½	88¾	89⅛	+ ⅛

(Quotations at close of Jan. 20)

"Obsession" Sensational Frisco Draw

SAN FRANCISCO, Jan. 20.—"Magnificent Obsession" was about the biggest sensation this town has had in some time. It piled up $13,000 at the Orpheum, practically doubling the normal take, in spite of the fact that all the other first runs except two were in a slump.

"Captain Blood" was one of the other profit-makers. It garnered $27,000, over the line by $7,000, at the Warfield. "Crime and Punishment" at the Clay was $400 up on a take of $1,400.

Total first run business was $85,000. Average is $79,400.

Estimated takings:

Week Ending Jan. 14:

"AH WILDERNESS" (M-G-M)
UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days, 3rd week. **Gross:** $5,000. (Average, $9,000)

"I DREAM TOO MUCH" (Radio)
EMBASSY—(1,400), 15c-25c-35c, 7 days. **Gross:** $3,500. (Average, $3,600)

"HITCH HIKE LADY" (Republic)
GOLDEN GATE—(2,865), 25c-35c-40c, 7 days. Stage: band. **Gross:** $13,400. (Average, $14,500)

Week Ending Jan. 15:

"MAGNIFICENT OBSESSION" (Univ.)
ORPHEUM—(2,440), 15c-25c-35c-40c, 7 days. **Gross:** $13,000. (Average, $6,800)

"DANGEROUS" (W. B.)
"HER MASTER'S VOICE" (Para.)
PARAMOUNT—(2,740), 25c-35c-40c, 7 days. **Gross:** $11,000. (Average, $11,500)

Week Ending Jan. 16:

"CAPTAIN BLOOD" (F. N.)
WARFIELD—(2,680), 25c-35c-40c-50c, 9 days. Stage: band. **Gross:** $27,000. (Average, $20,000)

"FRISCO WATERFRONT" (Republic)
"IT'S A GREAT LIFE" (Para.)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $5,000. (Average, $6,000)

"MUTINY ON THE BOUNTY" (M-G-M)
ST. FRANCIS—(1,470), 15c-30c-40c, 7 days, 4th week. **Gross:** $6,000. (Average, $7,000)

Week Ending Jan. 17:

"CRIME and PUNISHMENT" (French)
CLAY—(400), 35c, 7 days. **Gross:** $1,400. (Average, $1,000)

Tri-States Contest Winners Are Named

DES MOINES, Jan. 20.—Winners in Tri-States' 13-week promotion contest have been announced.

Those placing in one section were: Eddie Dunn, Grand, Ottumwa, first; Don Fuller, Rivoli, Hastings, Neb., second; Robert Fulton, Paramount, Des Moines, third; William Miksell, Orpheum, Omaha, fourth.

The Omaha and Des Moines district managers tied for first place in the district contest for increased business and controlled expenditure by districts. Evert Cummings of Omaha and Stanley A. Brown of Des Moines were the tying district managers. Joe Kinsky of Davenport received a special prize for a good showing.

In the managers' group the winners were: C. W. Peterson, Princess, Sioux City, first; William Beckley, Strand, Des Moines, second; J. W. Pickett, Grand, Hastings, Neb., third. L. E. Davidson of the Capitol, Sioux City, won first for pre-Christmas activities and Eddie Forrester, Capitol, Grand Island, was second. Rockey Newton, Paramount, Cedar Rapids, ranked first in exploitation and H. W. Grove of the Fort, Rock Island, Ill., was second.

Variety Club Chatter

Albany

ALBANY, Jan. 20.—Variety Club has set Feb. 8 as the date for the Movie Ball to be held at the Ten Eyck.

The committee in charge intends to get a well known orchestra, a program of vaudeville and also to serve an elaborate dinner.

Film personalities from other cities will be invited.

Cincinnati

CINCINNATI, Jan. 20.—Officers for 1936, soon to be installed, are: HARRY J. WESSELL, chief barker; COL. ARTHUR M. FRUDENFELD, first assistant chief barker; FRANK W. HUSS, JR., second assistant chief barker; RALPH KINSLER, dough guy, and JOE KOLLING, property master. Canvassmen are: IKE LIBSON, ALLEN S. MORITZ, JAMES J. GRADY, JOE OULAHAN, ELMER SHARD and MAURICE WHITE.

Committees are as follows: Privilege men: MORITZ, main guy; OULAHAN, WHITE, JOHN S. ALLEN, WILLIAM ONIE, MANNY SHURE and HAROLD BERNSTEIN; Side Show—FRUDENFELD, main guy; BERNSTEIN, DON BECKER, JOE GOETZ, HARRY HARTMAN, WILLIAM A. V. MACK, NOAH SCHECTER, MERRELL SCHWARTZ, HARRY SHEERAN, NELSON G. TROWBRIDGE and FRITZ M. WITTE; Heart—WILLIAM BEIN, main guy; CHARLES FINE and JAKE N. GELLMAN; Payoff—LIBSON, main guy; GRADY, SHARD, ED M. BOOTH and PAUL M. KRIEGER; Bookers—WILLIAM HASTINGS, main guy; JOE ALEXANDER, LARRY BENTON and HARRIS DUDELSON; Billers—WITTE, main guy; E. V. DINERMAN, ELMER H. DRESSMAN, ED H. MAYER and M. J. WHITMAR.

F. H. BOYD, property master-elect of Cleveland No. 6, was a visitor here last week. Those from Columbus No. 2 seen around the club quarters were: J. REAL NETH and J. A. MCDONALD.

ELMER H. DRESSMAN, publicity manager for WCKY, local radio station, is back on the job after an automobile mishap.

PEP GOLDEN, operating a local booking office, has become a barker. HARRY RICE, New York exploiteer for United Artists, also a new barker in the nonresident classification.

Detroit

DETROIT, Jan. 20.—New members elected by Variety Club include: RALPH RUBEN, Amusement Supply Co.; GEORGE MCARTHUR, McArthur Theatre Equipment Co.; CHARLES C. PERRY, Adams Theatre, and ED ROSENBAUM, Columbia exploiteer.

Omaha

OMAHA, Jan. 20.—Official induction of Tent No. 16 will be held Jan. 26, with national Chief Barker JOHN H. HARRIS of Pittsburgh in charge.

Following induction and initiation, there will be a midnight dinner. From here, Chief Barker HARRIS will go to Des Moines to take in the tent there and later in the week he will go to Dallas for the same purpose.

The new house committee for the local tent is: WALTER GREEN, Fepco advertising, chairman; LEO DOTY, United Artists; TED MENDENHALL, Paramount; SOL FRANCIS, American Distributors; BOB BALLANTYNE of Scott-Ballantyne.

Washington

WASHINGTON, Jan. 20.—With retiring Chief Barker RUDOLPH BERGER presiding, the new board of governors of Tent No. 11 has been installed. JOHN J. PAYETTE, who was absent in Florida, will receive the oath of office on his return.

New officers are: J. LOUIS ROME, chief barker; CARTER T. BARRON, first assistant chief barker; A. JULIAN BRYLAWSKI, second assistant chief barker; SAM A. GALANTY, dough guy; HARRY HUNTER, property man, and HARRY S. BROWN, JOSEPH P. MORGAN, RUDOLPH BERGER, SAMUEL N. WHEELER, WILLIAM E. S. WILCOX and JOHN K. PAYPTTE, canvasmen.

Chief Barker ROME summarized the projects he has in mind for his administration.

First on the list was the appointment of a committee to revise the constitution and bylaws. It includes JAMES B. FITZGERALD, chairman; PHIL ERSHLER, SAMUEL M. BOYD, ALVIN L. NEWMYER, MYRON G. EHRLICH and ROBERT I. RUDOLPH.

Clubroom changes will be in charge of SAM A. GALANTY, CHARLES KRANZ, CARTER T. BARRON, HARRY S. BROWN, CHARLES L. SCHULMAN and WILLIAM E. S. WILCOX.

Pending changes in the constitution and bylaws, Chief Barker ROME postponed announcement of the standing committees.

Following the ceremonies of installation, a smoker was held in the club rooms, with beer and a buffet supper.

Fairbanks Starts Soon

HOLLYWOOD, Jan. 20. — Douglas Fairbanks will start "Marco Polo" next month. He is gradually assembling his old organization, and is meanwhile using the Goldwyn organization so that there will be no delays.

Stamford Scales Raised

STAMFORD, Jan. 20.—The Strand and Palace have reduced admissions. Top in both houses will now be 65 cents. The policy of continuous shows has been dropped, except on Saturday and holidays.

Ohio Sweepstakes Gain

CLEVELAND, Jan. 20.—Sweepstakes, distributed locally by Warren Irons, is now set in seven houses of the Associated Theatres circuit: Knickerbocker, Capitol, Memphis, Jennings, Garden, Hilliard Square and Dennison Square.

Rhodens to Honolulu

KANSAS CITY, Jan. 20.—E. C. Rhoden, president and general manager of Fox Midwest, and Mrs. Rhoden, left last week for a vacation in Honolulu which will last several weeks.

"Two Cities" Seattle Lead With $7,750

SEATTLE, Jan. 20.—"A Tale of Two Cities" was the top grosser here last week at $7,750 in the Fifth Avenue. It was moved to the Blue Mouse for an extended run.

The Orpheum dual, "King of Burlesque" and "Seven Keys to Baldpate," also was good, and it was moved to the Music Box.

Total first run business was $33,250. Average is $33,500.

Estimated takings for the week ending Jan. 17:

"RIFFRAFF" (M-G-M)
"STARS OVER BROADWAY" (W.B.)
BLUE MOUSE—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Orpheum. **Gross:** $3,200. (Average, $4,000)

"TALE OF TWO CITIES" (M-G-M)
"CORONADO" (Para.)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $7,750. (Average, $7,000)

"SPLENDOR" (U.A.)
"ONE WAY TICKET" (Col.)
LIBERTY — (1,800), 15c-25c-35c-50c, 8 days. **Gross:** $4,800. (Average, $4,000)

"THE BRIDE COMES HOME" (Para.)
"HIS NIGHT OUT" (Univ.)
MUSIC BOX—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Fifth Ave. **Gross:** $3,100. (Average, $4,000)

"KING OF BURLESQUE" (20th-Fox)
"SEVEN KEYS TO BALDPATE" (Radio)
ORPHEUM—(2,450), 25c-30c-40c, 7 days. **Gross:** $6,250. (Average, $6,000)

"MR. HOBO" (G.B.)
"MURDER OF DR. HARRIGAN" (F.N.)
PARAMOUNT — (3,050), 20c-25c-30c, 7 days. **Gross:** $4,900. (Average, $5,000)

"HITCH HIKE LADY" (Republic)
REX—(1,500), 15c-25c, 7 days. Vaudeville and Russell Texas Band. **Gross:** $3,250. (Average, $3,500)

"Obsession" Sets Record in K. C.

KANSAS CITY, Jan. 20.—"Magnificent Obsession" at the Tower more than doubled par by taking $14,500. It was the best week by far in the history of the house.

"Collegiate" took $8,500 at the Newman in seven days, $1,000 over par. "Ah, Wilderness" at the Midland, reached $17,800 in nine days. Par for that period is $16,500.

"Two in the Dark" and a stage show at the Mainstreet fell below par, taking $8,200. The double bill at the Uptown, "Here Comes the Band" and "Charlie Chan's Secret," disappointed with a gross of $3,500.

Total first run business was $52,200. Average is $52,000.

Estimated takings:

Week Ending Jan. 15:

"COLLEGIATE" (Para.)
NEWMAN—(1,900), 25c-40c, 7 days. **Gross:** $8,500. (Average, $7,000)

Week Ending Jan. 16:

"MAGNIFICENT OBSESSION" (Univ.)
TOWER—(2,200), 25c-35c, 7 days. Stage: Jack Major, Howard Weslee and his Debutantes, and the Three Sizes. **Gross:** $14,500. (Average, $7,000)

"AH, WILDERNESS" (M-G-M)
MIDLAND—(4,000), 25c-40c, 9 days. **Gross:** $17,800. (Average, $16,500)

"TWO IN THE DARK" (Radio)
MAINSTREET — (3,100), 25c-35c-50c, 7 days. Stage: Ada Leonard and her Star Spangled Revue, with Hal Sherman, Ralph "Cookie" Cook, Alene & Evans, Mignone, Tex Chapman, Winnie & Jinx, Beth Miller, Vickey McNeeley, and Irene and Martha. **Gross:** $8,200. (Average, combination bill $9,600)

Week Ending Jan. 17:

"HERE COMES THE BAND" (M-G-M)
"CHARLIE CHAN'S SECRET" (20th-Fox)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $3,200. (Average, $3,500)

"Two Cities" Washington's Hit, $22,000

WASHINGTON, Jan. 20.—"A Tale of Two Cities" boosted Loew's Palace to the city's best mark, $22,000. This topped the house average of $15,900 by $6,100. The picture went into a second week.

"The Magnificent Obsession" proved itself magnificent—without obsession—at RKO-Keith's, where the $16,000 gross was $5,400 over par. It also was held.

A return engagement of "Captain Blood" at the Metropolitan was good for $7,800, beating average by $3,500 and gaining a second week.

"La Maternelle" at the Belasco topped par by $800 for a gross of $3,800, while "In Old Kentucky," playing the second week on a return engagement, went $400 over to a gross of $4,000.

Stage-screen houses slipped under the previous holiday weeks, Loew's Fox, with "Riffraff" and a stage show headed by George Givot and Sylvia Froos, taking $21,000 (over par by $100) and the Earle, with "Mary Burns, Detective" and Phil Spitalny's 'Charm Girls" band on the stage, receiving $18,500, over average by $100.

Total first run business was $92,100. Average is $76,700.

Estimated takings, exclusive of tax:

Week Ending Jan. 14:

"LA MATERNELLE" (Metropolis)
BELASCO — (1,140), 25c-65c, 7 days. **Gross:** $3,800. (Average, $3,000)

"IN OLD KENTUCKY" (20th-Fox)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement, second week). **Gross:** $4,000. (Average, first run, $3,600)

"A TALE OF TWO CITIES" (M-G-M)
LOEW'S PALACE—(2,370), 35c-55c, 7 days. **Gross:** $22,000. (Average, $15,900)

"CAPTAIN BLOOD" (F.N.)
METROPOLITAN — (1,591), 25c-40c, 7 days (return engagement). **Gross:** $7,800. (Average, first run, $4,300)

Week Ending Jan. 16:

"MARY BURNS, FUGITIVE" (Para.)
EARLE—(2,218), 25c-77c, 7 days. Stage: Phil Spitalny and his "Charm Girls" band, with Evelyn Kaye, Peggy Peer, Rochelle & Sonia. **Gross:** $18,500. (Average, $18,400)

"RIFFRAFF" (M-G-M)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: George Givot, Sylvia Froos. Liazeed Arabian Troupe, Joe Phillips. **Gross:** $21,000. (Average, $20,900)

"MAGNIFICENT OBSESSION" (Univ.)
RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $16,000. (Average, $10,600)

Sandrich Is Re-Signed

HOLLYWOOD, Jan. 20.—Radio has signed Director Mark Sandrich to a new five-year contract. Sandrich will leave for a vacation in England after the preview of "Follow the Fleet," which he directed. He will return to the studio in March to start on a new picture.

E. M. Reynolds to Chicago

CHICAGO, Jan. 20.—E. M. Reynolds has joined the Chicago office of Ross Federal Service. He will be in charge of the research department. He was formerly in the Minneapolis office.

Form Theatre Company

CHERAW, S. C., Jan. 20.—Cheraw Amusement Co. has been chartered to operate film theatres, playhouses, etc. R. S. Rogers, Jr., is president.

"Obsession" Pulls $17,500, Cincy Top

CINCINNATI, Jan. 20.—"Magnificent Obsession" was the high spot of the week with $17,500 at the RKO Albee, plussing average by $5,500. It will be returned.

"Collegiate" was the runnerup, getting $14,750 at the RKO Palace, topping normal by $4,750. It was transferred to the RKO Lyric. "We're Only Human," aided by Wayne King and his orchestra and three acts on the RKO Shubert stage, registered $14,500, compared with a $12,000 average.

"The Littlest Rebel" continued to spell box-office in its third downtown week at the RKO Grand where it went $850 over the line with a $3,600 gross. "The Crime of Dr. Crespi" was $300 on the profit side at the independent Strand, where it garnered $1,800.

Total first run business was $70,800. Average is $60,200.

Estimated takings:

Week Ending Jan. 14:

"THE CRIME OF DR. CRESPI" (Republic)
STRAND — (1,300), 15c-25c, 7 days. **Gross:** $1,800. (Average, $1,500)

Week Ending Jan. 16:

"MAGNIFICENT OBSESSION" (Univ.)
RKO ALBEE—(3,300), 35c-42c, 7 days. **Gross:** $17,500. (Average, $12,000)

"COLLEGIATE" (Para.)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $14,500. (Average, $10,000) Moved to RKO Lyric.

"WE'RE ONLY HUMAN" (Radio)
RKO SHUBERT — (2,150), 35c-55c, 7 days. Stage: Wayne King and orchestra plus three acts. **Gross:** $14,500. (Average, $12,000)

"A TALE OF TWO CITIES" (M-G-M)
RKO CAPITOL—(1,200), 35c-42c, 7 days. 2nd downtown week. **Gross:** $6,500. (Average, $6,500) Moved to RKO Grand.

"THE BRIDE COMES HOME" (Para.)
RKO LYRIC—(1,400), 35c-42c, 7 days, 2nd downtown week. **Gross:** $5,250. (Average, $6,500)

"THE LITTLEST REBEL" (20th-Fox)
RKO GRAND—(1,200), 25c-40c, 7 days, 3rd downtown week. **Gross:** $3,600. (Average, $2,750)

"WHISPERING SMITH SPEAKS" (20th-Fox)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,250. (Average, $1,250)

"NAVY WIFE" (20th-Fox)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,200. (Average, $1,200)

"DANGEROUS" (W.B.)
KEITH'S—(1,500), 30c-40c, 7 days, 2nd week. **Gross:** $4,700. (Average, $6,500)

Washington Pension, Relief Fund Starts

SEATTLE, Jan. 20.—Circuits this month will begin to pay the state two per cent of the total salaries of employes. Employes will have one per cent of their salaries deducted weekly. The funds thus collected will be diverted into the State of Washington employment insurance fund which became a reality on January 1. Old age pensions and unemployment insurance will be handled through this fund.

All employers of labor in the state are affected.

Brown Making a Film

PROVIDENCE, Jan. 20.—Brown University is going Hollywood and a scenario is being shot to acquaint alumni with new phases of campus life. Various athletic contests will be shown as well as those to convey an idea of the traditions of the seventh oldest college in the United States.

"Burlesque" Gets $10,000 In Cleveland

CLEVELAND, Jan. 20.—First run business dropped from the sensational high of the previous week to a better-than-average total with "King of Burlesque" and "Captain Blood" in its second week, taking ranking honors.

"King of Burlesque" at Warners' Hippodrome went $2,000 over the line to a $10,000 gross. "Captain Blood," in its second week downtown, took $5,200 at the Allen, where $3,000 is the usual take.

"Ah, Wilderness" held up nine days at Loew's State, grossing $17,500 on the run. The State average is $12,000.

"Sylvia Scarlett," with a stage show starring Paul Lukas and Jane Frohman, went $2,000 over par at the RKO Palace to a $17,500 take.

"Mary Burns, Fugitive" went $500 over the line to a $4,500 total at Loew's Stillman.

Total first run business was $54,700. Average is $42,000.

Estimated takings for the week ending Jan. 17:

"CAPTAIN BLOOD" (F.N.)
ALLEN—(3,300), 30c-35c-42c, 7 days. **Gross:** $5,200. (Average, $3,000)

"AH WILDERNESS" (M-G-M)
LOEW'S STATE—(3,400), 30c-35c-42c, 9 days. **Gross:** $17,500. (Average, $12,000)

"MARY BURNS, FUGITIVE" (Para.)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $4,500. (Average, $4,000)

"SYLVIA SCARLETT" (Radio)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Paul Lukas, Jane Frohman. **Gross:** $17,500. (Average, $15,000)

"KING OF BURLESQUE" (20th-Fox)
WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $10,000. (Average, $8,000)

"Cities," $18,600 St. Louis Leader

ST. LOUIS, Jan. 20.—"A Tale of Two Cities" at Loew's was the best draw of the week with a gross of $18,600, over average by $9,600. It was held over.

"Magnificent Obession" at the Fox had a good week with $16,800, above average by $4,800. It also was held over.

"Paddy O'Day" and the "Sunkist Revue," a stage attraction, drew $15,600 at the Ambassador, a mark $5,600 above average for the house, but the stage show had much to do with this gross.

Some musical attractions at the Municipal Auditorium furnished the principal opposition. The weather was cold with several cloudy days.

Total first run business was $68,400. Average is $46,000.

Estimated takings for the week ending Jan 9:

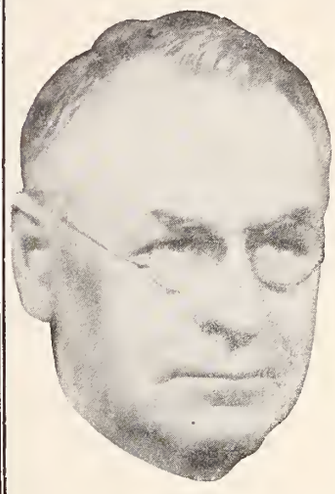
"PADDY O'DAY" (20th-Fox)
AMBASSADOR — (3,018), 25c-35c-55c, 7 days. Stage: "Sunkist Revue." **Gross:** $15,600. (Average, $10,000)

"MAGNIFICENT OBSESSION" (Univ.)
FOX—(5,038), 25c-35c-55c, 7 days. **Gross:** $16,800. (Average, $12,000)

"TALE OF TWO CITIES" (M-G-M)
LOEW'S — (3,162), 25c-35c-55c, 7 days. **Gross:** $18,600. (Average, $9,000)

"I DREAM TOO MUCH" (Radio)
ORPHEUM—(1,950), 25c-35c-55c, 7 days. **Gross:** $7,800. (Average, $8,500)

"THE BRIDE COMES HOME" (Para.)
SHUBERT-RIALTO—(1,723), 25c-35c-55c, 7 days. **Gross:** $9,600. (Average, $6,500)



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Bowes' Unit, "Band" Big in Philadelphia

PHILADELPHIA, Jan. 20.—The lure of Major Bowes and his amateurs still holds good here, being responsible for a $17,500 week at the Earle. The feature was "Dance Band." The other stage show house, the Fox, also cashed in nicely with a $16,000 second and final week for "King of Burlesque."

On the whole, the town felt some of the post-holiday slump with several features not getting the breaks they were entitled to. "Dangerous" at the Boyd and "Collegiate" at the Stanley both got good press notices, but were both under par with $11,000 and $11,500, respectively. Rain in the middle of the week hurt business.

In its second run at Keith's, "Captain Blood" cruised along to $3,700, best figure for the house in a long time, and was held a second week.

Total first run business was $78,800. Average is $84,300.

Estimated takings for the week ending Jan. 16:

"FIRST A GIRL" (G-B)
ALDINE — (1,200), 40c-55c-65c, 9 days. **Gross:** $8,000. (Average, 7 days, $8,160)
"WHIPSAW" (M-G-M) (2nd run)
ARCADIA—(600), 25c-40c-50c, 7 days, 2nd week. **Gross:** $1,900. (Average, $2,800)
"DANGEROUS" (W. B.)
BOYD—(2,400), 40c-55c, 7 days. **Gross:** $11,000. (Average, $14,000)
"DANCE BAND" (First Div.)
EARLE — (2,000), 25c-40c-50c, 7 days. Stage: Major Bowes' amateurs. **Gross:** $17,500. (Average, $14,000)
"KING OF BURLESQUE" (20th-Fox)
FOX — (3,000), 40c-55c-65c, 7 days, 2nd week. Stage: Three Sailors; Randall Sisters; Jackie Green; Selma Marlowe; Santschi & Buckley. **Gross:** $16,000. (Average, $14,000)
"I DREAM TOO MUCH" (Radio) (2nd run)
KARLTON—(1,000), 25c-35c-40c, 7 days. **Gross:** $3,200. (Average, $4,000)
"CAPTAIN BLOOD" (F. N.) (2nd run)
KEITH'S — (2,000), 30c-40c-50c, 7 days. **Gross:** $3,700. (Average, $4,000)
"COLLEGIATE" (Para.)
STANLEY — (3,700), 40c-55c, 7 days. **Gross:** $11,500. (Average, $14,000)
"RIFFRAFF" (M-G-M)
STANTON—(1,700), 30c-40c-50c, 7 days, 2nd week. **Gross:** $6,000. (Average, $7,000)

"Rancho," "Navy" Get $6,800, Omaha

OMAHA, Jan. 20.—"Rose of the Rancho" and "Navy Wife" were the money-makers of the week. They ran $1,800 over par at the Omaha for a total of $6,800.

"Whipsaw" and "The Perfect Gentleman" also were strong with $8,350, to the good by $350, at the Orpheum.

Total first run business was $19,350. Average is $17,000.

Estimated takings:

Week Ending Jan. 14:
"IF YOU COULD ONLY COOK" (Col.)
"ONE WAY TICKET" (Col.)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $4,200. (Average, $4,000)

Week Ending Jan. 15:
"ROSE OF THE RANCHO" (Para.)
"NAVY WIFE" (20th-Fox)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $6,800. (Average, $5,000)

Week Ending Jan. 16:
"WHIPSAW" (M-G-M)
"THE PERFECT GENTLEMAN" (M-G-M)
ORPHEUM — (3,000), 25c-40c, 7 days. **Gross:** $8,350. (Average, $8,000)

"Obsession" Leads Milwaukee Pickup

MILWAUKEE, Jan. 20. — Business soared last week and "Magnificent Obsession" rode to town on an $8,800 take for nine days at the Warner, this was $3,800 above par. It was followed closely by "A Tale of Two Cities" which grossed $8,500 at Fox's Wisconsin for eight days.

Ina Ray Hutton was the big attraction at Fox's Palace with "The Perfect Gentleman" on the screen doing $7,800, or $2,800 to the good. Even the Riverside, with "Frisco Waterfront" and Dave Schooler in his second week, clicked for $5,500, just $500 above average. The weather was cloudy and cold with no outside competition.

Total first run business was $30,600. Average is $23,000.

Estimated takings for the week ending Jan. 16:

"THE PERFECT GENTLEMAN" (M-G-M)
PALACE—(2,800), 25c-35c-55c, 7 days. Stage: Ina Ray Hutton and her Melodears, Jack Pepper, Terry Howard, Miss TNT, Sammy Cantor, Helen Honan, Dorothy Crooker, Three Burk Sisters. **Gross:** $7,800. (Average, $5,000)
"FRISCO WATERFRONT" (Republic)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: Dave Schooler with Bobbie May, Loew and Hite, Gaby Leslie. **Gross:** $5,500. (Average, $5,000)
"MAGNIFICENT OBSESSION" (Univ.)
WARNER—(2,400), 25c-40c, 9 days. **Gross:** $8,800. (Average, $5,000)
"A TALE OF TWO CITIES" (M-G-M)
WISCONSIN—(3,200), 25c-40c, 8 days. **Gross:** $8,500. (Average, $8,000)

"Wilderness" Tops New Haven, $9,000

NEW HAVEN, Jan. 20.—The Poli, featuring "Ah, Wilderness" on a dual with "If You Could Only Cook," led first runs to a $2,000 advance over the normal $7,000 for a nine day run.

"Rose of the Rancho," together with "The Affair of Susan," at the Paramount, grossed $5,500, or $700 up; while "I Dream Too Much" at the Roger Sherman, took $5,200, up by $500. The College, holding over "Littlest Rebel" for a second week, outdistanced the usual $2,800 by $1,100.

Total first run business was $23,600. Average is $19,300.

Estimated takings for week ending Jan. 16:

"LITTLEST REBEL" (20th-Fox) (2nd week)
"YOUR UNCLE DUDLEY" (20th-Fox)
COLLEGE—(1,499), 35c-50c, 7 days. **Gross:** $3,900. (Average, $2,800)
"ROSE OF THE RANCHO" (Para.)
"THE AFFAIR OF SUSAN" (Univ.)
PARAMOUNT—(2,400), 35c-50c, 7 days. **Gross:** $5,500. (Average, $4,800)
"AH, WILDERNESS!" (M-G-M)
"IF YOU COULD ONLY COOK" (Col.)
POLI—(3,040), 35c-50c, 9 days. **Gross:** $9,000. (Average, $7,000)
"I DREAM TOO MUCH" (Radio)
"THE MURDER OF DR. HARRIGAN" (F.N.)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $5,200. (Average, $4,700)

To Rush O'Brien's Next

HOLLYWOOD, Jan. 20.—Sol Lesser will put the next George O'Brien picture, "O'Malley of the Mounted," before cameras earlier than originally planned so that he will not have to keep the studio crew idle while Bobby Breen is recovering from appendicitis.

Breen is not expected back before Feb. 5. Preparations on the O'Brien film are being rushed, and filming is expected to start Jan. 29.

"Bride," Show Chicago Smash With $56,600

CHICAGO, Jan. 20. — "The Bride Comes Home," with a stage show headed by Veloz and Yolanda, packed the Chicago practically the entire week and piled up a gross of $56,600, over normal by $24,600.

"Magnificent Obsession" was in the money in a big way with a take of $28,200 at the Palace. This is $9,200 on the profit side of the line. "Captain Blood" was good for $23,000 at the United Artists, over the line by $6,000. "Personal Maid's Secret," helped by a stage show headed by Olsen and Johnson, garnered a heavy $20,500 at the Oriental.

Total first run business was $158,000. Average is $117,000.

Estimated takings:

Week Ending Jan. 14:
"CAPTAIN BLOOD" (F.N.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $23,000. (Average, $17,000)
"ROSE OF THE RANCHO" (Para.)
ROOSEVELT — (1,591), 30c-40c-60c, 4 days, 3rd week. **Gross:** $4,000. (Average, $11,000)

Week Ending Jan. 15:
"MUTINY ON THE BOUNTY" (M-G-M)
APOLLO—(1,400), 25c-35c-50c, 8 days, 2nd week. **Gross:** $5,100. (Average, $4,500)

Week Ending Jan. 16:
"MAGNIFICENT OBSESSION" (Univ.)
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Weaver Bros., and Elviry Revue. **Gross:** $28,200. (Average, $19,000)
"THE BRIDE COMES HOME" (Para.)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Veloz and Yolanda, Red Hodgson and revue. **Gross:** $56,600. (Average, $32,000)
"PERSONAL MAID'S SECRET" (W.B.)
ORIENTAL—(3,490), 25c-40c, 7 days. Stage: Olsen and Johnson and "Everything Happens" Revue. **Gross:** $20,500. (Average, $15,000)
"FRISCO KID" (W.B.)
GARRICK—(900), 25c-35c-50c, 7 days. **Gross:** $6,300. (Average, $5,500)

Week Ending Jan. 17:
"$1,000 A MINUTE" (Republic)
STATE-LAKE — (2,776), 20c-30c-35c, 7 days. Stage: Ed Lowry's Brevities. **Gross:** $14,300. (Average, $13,000)

Run Four-hour Shows

DERBY, Conn., Jan. 20.—The Commodore Hull, Warner house, is running a four-hour show twice a week with excellent results. In addition to double features, a number of shorts are used. Names in these shorts are advertised with the main features. The same plan may be introduced in Torrington and other spots.

Gibralter Takes 22nd

DENVER, Jan. 20.—Gibralter Enterprises, Inc., now has 22 houses in its string, with the addition of the Lyric at Powell, Wyo. The Lyric will be added to the group operated by E. J. Schulte.

Gibralter will close the theatre for about three weeks for remodeling and redecorating job.

Boulder House Opened

DENVER, Jan. 20.—Fox Intermountain has opened its new Boulder theatre in Boulder, Col. The opening was a gala affair and was attended by many Denver men. Seating 1,040, the house is modern in every detail.

"Obsession" Pittsburgh's Hit, $12,500

PITTSBURGH, Jan. 20.—"The Magnificent Obsession" at the Alvin was far ahead of anything here last week, claiming around $12,500, more than double average, for the biggest thing this house has had since "Steamboat 'Round the Bend." It got away to a great start, continued to build and was held over.

The only real disappointment was "Collegiate" at the Penn. It fell off to $9,000, considerably below recent takings here. The Stanley didn't drop as expected after a sensational week before and pulled down a very satisfactory $21,500 with "Splendor" and a stage show, while the Fulton in six days, got a seven-day average, $4,000, with "Charlie Chan's Secret" and "Hitch Hike Lady." At the Warner "Seven Keys to Baldpate" and "Millions in the Air" got away briskly but fell off down the home stretch and wound up with $4,600.

Total first run grosses were $51,600. Average is $45,000.

Estimated takings for the week ending Jan. 16:

"MAGNIFICENT OBSESSION" (Univ.)
ALVIN—(2,000), 25c-40c, 7 days. **Gross** $12,500. (Average, $5,500)
"CHARLIE CHAN'S SECRET" (20th-Fox)
"HITCH HIKE LADY" (Republic)
FULTON—(1,750), 15c-40c, 6 days. **Gross** $4,000. (Average, 7 days, $4,000)
"COLLEGIATE" (Para.)
PENN—(3,300), 25c-40c, 7 days. **Gross** $9,000. (Average, $12,000)
"SPLENDOR" (U. A.)
STANLEY—(3,600), 25c-55c, 7 days. Stage: Lottie Mayer's Underwater Ballet, Eddie White, The Whirlwinds, Lela Moore, Three Sailors, Major Bowes' Gold Medal band. **Gross:** $21,500. (Average, $18,500)
"MILLIONS IN THE AIR" (Para.)
"SEVEN KEYS TO BALDPATE" (Radio)
WARNER—(2,000), 25c-40c, 7 days. **Gross:** $4,600. (Average, $5,000)

"Whipsaw" Lincoln Leader at $3,300

LINCOLN, Neb., Jan. 20.—"Whipsaw" was in the money last week at $3,300, which is $1,100 over average.

"Collegiate" at the Stuart took plenty of college trade and grossed $3,800, $700 up.

"First a Girl" managed to boost the Varsity slightly over the edge to $1,500.

Total first run business was $11,850. Average is $9,850.

Estimated takings:

Week Ending Jan. 15:
"WHISPERING SMITH" (20th-Fox)
"TUMBLING TUMBLEWEEDS" (Republic)
COLONIAL — (550), 10c-15c, 7 days. **Gross:** $950. (Average, $850)
"COLLEGIATE" (Para.)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $3,800. (Average, $3,100)

Week Ending Jan. 16:
"WHIPSAW" (M-G-M)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $3,300. (Average, $2,200)
"FIRST A GIRL" (G.B.)
VARSITY—(1,100), 10c-20c-25c, 7 days. **Gross:** $1,500. (Average, $1,300)
"MILLIONS IN THE AIR" (Para.)
"SEVEN KEYS TO BALDPATE" (Radio)
"BROADWAY HOSTESS" (F.N.)
ORPHEUM — (1,200), 10c-15c-20c-25c, days. **Gross:** $2,300. (Average, $2,100) First three days had the "Fads and Fancies" unit on stage.

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Wehrenberg Tells of Effort To Get Films

Sought Paramount, RKO Product for House

ST. LOUIS, Jan. 21.—Testifying as a Government witness today in the equity action against Warners, Paramount and RKO, Fred Wehrenberg, president of the M. P. T. O. of St. Louis, Eastern Missouri and Southern Illinois, recounted his unsuccessful efforts to obtain Paramount and RKO product for subsequent run showing at the New Grand Central, in December, 1934.

He conferred with Harry Koplar and Harry Arthur, Fanchon & Marco vice-president and general manager, on the invitation of Koplar, at the Fox Theatre on Dec. 8, 1934, Wehrenberg testified. At that conference Arthur offered him two propositions on the New Grand Central. One was that F. & M. would give him a half-

(*Continued on page 6*)

Canada Attendance Up to 107,718,000

OTTAWA, Jan. 21.—According to a report of the Dominion Bureau of Statistics, 107,718,000 persons attended 799 film theatres during the past year throughout Canada. This is the first aggregate attendance compilation made by the Government.

Receipts totalled $25,280,300. In the peak year of 1930 the aggregate gross was $38,479,500. Receipts in six of the nine provinces were in excess of those of the previous year, British Columbia showing the greatest advance with 6.6 per cent and Ontario three per cent. The greatest falling off was in Quebec, where the decrease for the year was 3.2 per cent. Mani-

(*Continued on page 7*)

Crisis on 52nd St.

The waiters at "21" walked out on strike yesterday and left that effete establishment, rendezvous of many film men, in very much of a jam.

However, the film contingent got along, as did others, with only a slight delay to Ralph Rolan, Phil Reisman, Capt. George McL. Baynes, Joe Moskowitz, Bob Goldstein, Willard McKay, Charles B. Paine and Monte Brice.

Theatre Boom Underway in Detroit Area

Many New Houses Going Up; Others Planned

DETROIT, Jan. 21.—Theatre building is gaining boom proportions in this territory, observers agree.

In this city the University, a 2,000-seater, is under construction in the University of Detroit section, and another is being built at Grand River and Southfield. Both of these are for United Detroit Theatres.

Barney Kilbride and Joe Stoia, operating the Alhambra and Midway, will soon start a 1,000-seat house to be known as the Dome, at West Warren and Schaffer Road, and Joe Miskinnis has plans for another new house at West Warren and Miller Road.

Lew Wisper, of Wisper and Wetsman, operators of nine neighborhood houses, has planned for a 1,900-seat house to be started in April at

(*Continued on page 10*)

Warners Offer WNYC Free Music License

Licensing of the city-owned radio station, WNYC, for the use of Warner music without charge can be had by the station on application. Warners, through their music subsidiary, Harms, Inc., advised Mayor LaGuardia yesterday in a letter which pointed out that the station's "rather precipitate recourse to litigation" was unnecessary. WNYC brought suit against Warners last week asking a declaratory judgment for its use of Warner music on the grounds that the station is a non-profit operation.

The Warner letter explained that no application for a license had been received from WNYC.

Para. Claims Record On King George Reel

Paramount claims a new speed record for distribution of newsreel films throughout the country. Within 20 minutes after the announcement of the death of King George, it says, film records of his life with leaders announcing his death were released by all exchange centers.

Announcement of the death was made in England, Paramount says, at 6:55 P. M., Eastern Standard time. At 7:18 the film was being shown at the Paramount.

William Montague, assignment edi-

(*Continued on page 2*)

British Houses Dark

London, Jan. 21.—All picture theatres and most legitimate theatres were closed today in respect for the memory of King George.

Closing of legitimate theatres was left to the individual discretion of owners, but in the case of picture houses the K.R.S. and Gaumont British acted.

Theatres will close again the day of the funeral until 5:30 P.M.

Discuss New Move In Anti-Dual Case

An application for leave to reargue the appeal on the legality of the anti-feature clause in exhibition contracts before the U. S. Circuit Court of Appeals at Philadelphia was discussed yesterday at a meeting of major company attorneys at M.P.P.D.A. headquarters.

If the application for reargument is made it would set aside for the time being any move to bring the double features case before the U. S. Supreme Court, as was favored by some distributors earlier. Such a move, however, undoubtedly would be taken if the application to reargue should be made and denied.

The Circuit Court decision upholding the finding of Federal Judge

(*Continued on page 7*)

$78,000 to Balabans In '34, SEC Reveals

WASHINGTON, Jan. 21.—Barney Balaban, president, and John Balaban, secretary-treasurer, of Balaban & Katz, received salaries of $78,000 in 1934, it was revealed today by the Securities Exchange Commission, making public data sought to be kept confidential by the company when it filed its operating statement last year. Walter Immerman, vice-president, received $15,080.91.

The statement also showed that the company operates 49 houses, 15 of which it owns, the other 34 being leased.

Yamins Elected Head Of Allied Affiliate

BOSTON, Jan. 21.—Nathan Yamins was elected president of the Independent Exhibitors, Inc., New England Allied affiliate, at the anual meeting here today. Other officers elected were: Max Levenson, first vice-president; Frances C. Lydon, second vice-president; E. Harold Stoneman, treasurer, and Ernest H. Horstmann, secretary.

Standard May Ask Extension Of "U" Option

Still Studying Company Financial Details

Indications are that Standard Capital Co. will be unable to arrive at a decision on the exercising of its option to acquire a controlling interest in Universal until approximately the time of the expiration of the option, Feb. 1. The negotiation of an extension of the option time beyond that date, if necessary, is a possibility.

J. Cheever Cowdin, head of Standard, said yesterday that, despite the fact that his company's study of Universal's financial position and requirements had been proceeding "day and night," the work could not be completed before next week at the earliest. Standard's decision on exercising the option is awaiting the completion of this study.

The understanding is that Universal leans favorably toward the idea and that the terms of such an option are being worked out now.

Iowa's High Court Favors Bank Night

DES MOINES, Jan. 21.—The Supreme Court here today declared that Bank Night was legal. This will result in 270 houses reverting to the plan. Des Moines theatres have announced immediate resumption.

Decisions also are pending in Texas, Massachusetts and New Hampshire.

Bank Night Invades Houston

HOUSTON, Jan. 21. — Competition sharpened by the opening of two new theatres here within as many months and the announcement of two others to be opened within a few weeks has done what the depression failed to do in Houston. It has brought in Bank Nights.

The Kirby, a split-week Interstate

(*Continued on page 7*)

Dickering

Republic is negotiating with "two or three men" for the post of general sales manager and is seeking an "outstanding" personality for the post, it was stated yesterday.

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Roxy Estate Placed At $5,000 by Widow

Samuel L. (Roxy) Rothafel left an estate valued at less than $5,000, according to a petition for letters of administration filed in surrogate's court yesterday by the widow, Mrs. Rosa R. Rothafel. The petition stated that no will had been found and that Roxy's personal estate consisted principally of a claim against RKO, which was recently proposed for settlement at $179,271, but since his death has become subject to possible readjustment.

It was believed that Roxy held life insurance for a large amount but no mention of insurance was made in the widow's petition. Roxy owned no real estate.

Hays Holds First Meeting

HOLLYWOOD, Jan. 21.—Will Hays called a meeting of the Producer Ass'n members here today. It was the first since his arrival on the coast. Joseph M. Schenck presided. The confab dealt with the discussion of the Social Securities Act and pledged full cooperation on the President's Ball this year, as was done in 1935.

"Rancho" at $25,000

"Rose of the Rancho" ended its second week at the Paramount with $25,000. Glen Gray and his Casa Loma orchestra, and the Onyx Boys were on the stage.

"King of Burlesque" finished its second stanza at the Center last night with $23,000.

Purely Personal

HARRY MOSKOWITZ, head of the construction department of Loew's, Inc., and now on his way back to this country from South America, is due on the 30th, his birthday. The MOSKOWITZ clan—CHARLIE, JOE, ARTHUR, MARTIN and the others—are awaiting the time.

•

P. A. POWERS is receiving condolences from golfing friends on the destruction by fire late Sunday night of a large part of the club house of the Long Shore C. C., Westport, Conn., of which he was the owner.

•

JACK GOLDSTEIN, exploitation manager for United Artists, left last night with PARKEAKARKUS for Boston to attend the opening of "Strike Me Pink" at Loew's State and Orpheum Friday.

Quip of the Day

Talking about new clubs, Bob Goldstein upped long enough yesterday to remark agents were figuring on forming an organization of their own and would not allow producers in.

Bob's an agent.

HARRY RATHNER, sales manager of Burroughs-Tarzan Pictures, reached Hollywood yesterday. He will confer with BEN S. COHEN, president, on the company's new lineup.

•

JOAN and CONSTANCE BENNETT arrived from Hollywood by plane yesterday to be at the bedside of their father, RICHARD, who is seriously ill at the Harbor Sanitarium.

•

MAX COOPER, manager of the Cove and Glen at Glen Cove, and HERMAN STARR, manager of the Fox at Hackensack, have switched posts. These are Skouras theatres.

•

RALPH COOPER, the dancer, has been signed by Twentieth Century-Fox to stage the dances in future SHIRLEY TEMPLE films. LOU IRWIN handled the deal.

•

GUMPHER R. LESSING, WALT DISNEY's personal advisor, is in town from the coast. He is stopping at the Waldorf.

•

JOHN E. OTTERSON has delayed his planned departure from the coast and now is not expected here for another week.

•

FAY WRAY will return from England tomorrow to start work in Columbia's "Roaming Lady."

•

MARY CARLISLE, PAUL CAVANAUGH and MRS. HORTENSE ODLUM sail today on the *Majestic.*

•

ARTHUR WILLI, Radio's eastern talent scout, takes the Century Friday en route to the coast.

•

HY DAAB was out of the running yesterday. He was confined to his hotel with a cold.

•

BEN GOETZ is slated to sail from London for New York today.

Allied Union Loses Richmond Hill Case

Justice Aron Steuer yesterday denied an application by Allied M. P. Operators Union for an injunction to restrain Screen Theatres, Inc., operator of the Garden, Richmond Hill, L. I., from employing Local 306 operators after having been a member of the I. T. O. A. when the organization entered into an agreement to employ members of the Allied union.

In denying the application Justice Steuer found that the Garden had dismissed Allied operators two years ago and since had employed members of Local 306. He ruled that Allied had waived its right to relief by failing to make its application for an injunction sooner and also pointed out that Allied had failed to show that efforts had been made to settle the cause by arbitration. Mathew M. Levy was counsel for Local 306 in the case.

Local 306 Appeal Denied

The Court of Appeals yesterday denied Local 306 the right to appeal in the case of Allied M. P. Operators' Union against the Tiffany Theatre in the Bronx, according to Murry Harston, attorney for Allied.

Allied had sued originally to compel the Tiffany to employ its men under a 10-year agreement with the I.T.O. and won in a lower court. Local 306, which had defended the theatre, took the case to the Court of Appeals in an effort to have the injunctive relief first obtained by Allied removed. Harston said yesterday the clerk of the higher court advised the right of appeal had been denied the theatre and 306.

20th-Fox List 75% Finished, 26 Weeks

HOLLYWOOD, Jan. 21.—With the first 26 weeks of its fiscal year ended Twentieth Century-Fox has completed 75 per cent of its current schedule of 57 features, 12 of which are to be Twentieth Century films personally supervised by Darryl F. Zanuck.

Forty-three features have been completed or are in production.

Five of the most important pictures of the year are now before the cameras. They are: "The Prisoner of Shark Island," "The Country Doctor," "A Message to Garcia," "Everybody's Old Man" and "Under Two Flags."

Bank Cases Continued

BOSTON, Jan. 21.—Federal Judge James Morton here yesterday declined jurisdiction in the cases of John Deery and Daniel Mulloney, sentenced for misappropriation of bank funds. Theatre loans were involved. The cases were continued until next Monday on reaffirmation of sentence.

Pick Next for Arliss

"East Meets West" will be George Arliss' next starring picture for G. B., according to word received here by Arthur A. Lee, vice-president. Arliss will impersonate a modern Malay monarch.

Son to Fred Astaire

HOLLYWOOD, Jan. 21.—A son was born today to Mrs. Fred Astaire, the former Phyllis Livingstone Potter of New York.

Para. Claims Record On King George Reel

(*Continued from page 1*)

tor, assembled the film several days in advance and made arrangements for a tranatlantic telephone flash, and the film release was wired to all exchanges.

Montague says this is the first time a newsreel has beaten the daily newspapers and the radio to the public. The clip was 400 feet long.

Claims "Beat" on King's Death

The Embassy, Broadway newsreel house, reported yesterday that by the receipt of a special Pathe News release on the death of King George V at 7:13 P. M. Monday, it was enabled to score a "beat" on New York dailies, which did not reach Broadway with news of the King's death until 30 minutes later. Its lettering announcing the death was on the Embassy's marquee simultaneously with receipt of the Pathe special, the theatre management said.

The Embassy said it received a special release from Paramount News at 7:40 P. M., and that Hearst, Fox and Universal reels made no specials, but issued releases yesterday morning covering the death.

Seebach, Cameraman, Dead in Los Angeles

LOS ANGELES, Jan. 21.—James Seebach, veteran Fox Movietone staff cameraman, died suddenly here Monday. His death follows closely upon that of Bill Loweree, late sports film editor of the reel.

Seebach, born in New York 36 years ago, was one of the original group of cameramen who started the old Fox (silent) News, back in 1919. During recent years he had spent much time in the Far East.

Bryson Burial Here

LONDON, Jan. 21.—The body of James V. Bryson, who was fatally injured on Christmas Day, is aboard the *Alaunia* en route to the U. S. for burial beside his mother in Portsmouth, Ohio. Bryson had been dealing in European films and had been attempting studio deals since his unsuccessful suit against Universal in 1933 alleging wrongful dismissal.

Kemp Band Features Stage Show at Para.

Hal Kemp and his band, with the Yacht Club Boys as an added attraction, will feature the new stage show at the Paramount, which plans to retain indefinitely its policy of orchestras plus films.

Kemp begins today, succeeding Glen Gray and his Casa Loma orchestra, which has been at the house for several weeks. Following Kemp, who is expected to remain at least two weeks, Ted Fio Rito and his band is scheduled.

Close Milwaukee Deal

MILWAUKEE, Jan. 21.—Chesterfield and Invincible have closed deals here with C. W. Trampe of Midwest Film for the distribution of 12 of their 1935-36 lineup in the Wisconsin territory. Three pictures now ready for immediate distribution are "Tango," "Ring Around the Moon" and "The Dark Hour."



I'M WILLING TO EVEN LET THE SUPREME COURT DECIDE!

The Cream of the Crop is on its Way. No Divided opinion here—not even 6-3.

OUR CASE RESTS

on this banner line-up!



Irving Thalberg claims that "Romeo" is the biggest enterprise of his career. These banners represent Millions to entertain the M-G-M millions of faithful followers. We not only *wished* you a Happy New Year—we'll *make* it Happy!

MUSIC HALL
NEW YORK CITY · Jan. 30th

PALACE
CHICAGO · Jan. 30th

BRANFORD
NEWARK

KEITH'S
WASHINGTON, D.C. · Jan. 31st

HIPPODROME
CLEVELAND · Feb. 1st

PANTAGES-HILLSTREET
LOS ANGELES · Feb. 5th

KEITH'S
BALTIMORE · Feb. 6th

FULTON
PITTSBURGH · Feb. 6th

ALBEE
PROVIDENCE · Feb. 6th

ROCHESTER, N
February 6th

TOWER
KANSAS CITY · Feb. 7th

BOYD
PHILADELPHIA · Feb. 7th

STRAND
PORTLAND, ME. · Feb. 7th

FOX
ST. LOUIS · Feb. 7th

LINCOLN
MIAMI BEACH · Feb. 8th

NEWPORT
NORFOLK · Feb. 9th

LAFAYETTE
BUFFALO · Feb. 13th

GENTLEMEN, YOU'RE RIG
JUSTIFIED IN SWAMPI
MARGARET SULLAVA
GREATEST STORY, "NEXT
ARE IN FLOODING US
OTHER UNIVERSAL REC
OBSESSION"! UNIVERSA
YOU WHEN A NEW SM
YOUR WAY.

GLADNER
LANSING · Feb. 14th

METROPOLITAN
HOUSTON · Feb. 14th

CRITERION
OKLAHOMA CITY · Feb. 14th

PARAMOUNT
AUSTIN · Feb. 15th

KALAMAZOO
February 14th

COLONIAL
ERIE · Feb. 14th

STRAND
ALTOONA · Feb. 14th

ANN ARBOR
February 14th

SAGINAW
February 14th

FLINT
Feb.

YOU ARE ABSOLUTELY
JS WITH BOOKINGS ON
I URSULA PARROTT'S
E WE LOVE," JUST AS YOU
I CONTRACTS FOR THAT
BREAKER, "MAGNIFICENT
OESN'T HAVE TO TELL
I PICTURE IS COMING
U KNOW IT!

OL & STATE
CHMOND, VA. - Feb. 6th

PALACE
AKRON - Feb. 7th

STRAND
ALBANY - Feb. 7th

MAJESTIC
HARTFORD - Feb. 7th

STRAND
LOUISVILLE, KY. - Feb. 7th

PALACE
MEMPHIS - Feb. 7th

SAENGER
NEW ORLEANS - Feb. 7th

PARAMOUNT
ATLANTA - Feb. 7th

MEMORIAL
BOSTON - Feb. 7th

CIRCLE
INDIANAPOLIS - Feb. 7th

ORPHEUM
SALT LAKE CITY - Feb. 7th

ORPHEUM
SAN FRANCISCO - Feb. 7th

STATE
WATERBURY, CONN. - Feb. 7th

FOX
DETROIT - Feb. 7th

LITTLE ROCK
February 9th

GRANDIN
ROANOKE - Feb. 9th

ALBEE
CINCINNATI - Feb. 14th

AIR
- Feb. 19th

RITZ
TULSA - Feb. 21st

HOLLYWOOD
FT. WORTH - Feb. 21st

QUEEN
GALVESTON - Feb. 22nd

AZTEC
SAN ANTONIO - Feb. 28th

PLAZA
EL PASO - Feb. 29th

PALACE
DALLAS - Feb. 29th

MILLER
WICHITA - Mar. 1st

EGYPTIAN
OGDEN - March 15th

KIMO
ALBUQUERQUE - Mar. 28th

Wehrenberg Tells of Effort To Get Films

(Continued from page 1)

interest in the house if he could get the needed pictures, or that he could have the house itself, merely paying the weekly rental of $350 required under the lease with the St. Louis Ambassador Theatre Co., owner of the property.

He mentioned conversations with Maurice Schweitzer, local Paramount manager, and Lou Elman and Tom Tobin, RKO manager and salesman, respectively, regarding the obtaining of films for subsequent run at the New Grand Central.

He admitted he had entered into no verbal or written agreement with Arthur on either proposition for the house, when questioned by Frederick H. Wood of Warner counsel, but said he merely tried to find out whether Paramount or RKO product would be available. He testified that Schweitzer told him some days later, after consulting New York, that Paramount thought it inadvisable to book its films into the New Grand Central, fearing it might hurt first run receipts from the Shubert-Rialto, nearby, where Paramount product was being shown on a percentage basis.

Wehrenberg also said that Schweitzer told him the St. Louis Amusement Co. had previously taken second run rights for Paramount product in the city. Wehrenberg said the same was true of RKO, and answering a question put by Judge Joseph W. Molyneaux, he said he did not expect to obtain second run rights for either Paramount or RKO product.

RKO Product at $100 Per Day

The price question was not taken up with Schweitzer, the witness said, but Tobin said he would sell RKO product for $100 a day, which Wehrenberg declared he considered too high, considering the overhead at the New Grand Central. He said when he approached Elman, the latter said he thought Ben Brinkmeyer, now manager of Koplar's Montgomery, had leased the New Grand Central, and when Elman was told Brinkmeyer had not gone through with the deal, he said he would look up a proposition for RKO product which he had made to Brinkmeyer. Then Tobin made the $100 a day offer.

Wehrenberg did nothing further on RKO, he testified, until he met Elman in the old Federal Building during the grand jury investigation into the alleged conspiracy of Warners, Paramount and RKO to withhold product from the Missouri, Ambassador and New Grand Central.

"I asked Elman again about RKO pictures for the New Grand Central," Wehrenberg testified, "and he replied, 'Get a lease first, Fred, and then we will talk about it.'"

According to Wehrenberg, the eight major producers turn out 97 per cent of the high grade films, and in his opinion a first run house could not be operated successfully without some of their pictures.

Under cross-examination by Wood, it developed that Wehrenberg had not tried to get Columbia, Universal or Fox product for the New Grand Central. These films are shown first run by the F. & M. houses, including the Fox, but Wehrenberg said, answering a question by Walter L. Rice, assistant to Russell Hardy, chief Government attorney, that he had no understanding with Arthur that he could not seek pictures playing at the Fox.

Price War Discussed

The price war that followed the reopening of the St. Louis under F. & M. management in November, 1933, was brought out by Wood's cross-examination. At that time, the St. Louis ran a stage show and double feature films for 25 cents and 40 cents, compared with the 65-cent top formerly charged at the house by Koplar's Famous Amusement Co., and the 55 cents which was top at the Ambassador, Loew's State and the Fox.

Wehrenberg declared the war between the St. Louis and the Fox hurt subsequent run houses. He was questioned on the meetings held by his organization in November, 1933, to protest to Fox, Columbia and RKO on the cut in first run admissions, and a second session the following year when similar protests were lodged with producers and F. & M. about the extension of the matinee time at the Missouri and Ambassador from 6 P. M. to 7:30 P. M.

The witness declared that on Dec. 8, 1934, he was aware that F. & M. had complained to the Department of Justice about the local situation, having obtained the information from Koplar. He said he received a telephone call from Koplar shortly after, when Koplar wanted to know whether he had obtained Paramount and RKO product for the New Grand Central. Wehrenberg said he considered two changes weekly at the house and would have needed four to six pictures each week.

Harry M. Warner, president of Warners, appeared in court this afternoon for the first time during this hearing, and Rice sought to have him excluded from the courtroom. Judge Molyneaux declined, declaring it was within the court's discretion, and he believed Warner, as head of a defendant company, should be permitted to assist the defense.

Ulmer, Gordon Testimony Admitted

Early in today's session, the court tentatively admitted the testimony of J. M. Ulmer and B. D. Gordon, Cleveland attorneys, on an alleged conversation with Herman Starr, Warner vice-president, on Aug. 14, 1933. It was tentatively excluded several days ago, and the court has not yet definitely decided on it.

Hardy spent considerable time this morning introducing various leases on the Shubert-Rialto and Orpheum, and contracts on pictures for the houses, as well as correspondence of Warners, Paramount and RKO relative to the pictures. He tried to get into the record the indictment in the criminal case on the ground certain options in the leases of the local houses were exercised by Warners and subsidiaries after the indictment was voted on Jan. 11, 1934, but the court immediately sustained an objection by the defense.

The testimony of Cresson E. Smith, RKO southern and western sales manager, was largely a repetition of his previous testimony in the criminal case, and related to the preparation and signing of the contract to supply RKO product to Warners for use at the Shubert-Rialto late in September, 1934.

On the Lighter Side

By BILL ORNSTEIN

St. Louis, Jan. 21.—The testimony, as of Monday morning, totaled 1,279 pages. At the present rate the record will far exceed that taken in the criminal proceedings.

+

I. Levinson is pinch hitting for Grad Sears as far as gags go in the civil case. Sears, who returned from New York Sunday, can't get near the courtroom because he will be called by Warners when this company starts its defense. Levinson isn't bad at the bat.

+

Bill Gentry took his first look at the proceedings from the jury panel Monday afternoon. He sat next to the door in the first seat.

+

Sam B. Jeffries likes to doze in the afternoons. This reporter caught him in the act Monday afternoon while Walter Rice was arguing the doctrine of *res gestae*.

+

And, by the way, that *res gestae* is getting in everyone's hair. We won't be surprised one of these fine days to find the Merry-Go-Round and Crystal Terrace in the Park Plaza serving a drink of that kind. With all the Warner wiseacres around, anything can happen. Even *res gestae*.

+

Louis Pelegrine, former member of the Motion Picture Daily editorial staff, was around earlier in the week en route to the coast. He's making the trip by bus.

+

Cress Smith had a peripitetic urge Monday afternoon when he was called by the Government to be on hand. Smith went to the local exchange after having been excused in the morning and was summoned to the courthouse expecting to go on. He didn't, and in the time he waited he must have walked a couple of miles up and down the corridor. His cohorts, Sam Dembow and Eddie Alperson, were not here to keep him company, of all things.

+

We just can't tell the reason for it, but every Warner man here on Sunday night ordered a nice juicy steak for dinner at the Park Plaza.

+

Harry C. Arthur, his brother, Milt, and Irving Lesser have an explanation for the judicial order excluding witnesses from the courtroom. Daily they repair to an unoccupied witness room and together confer on theatre matters pressing at the time. The only thing lacking in the makeshift office is a telephone.

+

Former Senator James A. Reed's wife has been missing from the courtroom the last 10 days.

+

Marco Wolff and his sister, Fanchon, haven't decided when they'll leave these parts for either the coast or the east. Both finished testifying Monday.

+

Chick Evens, manager of Loew's, is the only one who shows up in the courtroom with a white carnation in his lapel.

+

Milton B. Arthur says he is not missed in Los Angeles. On the last trip and on this one business at his theatres has been better than when he is on the coast.

K. C. Operators in "Unfair" Campaign

Kansas City, Jan. 21.—Local IATSE operators are instituting a campaign against "unfair" subsequent runs. Between 500 and 1,000 copies of the *Labor Herald* containing a list of "unfair" houses, and a parallel list of houses using union operators, is being distributed in the neighborhoods of the non-union houses.

Union workers found going into "unfair" theatres will be fined.

After several months of off-and-on negotiations between subsequent runs and I. A. T. S. E. officials, the union appears no closer to signing contracts with subsequent run owners and managers. Many of these houses have been using union men, but without contracts.

Union men want to get this matter settled before going into a huddle with downtown houses, which are operating on last year's schedule following their refusal to grant increases when contracts came up for renewal early in the fall.

Actors and Writers Meet Labor Units

Hollywood, Jan. 21.—The Screen Actors' and Screen Writers' Guilds met here today at the Writers Club with teamsters, carpenters and other recognized labor unions in the first move toward plans for a Hollywood film industry labor council. Representatives of IATSE, Directors' Guild and IBEW did not attend. The meeting was a closed affair.

Broidy in New Company

Northampton, Mass., Jan. 21.—Steve Broidy, Republic salesman, is treasurer of the newly formed Hampshire Amusement Corp. which has taken over the Academy of Music formerly operated by C. W. Rackliffe. The 1,000-seat house, is being remodeled. Frank Shaughessy, president of the corporation, is managing the house.

Sharp Sues TWA

Hollywood, Jan. 21.—Henry T. Sharp, Paramount studio cameraman today filed suit for $519,648 against TWA for injuries he says were sustained in the plane crash last year in which three persons were killed. Sharp was enroute to the "Annapolis Farewell" location at the time.

Potter Flies East

Hollywood, Jan. 21.—Henry Potter, producer on Samuel Goldwyn's staff, left here today by plane for New York. He will conduct tests of stage personalities for future Goldwyn films.

Iowa's High Court Favors Bank Night

(Continued from page 1)

downtown house, has opened the first Bank Night here.

Will Horwitz of the Uptown, Texan, Iris and Ritz is said to be planning retaliation.

The new North Main, Interstate suburban, which opened Christmas, will start Bank night Jan. 16.

Loew's State and the Delman, the latter a suburban owned by I. Adelman of Ft. Worth, have not entered the competition. Officials of both theatres say they will do so only if they are forced into it by the competition.

Court Denies Case Review

BOSTON, Jan. 21.—Bank Night, represented by George S. Ryan, local attorney, won an anti-lottery litigation in Maine, when the Supreme Court refused to review a Superior Court decision on the ground the facts were insufficient.

The case had been brought by the State of Maine against Frank Colburn, exhibitor of Bath, alleging violation of the anti-lottery law. It is understood the county attorney will drop the case, which has been returned to the Superior Court.

Drop Giveaway Suit

CHICAGO Jan. 21.—The Bank Night infringement suit in the Federal Court at Danville, Ill., against six houses in the McCollum circuit was dropped today when McCollum agreed to the use of the Bank Night plan instead of his Cash Night idea. The Alger and Anderson circuits are expected to follow suit to avoid fighting the case in court.

Wins Bank Night Case

BANGOR, Me., Jan. 21.—Affiliated Enterprises, Inc., has won a $2,500 suit brought by Harry Berman of Rockland, allegedly due as commissions for selling Bank Night in Maine. In the argument in Superior Court, the defense contended any action should be brought against Roy Hofener, New England Bank Night distributor.

New Kansas House Burns

KANSAS CITY, Jan. 21.—The De Soto at De Soto, Kan., which was opened about a week ago by W. E. Weldon, was almost completely destroyed by fire Jan. 19.

Citizens believe the town is jinxed. The De Soto was the first theatre it had had since the silent days. They had used it only about 10 days. Weldon, getting back into the business after several years, as postmaster at Overland Park, Kan., estimated the loss at $6,000 to building and equipment. This was only partially covered by insurance.

Theatre Arts Celebrates

Theatre Arts Monthly celebrates its 20th anniversary today with the February issue. The magazine for the past two decades has been active in recognizing the work of playwrights and scenic designers. It has aided the theatre in many ways, including the revising of building code legislation, organization of the National Theatre Conference and the publishing of plays and books on the theatre and its allied arts.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Call of the Prairie"

(Sherman-Paramount)

HOLLYWOOD, Jan. 21.—This is the fourth of the Hopalong Cassidy series. Although it is weaker in story material than its predecessors, still it offers enough action to give general satisfaction.

Jimmy Ellison, youthful companion of Cassidy (Bill Boyd) during the course of the sowing of his wild oats, becomes entangled with a gang of robbers led by Al Bridge. After an unsuccessful attempt to rob a ranch owner the members of the gang hold up a bank. Although Ellison had been knocked out and took no part in the robberies, suspicion falls on him. Boyd, running down the crooks, kills them off one by one until only one remains, George Hayes, who reforms at the last minute and clears Ellison. Director Howard Bretherton has created a gripping scene when Bridge sets a gun to destroy Ellison, tied to a post.

Muriel Evans, appearing briefly for the love interest, is good, and Chester Conklin, Hank Mann and Willie Fung give good performances in character roles. The camera work and scenery are above average. Doris Schroeder and Vernon Smith, who did the screen play from Clarence E. Mulford's novel, have made the situations believable. Audiences who have followed the series should be pleased with this film.

Production Code Seal No. 1,927. Running time, 64 minutes. "G."

Looking 'Em Over

"Dangerous Waters"

(Universal)

Fashioned after a melodramatic pattern but with its full share of comic relief and heart interest, "Dangerous Waters" manages to be good entertainment in an unpretentious way. The result is achieved through plenty of action in a wide variety of situations plus some successful comedy work by Charlie Murray.

Jack Holt, as an ambitious ship officer, takes command of a vessel after the death of its captain during a fire aboard ship and brings it safely into port. Hoping for a ship's command as his reward, Holt is denied this on a technicality resulting from the causes of the fire. He accepts command of a vessel whose owners plot to destroy it at sea to collect the insurance. Overcoming the obstacles of a storm at sea, a mutinous crew and a crippled vessel, Holt, with the aid of Robert Armstrong, his first mate, again succeeds in bringing his ship into port and is rewarded with the command of a new passenger liner. Diana Gibson, as Holt's designing wife, provides additional complications on land as well as sea, while Grace Bradley, a ship owner's daughter secretly in love with Holt, weaves the real romantic thread.

Where action pictures are popular this should be strong enough by itself to support a program, otherwise it rates as a strong contribution to any double feature program. Lambert Hillyer directed and did well with the material.

Production Code Seal No. 1,816. Running time, 64 minutes. "G."

J. A. Schwalm on Tour

HAMILTON, O., Jan. 21.—John A. Schwalm, manager of the Rialto, local unit of Southio Theatres, is one of a party called the Ohio "harmony tour" who will accompany Gov. Martin L. Davey to Washington tomorrow for a conference with President Roosevelt. The delegation will travel by special train.

Mrs. Roth Visiting Sons

KANSAS CITY, Jan. 21.—Mrs. Joseph Roth of New York, mother of Max Roth, district manager for Columbia, and of Mike Roth, exploiteer for Columbia here, is visiting her two sons. She celebrated her 75th birthday New Year's Day.

D'Usseau Joins Weiss

HOLLYWOOD, Jan. 21.—Leon D'Usseau, formerly with Radio, has joined the writing staff of Weiss Prod., Inc. His first assignment will be to assist with the adaptation of "The Clutching Hand."

No Chicago Pact Yet

CHICAGO, Jan. 21.—Exhibitors and operators are still unable to decide on the terms of a new contract. Meetings are being held daily in an effort to settle the problem this week.

Farrell Goes to G. B.

BOSTON, Jan. 21.—Edward Farrell, veteran film man, has been appointed to the G. B. sales force by Manager John Scully.

Canada Attendance Up to 107,718,000

(Continued from page 1)

toba and Prince Edward Island were also down. Aggregate attendance in Ontario was 45,747,000, while that for Quebec, which was second in the standing, was 24,466,000.

Among the cities, Toronto held the leading position with receipts of $4,778,500 and an attendance of 19,242,000 persons for 89 theatres. Montreal, the largest city of the Dominion, but with only 56 theatres, had aggregate receipts of $3,938,000 and an attendance of 18,578,000. Theatres in Toronto reported an increase in receipts of 2.6 per cent, while in Montreal receipts fell off 3.5 per cent, compared with the previous year. Vancouver stood third with an attendance of 7,752,000, with Winnipeg fourth with 6,066,000 admissions.

Receipts of all theatres in the Dominion showed an increase of 1.5 per cent over the previous year. Film exchanges showed a relatively better increase with business totalling $7,618,700, or 9.4 per cent better than the previous year.

Discuss New Move in Anti-Dual Case

(Continued from page 1)

George A. Welsh in the Perelman case against major distributors was handed down at Philadelphia last Thursday. The opinion, written by 82-year-old Judge Joseph Buffington, held the contract clause prohibiting double featuring to be illegal and amounting to restraint of trade on both exhibitors and independent producers. The effect of the clause is to seek to prohibit the showing of a second full length picture on the same program with the pictures covered by the contract. Clauses of this nature were embodied in the contracts of Fox, Vitagraph, RKO, Paramount, M-G-M and United Artists.

Wall Street

Fractional Losses Dominate Board

	High	Low	Close	Net Change
Columbia	42½	42⅜	42½	— ¼
Consolidated	5⅞	5⅞	5⅞	— ⅛
Consolidated, pfd	18½	18¼	18½	+ ⅛
Eastman	160¼	160	160	.....
Loew's, Inc.	51⅞	51	51¾	+ ¼
Paramount	10⅛	9⅞	10	— ⅛
Paramount 1 pfd.	80	79⅞	79⅞	— ⅛
Paramount 2 pfd.	11⅝	11½	11½	— ⅛
Pathe Film	7½	7⅜	7⅜	— ⅛
RKO	7⅛	6⅞	6⅞	— ¼
20th Century-Fox.	25	25	25	— ¾
20th Century, pfd.	34	33⅝	33⅞	— ¼
Universal, pfd	80	75	75	—1
Warner Bros.	10¼	10⅛	10⅛	— ¼

Technicolor Gains ⅜ on Curb

	High	Low	Close	Net Change
Sentry Safety	13/16	¾	¾	— ⅛
Sonotone	2⅛	2⅛	2⅛	— ⅛
Technicolor	21¾	21	21½	+ ⅜
Trans-Lux	3⅞	3¾	3¾	— ⅛

Paramount Bonds Up ⅜

	High	Low	Close	Net Change
General Theatre 6s '40	23½	23¼	23¼	+ ¼
General Theatre 6s '40, ctf	23½	23½	23½	— ¼
Keith B. F. 6s '46	95	95	95	— ⅛
Loew's 6s '41 ww deb rights	104¼	104	104	— ¼
Paramount Pict. 6s '55	93	92¾	92⅞	+ ⅜
Warner Bros. 6s '39 wd	89¾	89	89¼	+ ⅜

(Quotations at close of Jan. 21)

Biggest week the N.Y.



↑ Imagine it! Lobby lines like this.

CEILING

JAMES CAGNEY •

With June Travis • Stuart Erwin • Barton MacLane • Henry Wadsworth • Mart

"Best of the aviation dramas! Belongs among the cinema triumphs of the new year."
—*N. Y. Herald-Tribune*

"Stunning drama that's new and different. Sure hit for fans who demand excitement, humanity and ringing sincerity."—*Mirror*

"Moves with the dynamic pace of a machine gun. You could hardly ask for a more breath-taking story, or one more skillfully executed." —*Post*

"Heart-gripping drama crowds 'Ceiling Zero'. Picture outdoes recent stage smash!"—*American*

"Rugged and virile . . . One the best films to come from Warner studios!" —*Ti*

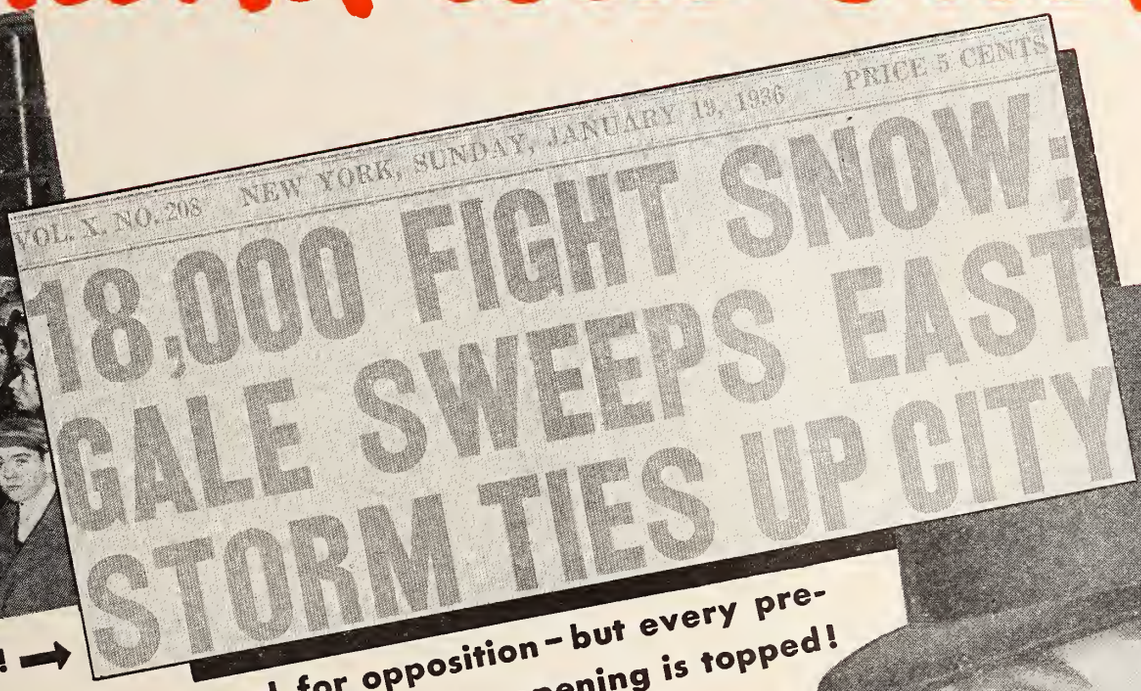
"Tremendously exciting..Str drama, this, and done v rousing effect. Superior en tainment that you can't r One of screen's finest!"—*Jou*

. . . And this week's the week you g

end business since Strand was built!



her like this! ➡



A blizzard for opposition – but every previous Cagney-O'Brien opening is topped!

ZERO AT O'BRIEN

ts • Isabel Jewel • Directed by Howard Hawks

and a picture as it promto be . . . Warners have made a smashing good drama. One of the most htaking climaxes of any a . . . As heart-stirring a drama as you're apt to is season." —*Sun*

"A natural...Packed with tears, laughter, thrills. Will leave you limp . . . Easily goes on your 'must' list." —*World-Telegram*

"Hit the Strand's screen with terrific force and left a packed house breathless at its fadeout. Strand's top."—*Daily News*

rom WARNER BROS.



A Cosmopolitan Production
A First National Picture

Kansas City Bankers Find General Gain

KANSAS CITY, Jan. 21.—Improved general conditions for Kansas City and its trade area, on which theatre men here base their predictions for at least a 10 per cent increase in grosses for 1936, are reflected in the Federal Reserve Bank's *Monthly Review* of agricultural, industrial, trade and financial conditions in the 10th Reserve District.

Findings of the *Review*, which cover November and the first 11 months of 1935, are very encouraging. Comparing the first 11 months with the same 1934 period:

Business failures declined 17.7 per cent in number and 40.8 per cent in liabilities. Payments by check in 29 cities in the district were up 11.2 per cent and Federal Reserve Bank clearings, up 9.8 per cent. Wholesalers' sales were up 0.6 per cent, and retailers' sales for 32 department stores, 6.3 per cent. Retail trade was up seven per cent in November over November, 1934, and Christmas business, it was learned from other sources, was better than a year ago. Sales of groceries, dry goods, hardware, furniture and drugs were up from 1.3 to 14.6 per cent in November, as compared with November, 1934.

Building Brings Lumber Gain

Continuing the 11 months' comparison:

Lumber sales were up 23.3 per cent. The value of building contracts awarded increased 14.6 per cent, while the value of residential contracts awarded went up 63.5 per cent and the value of building permits in 17 cities was up 75.8 per cent.

In production, flour was up one per cent; crude petroleum, 6.9; soft coal, 15.3; zinc ore, 25.3, and lead ore, 35.6.

Wheat receipts were 7.3 per cent up; corn, 46.5 off, and oats, 118 per cent up.

Live stock receipts at six markets were off substantially, as was meat packing.

However, the "Dec. 1 condition of western ranges was much improved over a year ago and above the 10-year average," and "November rains over the central and eastern portions of the district materially benefited winter grains and enabled additional planting of winter wheat in areas with moisture deficiencies."

Also, live stock prices showed net gains of from 25 cents to $2 per cwt over October.

While life insurance volume declined, reports indicate that the volume of premiums is well over last year.

Hold Up "Show Goes On"

HOLLYWOOD, Jan. 21.—Production on Sol Lesser's "The Show Goes On" will be suspended for three weeks while Bobby Breen recovers from an emergency operation for appendicitis. The young star was rushed to the Cedars of Lebanon hospital last week, and is doing nicely following the operation.

Providence Unanimous 1936 Will Be a Prosperous Year

PROVIDENCE, Jan. 21.—Voicing unanimous opinion that 1936 will be one of the best years ever enjoyed by the industry, Providence exhibitors look forward to better product, larger houses and bigger grosses.

They point with pride to the fact that some of the best films of the year came at the tag-end of the season which will give them extra momentum for the New Year. Then, too, every house downtown has at least half a dozen pictures set for the first two months that are expected to lift grosses sky-high.

Howard Burkhardt, manager of Loew's State, had no hesitancy, when queried as to the outlook, in saying that "there are plenty of good things to look forward to in 1936. Good product is coming and we should have a great season."

He then went on to point out some of the outstanding hits of the past year which did land-office business at his house. Heading the list was "Mutiny on the Bounty" which broke all house records. Other films written in large red letters were "Forsaking All Others," "David Copperfield," "Naughty Marietta," "No More Ladies," "China Seas," "Anna Karenina," "Broadway Melody," "I Live My Life' and "A Night at the Opera."

Harry Schlinker, manager of the RKO Albee, also voiced optimism for a banner year. In addition to pictures, the house intends again to inaugurate a policy of stage presentations which will be in the form of revues. Among the pictures to which he pointed with pride as having done excellent business were "Roberta," "Alice Adams," "Top Hat," "The Scarlet Pimpernel" and "Annie Oakley."

"Good times are on the way again," is the opinion of Bernard Fay and Jack Toohey at the Majestic. Quizzed as to the past season, Toohey said: "Of course we've had a good year—don't you know we booked all the Shirley Temple pictures?"

Practically all of this little curly top's films were held over for a second week, in some cases moving to the Carlton after the first week at the Majestic. Other films that tickled the customers to the extent of disgorging were "Here Comes the Navy," "G-Men," "Go Into Your Dance," "Shipmates Forever," "Life Begins at 40," and "George White's Scandals."

"Going to Town" hit the high spot at the Strand, Providence's independent house which two years ago was under the aegis of Paramount-Publix. Ed Reed, feted recently for having put over one of the best years in the history of the theatre, sees nothing but bright lights ahead. He believes the 1936 output will be better than last year and that patrons will respond accordingly.

In his list of big attractions for 1935 Reed placed these: "Big Broadcast of 1936," "Here Is My Heart," "Mississippi," "Gilded Lily," "Rumba," "Lives of a Bengal Lancer," "Ruggles of Red Gap," and "Private Worlds."

Exhibitors point out that business has been cut into by the racing season at Narragansett and by the fact that the textile trade is in a slump. "If we can have a good season despite that sort of competition and disadvantage there is no reason why the New Year shouldn't be one of the best," they contend.

Theatre Boom Underway in Detroit Area

(*Continued from page* 1)

Wyoming Road and Penkell. Sites for the other two are to be picked within 30 days, he says.

Jeff Williams will increase the seating capacity of the Roseville from 630 to 700 in a few weeks.

Changes Gaining in South

ATLANTA, Jan. 20.—Theatre changes are increasing rapidly all over the South, thereby reflecting improved agricultural and industrial conditions in this territory.

In North Carolina improvements are general and one new house is to be opened soon.

In other spots the changes include the renovation of the Carolina at Greensboro; exterior and interior improvements to the Broadway, Charlotte; remodeling of the Oasis, Kingston, owned by A. B. Huff and associates, and changes in the Seabreeze, owned by W. L. Paul, at Beaufort.

In South Carolina George H. Harris has joined the expansion moves by leasing a brick building to convert into a theatre.

Florida developments include renovations and installations of new equipment at the Dixie, Apalachicola; development of plans for a new house at Arcadia by G. K. Stanford, and plans for remodeling a building into a theatre at Sebring. Charles Morrison is backing the Sebring project.

One new house is being built in Georgia at Swainsboro by J. T. and C. W. Phillips, and another, damaged some time ago by fire, at Fitzgerald, is being rebuilt by the Roy Martin interests.

Alabama also has felt the pickup. The Crescent Amusement Co. has just acquired the Princess Theatre Building at Gadsden for $60,000.

Two Tennessee houses have been remodeled. The Princess at Lexington has been reopened and the Rex at Nashville is being equipped with new sound.

Schines Take 3 More

DELAWARE, O., Jan. 21.—Three new units have just been added to the rapidly expanding Schine circuit by acquisition of the Ohio and Majestic, at Athens, and purchase of a half interest in the Strand here. The three houses have been operated by Henry Bieberson, who built the local Strand more than 20 years ago.

Schines now operate houses in Wooster, Mt. Vernon, Ashland, Norwalk, Bucyrus, Van Wert, Bellefontaine and Piqua. They will build at Marietta, and are reported to have several other locations in sight.

Lincoln Film Men See Gain During 1936

LINCOLN, Neb., Jan. 21.—Substantial improvement in business noted by theatres here during December, in comparison with 1934 in the same month, has theatre men in optimistic spirits and firm belief is expressed in better grosses in 1936.

The December lull, ordinarily tough to cut in this area of low salaries, was about five per cent better than a year ago in the southern and eastern Nebraska towns. Dependence to a large extent in this territory is on the agricultural situation, a good crop and price year meaning excellent business.

Improvement here during 1935 was in direct proportion to the difference in crop values, which were totalled at $35,000,000 in excess of 1934. The forepart of the previous year was extremely bad all over the state, since early spring saw dust storms paralyze business for nearly a month and early summer saw Nebraska's most devastating flood all along the southern part of the state.

Under such a handicap, conditions were bettered and small town theatres have been getting a good play. Openings in the territory have exceeded closings. New Deal spending, although frowned on pretty generally in this area, has forced more and more money into amusements of which theatres represent an overwhelming percentage.

No Receipts Tax Thus Far

Box-offices have survived a regular and special session of the state legislature without seeing a tax slapped on receipts and there is no session in sight for 1936, which will mean another worry off the mind. Vaudeville, hitherto rather an unknown article, has sprouted in large as well as smaller towns where it was unheard of before. Lack of interest has been shown in Bank Night as a draw which is believed the reason for the turn to acts to support program pictures. Two-for-ones operate only in rare cases now, although double features seem to be a policy which cannot be dodged.

Optimism is expressed by City Manager Jerry Zigmond of the Lincoln Theatre Corp. here. "We showed some financial betterment in December," he stated, "not anything terrific, but it was on the up. Most of the business men around here seem to think we're in for more spending on the part of the public for 1936 and I'm sure we'll get our share. Releases so far look very good."

Mid-state, Carl Rose of York, city manager for the Blank Central States houses there, said:

"Our corn crop, far better than usual, is netting a nice upturn in business. Summer crops show signs of being good, too."

Film salesmen insist exhibitors are happier to see them around than at any time in the last few years.

F. & M. Offices Moved

ST. LOUIS, Jan. 20.—Fanchon & Marco have moved local headquarters from the Fox to the Missouri, which is about one block away from the former spot.

tramp, tramp, tramp, the boys are

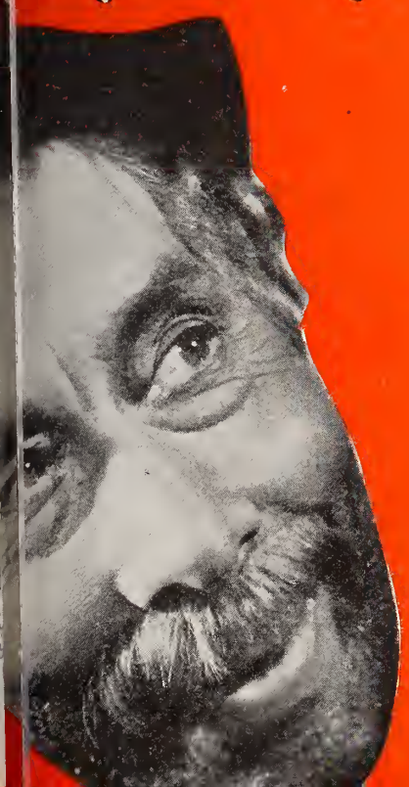


marching . . . to the bank . . . with



the dough . . . from "Mister Hobo"





GEORGE ARLISS

AS A LOVABLE VAGABOND

MISTER HOBO

DIRECTED BY MILTON ROSMER

SUCCESSOR TO

39 STEPS · TRANSATLANTIC TUNNEL · AND FIRST A GIRL

TOPS EM ALL

GB

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"THE BELOVED VAGABOND"

Freely Adapted from the Novel by W. J. LOCKE

MAURICE CHEVALIER



"Paragot"

MARGARET LOCKWOOD



"Blanquette"

BETTY STOCKFELD



"Joanna"

DESMOND TESTER



"Asticot"

Produced by:
LUDOVICO TOEPLITZ

Directed by:
KURT BERNHARDT

NOW SHOOTING AT A. T. P. STUDIOS, LONDON

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 19 NEW YORK, THURSDAY, JANUARY 23, 1936 TEN CENTS

Nation's Houses, 18,508; 15,378 Open, a 5.8% Gain

May Increase Federal Levy On Admission

U. S. Eyeing Theatres as New Revenue Source

The Roosevelt Administration is onsidering an increase in the Federal ax on theatre admissions, according o the Washington Bureau of *Motion Picture Herald*, out today. It is understood in Washington that Treasury Department experts, casting about or new forms of revenue, following evelopments which might affect the President's budget, were eyeing admision taxes.

The present Federal tax on admisions over 40 cents causes theatre owners to pay the Government about $17,-00,000 a year. Owners would be orced to decide whether they can absorb a new tax or must pass it on the atrons in the form of higher admisions. Invalidation of the processing axes and the probability of a soldiers' onus are the factors which have aused the Administration to seek posibly needed new revenue.

On the basis of reports for the first alf of the current fiscal year, ending une 30 next, it is estimated the total

(*Continued on page 7*)

Lesser and 20th-Fox Deal to Be Set Soon

HOLLYWOOD, Jan. 22.—The Sol esser deal with Twentieth Century-ox may be concluded some time next eek when Lesser returns from a st in Palm Springs, though there is o official confirmation.

Lesser is lining up six George 'Brien westerns which he will make xt season for Twentieth Century-ox, lending credence to the talk that will become a unit producer for the mpany and will continue the acvities of his own Principal Pictures the side.

Raze Gaiety, Fulton For a New Theatre

Plans have been completed by City ational Bank for the demolition of e Gaiety and Fulton Theatres on th St., just west of Broadway. In eir place will rise a new 1,750-seat odern theatre. Slawson & Hobbs ll act for City National Bank and is derstood already offering the lease prospective tenants.

Originally, it was planned to tear wn the Astor, Bijou and Morosco addition to the above two houses, t this idea has fallen through.

Senate Shows Little Interest In Any Copyright Legislation

By CLARENCE LINZ

Washington, Jan. 22.—A lack of desire on the part of the Senate to expedite copyright legislation was indicated today when the bill providing for adherence to the international copyright union was reached in the regular course of business. On the Senate calendar, the measure was brought up, when the call of "over" was heard, and the billed was passed by.

So far during this session, the Senate has shown no interest in the subject of copyright.

ITO Will Sue City, 'Changes On Sales Tax

Suit will be filed against the city and all local exchanges on the two per cent sales tax by Weisman, Quinn, Allen & Spett, attorneys for the I. T. O. A., it was stated at the exhibitor organization's meeting yesterday at the Astor.

Several details are now being checked by the lawyers and it is expected the papers will be served either late today or tomorrow. A representative of the law firm said that the grounds for the suit will be that "the tax is illegal because the films are rented and not sold." The action will be filed in the N. Y. Supreme Court.

The same legal firm will tomorrow file leave to appeal to the Court of

(*Continued on page 7*)

RKO Claim Hearing Is Again Set Back

A further postponement of the hearing scheduled for Friday before Federal Judge William Bondy on the exceptions of the RKO trustee to the report allowing Rockefeller Center's claim against RKO at $8,207,000 was granted by the court yesterday. The hearing was set down for Feb. 4, but indications are that additional postponements will be granted, as efforts to effect a compromise of the claim are being made and depend in large part for their consummation on progress in the development of a reorganization plan for RKO.

A memorandum proposing a $14,-

(*Continued on page 7*)

Failed to Get Warner Films, Lesser Says

ST. LOUIS, Jan. 22.—Irving Lesser, managing director of the Roxy Theatre in New York under Howard S. Cullman, trustee, a Government witness in the equity case here against Warners, Paramount and RKO, described his unsuccessful attempt last summer to get Warners' "Alibi Ike," for showing at the Roxy. It was brought out that the reason lay in the fact that the Roxy had been injected into the civil and criminal actions against the three major companies, with Fanchon & Marco as complainant.

Lesser had no opportunity to describe his career in the industry, as Judge Joseph W. Molyneaux, in an effort to speed the action, said, "His career may be very interesting, but let's assume he is qualified as an expert." Counsel agreed, but it was established that Lesser started at 16 in distribution on the coast.

In response to a question by Walter Rice, assistant to Russell Hardy, chief Government attorney, Lesser said his experience covered produc-

(*Continued on page 4*)

Pickford Deal Still Stands, Says Lasky

HOLLYWOOD, Jan. 22.—Jesse L. Lasky denies to MOTION PICTURE DAILY persistent reports that Pickford-Lasky Prod. will disband. "There is absolutely no truth to that report," he declared.

Film Board Survey for '35 Reflects More Prosperity

What the national pickup in business did to theatres during 1935 is graphically illustrated in the annual report of the Film Board of Trade, made public yesterday, which shows an increase in the total number of houses to 18,508, a gain of 245 over last year, or about 1.3 per cent.

Total seating capacity increased by 175,446 to a new high of 11,308,041, which is one seat for about every 11 persons in the United States, based upon the 1935 mid-year estimate of a nationwide population of 127,157,000.

Of this 18,508 theatres, however, 15,378, with a seating capacity of 10,-098,920, are in operation, so that the total of available seats works out to about one in each 10 for the nation's population. Theatres in operation increased by 826, which is a gain of

(*Continued on page 4*)

Newsreel Theatres Plan Newark House

Newsreel Theatres, Inc., operator of the Embassy on Broadway, will open a second newsreel theatre Feb. 14, in Newark. The house, to be known as the Newsreel Theatre, is a new building just nearing completion and will seat 400. The policy will be the same as at the Embassy, a 25-cent admission and a policy using all five newsreels, March of Time and shorts. Edward J. May, who has been assistant manager of the Embassy, will be manager of the new house.

While Newsreel Theatres may open other houses of this type in the larger cities of the east later on, it has no definite expansion plans at this time, according to F. C. Wood, Jr.

Warners File Eighth Broadcasting Action

Warner music subsidiaries brought their eighth suit for copyright infringement by radio broadcasters yesterday with the filing of an action for $5,000 damages and an injunction against station WIP, Philadelphia. The suit was brought in Federal district court in Philadelphia.

Suits will be filed almost daily against radio broadcasters using Warner music without a license, the company's legal department said yesterday.

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Mrs. Roosevelt Hits "Careless" Newsreel

WASHINGTON, Jan. 22.—Mrs. Franklin D. Roosevelt, speaking today before the National Conference on the Cause and Cure of War, urged the supression by public opinion of "careless" newsreels which tend to cause distrust between nations. Referring to protests, Mrs. Roosevelt said the Government is powerless to interfere, and "the only people who can do anything are the people who see the reels in the theatre.

"If they protest," she said, "the thing will disappear. You control the opinion wherever that film or radio program or other thing is seen or heard and you have the power to stop whatever is harmful to good feeling between nations."

Kennedy Plan Nears

Joseph P. Kennedy's recommendations for a plan of recapitalization for RCA are expected to be submitted to a meeting of the board of the company tomorrow. Kennedy, former SEC head and film executive, was retained recently by RCA to aid in devising means for eliminating accumulated dividends on the 767,275 shares of $5 cumulative preferred B shares outstanding, amounting to approximately $16,000,000.

"Zero" Is Held Over

"Ceiling Zero" will be held over for a second week at the Broadway Strand, beginning Saturday.

Purely Personal

M. H. AYLESWORTH, NED DEPINET, PHIL REISMAN, FRANK BUCK, HERBERT J. YATES, HERMAN ROBBINS, E. L. ALPERSON, SAM DEMBOW, N. L. NATHANSON and his wife were among those at "21" yesterday. The NATHANSONS are just in from Florida where they saw M. B. ("Shan") SHANBERG and JOHN D. CLARK and leave for Toronto today or tomorrow.

•

CRESSON E. SMITH, western and southern RKO sales manager, returns today from St. Louis. He's been in the Mound City for almost three weeks, waiting to take the stand in the government's civil suit against Warners, Paramount and RKO. He finally did Tuesday.

•

HELEN MORGAN will arrive from Hollywood today and will entertain nightly at the House of Morgan until her next picture assignment. She appeared in "Showboat" for Universal.

•

PAUL MUNI will leave the coast next week to be present at the opening of "The Story of Louis Pasteur" on Broadway early next month, probably at the Strand.

Quip of the Day

The Off-the-Record convened at Jack and Charlie's yesterday with Eddie Alperson as guest. Thereafter, its members adjourned to Hick's, there to buy the largest pineapple in sight and to present it to Major Leslie E. Thompson who is ill at the New York Hospital.

"We brought you this because you're accustomed to receiving pineapples," said Sam Dembow who handled the presentation.

Thompson is a veteran of labor disputes.

LAURENCE STALLINGS has been booked by the William Morris Agency as guest star of the RUDY VALLEE hour this evening. He will speak on Ethiopia.

•

WHITFORD DRAKE, Erpi vice-president, left yesterday for a month's vacation in England and on the Continent.

•

RICARDO CORTEZ starts on a limited personal appearance tour in the East, Jan. 31, opening at the Metropolitan, Boston, before appearing here.

•

HERMAN BERNIE, manager for GEORGE GIVOT, is searching for a dramatic play in which to star the "Greek Ambassador of Good Will."

•

AL FRIEDLANDER, First Division vice-president, has returned from a tour of exchanges.

•

HERBERT J. YATES did not leave for the coast yesterday as reported. He hopes, however, to go soon.

•

FAY WRAY arrives on the *Manhattan* today.

•

TOM J. CONNORS of M-G-M has returned from a mid-western trip.

SI SEADLER has returned from Hollywood, Palm Springs and a ranch retreat a few miles from the latter place about which he is raving no end. He also brought back wondrous tales about "The Great Ziegfeld."

•

EDDIE ALPERSON goes to Florida shortly and then to Los Angeles to meet SPYROS SKOURAS on the latter's return from Honolulu. SPYROS, incidentally, won a lot of bets that he would finish testifying in the St. Louis case and make his boat.

•

LESLIE E. THOMPSON is recuperating from his gallstone operation and expects to be discharged from N. Y. Hospital Saturday. Then a short stay at his home in Larchmont and Florida sunshine as soon as he is permitted to travel.

•

W. RAY JOHNSTON, recovering from an attack of bronchial pneumonia, left yesterday for a three weeks rest at St. Petersburg, Fla., with MRS. JOHNSTON. He is due back about Feb. 7.

•

MILTON C. WEISMAN modestly declined an offer by the I. T. O. A. to give him a testimonial dinner. He said he's having a lot of fun working for the organization and testimonials mean nothing.

•

RAY MILLAND has signed another option on his term contract with Paramount, and left the coast yesterday for New York, en route to Europe, sailing on the *Manhattan* Jan. 29.

•

MIKE RILEY and EDDIE FARLEY and their Onyx Club Boys left for the coast yesterday to begin work on the Columbia feature, "The Music Goes 'Round."

•

AL FRIEDLANDER is on a trip to Philadelphia and Washington for First Division and is due back later in the week.

•

NATE MANHEIM is in Switzerland. Universal headquarters has no word as to his return.

•

MOLLY PICON, Yiddish comedienne, starts work today in a Vitaphone vaudeville short.

•

GEORGE K. ARTHUR, former star, is no longer selling M-G-M pictures.

•

JAKE GOLDEN, RKO Rochester division head, is in town.

•

LEONARD GOLDSTEIN is in town from Hollywood.

•

. . . Omaha

A. A. BURRUS and MRS. BURRUS, Crete, Neb., have gone to Hot Springs, Ark., for a month's rest.

FRANK and MRS. THOMAS, manager of the Thomas at Brownville, Neb., who left for California one week before Christmas, are expected back on the job soon.

JOHN COSNER, manager of the Sun at Sargent, Neb., is on a two-month trip through Texas.

FRANK KENNEBECK, on leave here at his parents' home after spending four years in Australia for Paramount, is preparing to leave for his assignment in India within a week.

'Mutiny' Is December Box Office Champion

"Mutiny on the Bounty," M-G-M, won first place in the list of December Box Office Champions in *Motion Picture Herald*, out today. "A Night at the Opera," also M-G-M, took second place. Three productions tied for third: "In Old Kentucky," Twentieth Century-Fox; "Annie Oakley," Radio, and "Thanks a Million," Twentieth Century-Fox.

"Mutiny on the Bounty" was also the winner in November. Three others, "A Night at the Opera," "In Old Kentucky" and "Thanks a Million" won places in the previous month's listing.

Astaire Sues Esquire

Fred Astaire has filed suit in New York Supreme Court for $25,000 against the magazine *Esquire*, Baer & Wilde Co., Inc., makers of men's jewelry, and Malcolm & Engel, Inc., advertising firm, because of an advertisement bearing his name and picture which, he alleges, was published without his permission. Astaire, who executed an affidavit on the coast, declares he was "greatly distressed and humiliated." The defendants, other than *Esquire*, filed a general denial of the charges.

Conn. Election Delayed

NEW HAVEN, Jan. 22.—The Connecticut M.P.T.O. election scheduled for yesterday was postponed to Feb. 4. The joint report of Dr. J. B. Fishman, president, and Edward G. Levy, secretary, was read. It reviewed the work of the association during the past legislative session, when much hostile legislation was defeated; the formation of a committee to combat the print shortage situation; opposition and exclusion of Ross Federal checkers, and other activities.

Empire Election Upheld

A decision dismissing a motion by William Greenspan, a member of Empire State Operators' Union, to have the Nov. 5 election of Benjamin Greenstein as a vice-president of the union declared invalid was handed down yesterday in N. Y. Supreme Court, by Justice Albert Conway. Greenspan contended that the election was illegal because Greenstein had been improperly nominated.

Montague on Coast

SAN FRANCISCO, Jan. 22.—Abe Montague, general sales manager for Columbia, is here to preside over the western regional sales meeting scheduled for Saturday and Sunday.

Columbia Expands Plant

HOLLYWOOD, Jan. 22.—Columbia is spending more than $1,000,000 in the building of new stages, offices and technical buildings at the studio.

Ampa Meeting Closed

Ampa members will attend a closed meeting today at Jack Dempsey's to discuss a committee report on an annual award for oustanding work in advertising and publicity.

Studios to Pay

HOLLYWOOD, Jan. 22.—Studios which borrow players on loans will meet the tax under the Social Securities Act, it was determined at a meeting of the Producers' Association.



THE PICTURE OF THE WEEK

Bucking the winter's worst blizzard, **'CEILING ZERO'**, Cosmopolitan's newest production for Warner release, landed at the N. Y. Strand Saturday to smash every week-end record in the house's history. Critics and capacity crowds alike cheered the laughter and tears that make it 'the best and most moving of the aviation dramas', the 'superlative acting' of **JAMES CAGNEY, PAT O'BRIEN,** June Travis, Stuart Erwin, Barton MacLane, and the 'superb direction' of Howard Hawks.
A First National Picture. Released Jan. 25th.

Survey Shows Nation-Wide Theatre Gains

(*Continued from page* 1)

about 5.8 per cent. Seating capacity of houses in operation increased 379,390.

Sound theatres continued to gain and silent houses continued to fall off. There are now 16,989 wired houses, an increase of 664 during the year, while the silent houses have fallen off 419 to a total of 1,519.

Seven of the country's key centers —Atlanta, Des Moines, Memphis, New Haven, Philadelphia, Portland and San Francisco—are now without silent houses.

Silent theatres persist strongly in scattered sales territories. The areas having more than 100 each are: Boston, 193; Chicago, 113; Cincinnati, 157; Dallas, 161; Salt Lake City, 143.

Closed theatres now total 3,130 with a seating capacity of 1,209,121. This is a decrease of 591 houses and 203,937 seats.

At the start of this year there were 1,638 sound theatres dark. Last year there were 1,824, a decrease of 186 during the year. On Jan. 1 there were 1,492 silent theatres dark, while last year there were 1,887, a decrease of 395.

Unaffiliated circuit theatres increased more rapidly than affiliated circuit houses. There are now 2,192 affiliated houses with seats for 2,908,226, an increase of 119 theatres and 189,525 seats.

Unaffiliated houses gained by 394 to a new high of 3,464. The gain in their seating capacity was 227,390, bringing the total to 2,766,806.

Independent theatres fell off both in numbers and in seating capacity. Independent houses now total 12,852, a drop of 268. Seats now total 5,633,009, a decrease of 241,469.

Failed to Get Warner Films, Lesser Says

(*Continued from page* 1)

tion, distribution and exhibition, including the operation of 10 houses for Skouras Brothers in the east. Further questioning revealed that Lesser is apparently an employe of F. & M. Stage Shows, Inc., wholly owned subsidiary of Fanchon & Marco.

Despite objections he was allowed to detail a conversation with Roy Haynes, eastern district sales manager for Warners, concerning the booking of "Alibi Ike" into the Roxy. He said he saw the film at a screening and liked it, but when he asked about terms Haynes said it had not been decided whether the film would play Warners' Strand or the Capitol in conjunction with a personal appearance of Joe E. Brown, star of the picture.

Attempts to Reach Haynes

Lesser declared Haynes told him he would let him know in a few days, but when he had not heard from him, he telephoned, and was informed by Haynes again that he would inform him on the matter in a day or two. "I called him again in a few days, but could not get in touch with him," Lesser testified. "The next thing was I read in a newspaper that the picture was going to play a 500-seat theatre which up to that time had been playing foreign pictures, the Cameo on 42nd St." The first conversation with Haynes was on June 20, 1935, Lesser said.

The court permitted Lesser to testify that the Cameo was not recognized as among the leading houses in New York. The witness declared that on or about July 4 he called Haynes and told him it seemed unusual that Warners would pass up a 6,000-seat house like the Roxy and then put the film in a 500-seat theatre without even discussing terms.

Lesser then said Haynes advised him he was under orders to place the picture in the Cameo, but would not say from whom the instructions came. Lesser said he reported the incident to Cullman.

Rice thereupon read into the record a series of letters between Andy W. Smith, Warner sales executive, R. W. Perkins of the Warner legal staff, and Cullman. In his first letter to Smith Cullman asked whether he was to consider it a plain case of discrimination. In a letter dated Aug. 14, 1935, Perkins explained that in view of the fact that the Roxy had been brought into the case against Warners, et al, the company's attorneys had thought it advisable to be careful in conducting negotiations on films with that house.

Ignorant of Roxy Connection

The next day Cullman replied, saying Perkins' letter was his first information that the Roxy had been injected into the St. Louis case. On Aug. 16 Perkins wrote that he would take the matter up with ex-Senator James A. Reed, Warners' senior counsel, and planned to leave for St. Louis in a few days on the case. In a final letter, dated Sept. 3, Perkins said Warners would be pleased to continue their former friendly relations with the Roxy, but in view of the civil and criminal actions, in which F. & M. were complaining witnesses, the Warner attorneys must insist on dealing with Cullman direct, as a matter of protection, and not with any employe of F. & M. or its subsidiaries.

Cullman, in his answer, declared this arrangement was satisfactory. It was brought out that several Warner films have played the Roxy since. Warners, it was disclosed, play most of their product at the Strand or Capitol.

Lesser said he was advised by Smith on Sept. 6 and again in December that he could not talk about bookings because Lesser was an F. & M. employe. He said that once Haynes called him about a picture, and when Lesser told him he doubted that he could talk business in view of the information from Smith, Haynes thanked him and promised to check up for his own protection. He never heard from Haynes again, Lesser testified. He said that prior to the arrangement, Cullman had never booked any films for the Roxy.

Statistics Introduced

The witness was allowed to quote statistics from the *Film Daily Year Book* for 1935 on the number of films produced by the eight major companies the previous year, but was not permitted to guess as to the total film rentals collected by all companies during that year. When Rice sought to make the point that producers sometimes pay as much as $7,500 for advertising first run films, Judge Molyneaux declared it was apparent to anyone that proper presentation is important.

All of the morning session and part of the afternoon was devoted to cross-examination of Thomas N. Dysart, chairman of the bondholders' committee for the Ambassador, Missouri and New Grand Central. The quizzing touched on the chief differences between the Warner and committee plans for reorganizing the theatre properties. Virtually the same ground was covered in the criminal action.

Considerable time this afternoon was taken with an unsuccessful effort by Hardy to place in the record details concerning bond purchases by Warners prior to the foreclosure of the theatre properties, but the judge maintained he could see no reason for so weighting the record.

Ohio House Destroyed

HAMILTON, Ohio, Jan. 22.—The Bucyrus (Ohio) Opera House was destroyed last night by a fire which started near the furnace in the basement. Loss is estimated at $120,000.

Warners Start Screeno

LOS ANGELES, Jan. 22.—Screeno has been started in Warners theatres in San Pedro, Huntington Park, Santa Barbara and the Forum here.

15,378 Theatres Seating 10,098,920 Open

Territory	Total Theatres Number	Total Theatres Seats	Total Theatres Sound	Total Theatres Silent	Closed Theatres Number	Closed Theatres Seats	Closed Theatres Sound	Closed Theatres Silent	Theatres in Operation Number	Theatres in Operation Seats	Circuit Theatres Affiliated Number	Circuit Theatres Affiliated Seats	Circuit Theatres Unaffiliated Number	Circuit Theatres Unaffiliated Seats	Independent Theatres Number	Independent Theatres Seats
Albany	426	254,727	355	71	141	56,236	71	70	285	198,491	27	45,958	108	93,511	291	115,258
Atlanta	678	365,231	678	..	72	33,519	72	..	606	331,712	146	130,712	140	77,979	392	156,540
Boston	1,096	801,191	903	193	328	161,722	135	193	768	639,469	150	206,274	181	179,927	765	414,990
Buffalo	436	360,618	345	91	138	54,950	47	91	298	305,668	42	69,628	147	132,604	247	158,386
Charlotte	467	214,976	454	13	56	17,937	44	12	411	197,039	66	53,642	60	29,528	314	131,806
Chicago	895	652,710	782	113	187	78,759	74	113	708	573,951	123	200,113	219	198,302	553	254,295
Cincinnati	1,036	487,777	879	157	256	73,634	100	156	780	414,143	57	69,509	125	89,294	854	328,974
Cleveland	537	377,651	494	43	77	31,458	34	43	460	346,193	38	66,550	168	146,447	331	164,654
Dallas	1,022	484,244	861	161	225	64,300	64	161	797	419,944	133	224,746	233	114,296	656	145,202
Denver	389	192,011	383	6	30	8,402	24	6	359	183,609	55	48,362	50	26,534	284	117,115
Des Moines	378	165,248	378	..	36	11,268	36	..	342	153,980	28	33,396	62	32,528	288	99,324
Detroit	537	374,645	536	1	26	15,148	25	1	511	359,497	100	115,339	65	59,697	372	199,609
Indianapolis	532	285,384	484	48	84	28,536	36	48	448	256,848	4	8,581	112	93,521	416	183,282
Kansas City	735	368,448	653	82	201	69,025	119	82	534	299,423	96	97,570	76	54,391	563	216,487
Los Angeles	577	449,627	525	52	99	48,965	47	52	478	400,662	149	182,134	89	68,680	339	198,813
Memphis	308	145,964	308	..	22	10,543	22	..	286	135,421	23	19,944	55	31,055	230	94,965
Milwaukee	529	285,185	439	90	139	42,714	64	75	390	242,471	62	71,977	23	25,376	444	187,832
Minneapolis	926	378,539	909	17	93	31,705	76	17	833	346,834	84	74,282	59	28,653	783	275,604
New Haven	180	173,176	180	..	12	11,089	12	..	168	162,087	53	85,219	24	17,732	193	70,225
New Orleans	517	218,816	451	66	107	29,136	43	64	410	189,680	46	45,433	94	52,984	377	120,399
New York	1,140	1,298,066	1,112	28	109	81,293	81	28	1,031	1,216,773	176	363,036	510	583,676	454	351,354
Oklahoma City	429	207,022	428	1	8	5,405	7	1	421	201,617	11	12,729	99	63,799	319	130,494
Omaha	461	180,168	456	5	55	18,682	50	5	406	161,486	25	31,980	43	24,801	393	123,387
Philadelphia	785	677,408	785	..	36	29,504	36	..	749	647,904	183	249,411	124	121,850	478	306,147
Pittsburgh	688	386,680	653	35	80	31,891	45	35	608	354,789	71	87,755	118	68,270	499	230,655
Portland	228	117,405	228	..	4	1,300	4	..	224	116,105	20	26,055	23	14,751	185	76,599
St. Louis	544	305,465	530	14	113	41,052	99	14	431	264,413	52	62,795	95	76,607	397	166,063
Salt Lake City	568	210,249	425	143	181	45,492	51	130	387	164,757	31	28,596	52	18,685	485	162,968
San Francisco	444	354,489	438	6	66	32,517	60	6	378	321,972	45	75,464	123	121,936	276	157,089
Seattle	294	156,081	294	..	17	10,385	17	..	277	145,696	27	36,467	78	44,975	189	74,639
Washington	726	378,840	643	83	132	32,554	43	89	594	346,286	69	84,569	109	74,417	548	219,854
TOTAL	18,508	11,308,041	16,989	1,519	3,130	1,209,121	1,638	1,492	15,378	10,098,920	2,192	2,908,226	3,464	2,766,806	12,852	5,633,009
Jan. 1, 1935	18,263	11,132,595	16,325	1,938	3,711	1,413,058	1,824	1,887	14,552	9,719,537	2,073	2,718,701	3,070	2,539,416	13,120	5,874,478
Jan. 1, 1934	18,371	11,028,950	15,652	2,719	4,635	.....	1,979	2,656	13,736	.....	1,954	2,586,643	2,846	2,493,382	13,571	5,948,925
Jan. 1, 1933	19,311	11,161,193	15,231	4,080	5,895	.....	2,170	3,725	13,416	.....	2,266	2,937,644	3,189	2,561,726	13,796	5,585,830
Jan. 1, 1932	20,100	10,767,411	14,805	5,295	5,350	.....	1,582	3,757	14,750	.....	....	.....	....	.....	....	.....

RKO Claim Hearing Is Again Set Back

(Continued from page 1)

000 reduction of the Samuel L. (Roxy) Rothafel claim against RKO which had been proposed for allowance at $179,271 was filed yesterday with Judge Bondy by Donovan, Leisure, Newton & Lumbard, counsel to the RKO trustee. A stipulation on the allowance of the claim was based on the breach of Roxy's employment contract with RKO several years ago. The contract had 10 months to run at the time of Roxy's death and for this reason counsel believed that the stipulation could not be approved by the court in its original form.

Briefs were also filed with Judge Bondy by the Trenton Advertising Co., contesting the stipulation for allowance of a claim by Alfred E. Fiegel at $11,629. The company contends that the work on which the claim is based was performed by it and that Fiegel is entitled only to a commission on the amount.

Judge Bondy reserved decision on both claims. His decision on stipulations for the allowance of 18 additional claims submitted to him recently by the RKO trustees is also pending.

Increase Possible In Admission Taxes

(Continued from page 1)

revenue from Federal admission taxes for the year will be more than $17,000,000, compared with $15,379,397 for the previous fiscal year. Two ways of increasing the admission tax are open. One is to reduce the exemption from 40 cents, and the other is to raise the rate from the present 10 per cent.

Tax increases are expected to face bitter opposition in Congress, however, since many members come up for re-election in the fall. Indicative is the fact that members of the House Ways and Means Committee, where revenue legislation originates, have agreed among themselves to fight new taxation.

Officers Are Installed

David A. Levy, New Jersey branch manager for M-G-M, and recently elected president of the New York Film Board of Trade, was inducted into office last night along with other new officers at a dinner at the Algonquin. Following the induction all local branch managers saw "George White's Scandals."

Reid Option Taken Up

HOLLYWOOD, Jan. 22.—Radio has exercised its option on Cliff Reid, associate producer. As his first assignments he will produce Ann Harding's next picture, "Witness Chair," and "Fugitive Gold," starring Richard Dix.

"Collegiate" Sets Record

All attendance records for the opening of a feature at the Paramount were broken yesterday by "Collegiate," according to Paramount. Robert Weitman, manager, said 8,000 had paid admissions up to one o'clock.

Foran's Next Titled

HOLLYWOOD, Jan. 22. — Warners have selected "Two Gun Buckaroo" as the title for the next Dick Foran western.

Concord's First

Concord, Mass., Jan. 22.—Its first film theatre is being planned for this town, the first battle ground of the Revolutionary War. To seat 700, the house will be built along Colonial lines, and is expected to be ready in the spring. The only films here have been occasional screenings by religious or educational groups.

ITO Will Sue City, 'Changes on Sales Tax

(Continued from page 1)

Appeals from a decision handed down Monday by the Appellate Division of the Brooklyn Supreme Court declaring games in theatres illegal. This action involved the Winthrop, Brooklyn.

Exhibitors were cautioned not to admit persons under 16 at theatres without guardian or parent. As soon as the instructions were given out a number of theatre men rushed to telephones to put their managers on guard.

Harry Brandt, president, officially declined to again run for the post. Some members immediately voiced dissatisfaction with the president's stand and hope to change Brandt's views before nominations are held in April.

'Pasteur' Book Elaborate

S. Charles Einfeld has issued an elaborate pressbook on "The Story of Louis Pasteur" with 23 pages, exclusive of covers. The cover, with a green background, quotes reviews.

A double page spread leads off the exploitation section. One page is devoted to a Pasteur anniversary, with a month-to-month enumeration of his discoveries. Attention is also called to the fact that it is Paul Muni's 10th picture.

Two National tieups are suggested.

Stubblefield Laid Up

LOUISVILLE, Jan. 22.—Flynn Stubblefield, for the past five years manager of the Strand, is in St. Anthony's Hospital suffering from a spinal ailment, necessitating a plaster cast. There is a possibility that he will not be out for several weeks.

During Stubblefield's absence his duties are being handled by Johnson Musselman, manager of the Rialto, and Harry McCoy, in charge of the Uptown.

McMahon Heads Club

Joseph McMahon, Brooklyn booker, has been elected president of New York M-G-M exchange club. He succeeds Capt. Harry Miller. Maurice Silverstein, also of the booking office, has replaced John Cunliffe, ad sales manager, as treasurer. Frances Levin continues as recording secretary.

Postpone Examination

The examination before trial of Herman Robbins of National Screen Service and Charles L. Casanave of American Display Co., in connection with a suit brought by Master Art Products, scheduled yesterday, has again been postponed for a week.

Charity Rackets Go Under Manitoba Ban

WINNIPEG, Jan. 22.—E. A. McPherson, provincial treasurer of Manitoba, put his foot down on "charity rackets" when he issued an order prohibiting the waiving of the amusement tax for performances of any kind which are announced as being held under the auspices of community organizations unless the sponsors actually manage the finances.

When no promoter is engaged, the charity organization will be entitled to a tax concession. This follows the example of the Ontario Provincial Government which collects the amusement tax in all instances, but grants a rebate of the levy when sworn declarations are produced showing that the expenses of a charity show do not exceed 50 per cent of the gross.

Tax Action Stirs Canada

TORONTO, Jan. 22.—A sensation occurred when the Ontario Government took criminal action, under the amusement tax act, against Mrs. Olive Mitchell, a community leader of Cobalt, for having unused tax tickets in her possession, which is an offense under the new provincial law punishable by a fine of from $10 to $200.

Mrs. Mitchell has been the regent of the Cobalt Chapter of the Imperial Order of the Daughters of the Empire for 21 years and the tickets had been left over from a performance which had been conducted under the auspices of that organization. Magistrate Atkinson adjourned proceedings after hearing the evidence.

"Informer" in Comeback

CLEVELAND, Jan. 22. — "The Informer" is coming back for repeat runs in all major situations in this territory after having closed first and second runs. In Cleveland it is in its second week at the Circle, after having played all subsequent runs. Other repeat runs at first run houses are at the Pantheon, Toledo; Palace, Akron; Palace, Canton; Palace, Youngstown, and all houses in the Warner, Shea and Schine circuits.

On Fund Committee

BOSTON, Jan. 22.—Martin J. Mullen, Samuel Pinanski, Charles Koerner, Al Somerbee and Joseph Brennan are among the theatre men serving on the committee for the 1936 Community Fund, which seeks to raise $4,000,000 for the support of 100 charitable organizations here.

"U" Theatres Pay Again

Universal Chain Theatres has paid a fourth liquidating dividend amounting to $2.50 a share. The process of liquidating the company has been under way for several years.

McCarthy Goes to Denver

OMAHA, Jan. 22.—Danny McCarthy will take over the booking duties at United Artists Monday, replacing Bern Marriner, who has been promoted to office manager at Denver.

"Obsession" 116 Mins.

"Magnificent Obsession," reviewed in MOTION PICTURE DAILY in the Dec. 31 issue, had for its running time 67 minutes. It should have read 116 minutes.

Chicago Men Cheerful on 1936 Outlook

CHICAGO, Jan. 22.—Theatre men in this part of the country got a taste of profits, in a substantial way, during the past year. It was the first time in several years their figures had been in the black, and, buoyed up by this rise in business, they look optimistically to the coming year.

Judging from the way business started off after the first of the year, it looks as though 1936 would be a banner year. Practically all other lines of business have shown a marked increase during the past few months, and Christmas trade, in this territory, as reported by retail merchants, was the heaviest since 1929.

Theatre business here started upward last spring. More than 80 theatres, usually closed during the summer months were kept open, and, for the most part, showed a profit. Various kinds of giveaways devices such as Bank Night and Screeno are credited with part of this increase. In the past few weeks, however, theatre men have been dropping these games. While it is expected that they may last through the spring and summer, the number of houses using them will be far less than those of a year ago. Exhibitors credit better pictures and healthier business conditions for this situation.

All local film exchanges report an increase in contracts deals over last year. Selling campaigns are months in advance of those of a year ago. Exhibitors are willing to commit themselves and sign up for product at prices in excess of those paid during the past few years.

For the first time in five years, many new theatres are being built. Downstate 10 or more new houses have been erected. Many houses, dark for years, have been remodeled and reopened. Theatre equipment sales have been the heaviest in the past six years and it is estimated that at least 75 per cent of all theatres have undergone some renovation during the past few months. More is contemplated.

In the city of Chicago, several new theatres have been opened and at present five are under construction. B. & K. and its affiliate, Great States Theatres, plan to open numerous closed houses and to build several new ones. This is the first activity of this type the circuit has engaged in for several years.

Circuit managers are optimistic. Loop houses have shown a steady increase in gross, week by week. During the first week of the year Loop business was the best since those record-breaking weeks of the Century of Progress.

The threat that double features, which have not been used for many months, might force their way back has been waylaid by the healthy increase in grosses. At present, there is no thought in the minds of exhibitors that duals will be necessary.

With booking and union troubles cleared away, with better product than there has been made during the past few years already available and more in sight, the feeling is general that 1936 will mark the beginning of a new progress toward what is considered normal times.

Short Subjects

"Pirate Party on Catalina Isle"

(*M-G-M*)

Time and money were lavished on this outdoor short in Technicolor with results that are eye and ear-filling. The buccaneer costumes, a bevy of good-looking girls and a collection of singers, with outdoor action shots to lend variety make up a satisfying whole. Buddy Rogers leads a band called the California Cavaliers. Occasional glimpses are given of Marion Davies, Chester Morris, Cary Grant, Virginia Bruce, Lee Tracy, Lili Damita, Randolph Scott, Mickey Rooney, John Gilbert, Leon Errol, Eddie Peabody, Robert Armstrong, Johnny Downs, Sid Silvers, Vince Barnett, Errol Flynn, Betty Burgess and Jack Duffy. Lou Tyler's Banjo band does a snappy number. It's a grand short. Production Code Seal No. 1,593. Running time, 20 minutes. "G."

"The Count Takes the Count"

(*Roach-M-G-M*)

With some well-developed gags and plenty of automobile chasing, Charley Chase succeeds in keeping this two-reeler moving at a fast pace. Chase is an insurance agent who thinks he has been smart in insuring a wedding for $1,000,000 until his boss points out that the prospective bride objects. He collides with the bride's car, takes her in when she tells him she is a detective pursuing the missing bride-elect, and they start merrily for San Francisco. Both are arrested. A dining room and bedroom sequence with Chase handcuffed to the sheriff is very funny. A holdup with Chase and the girl roped together is also good for a series of laughs. Recommended. Production Code Seal No. 1,815. Running time, 20 mins. "G."

"International Varieties No. 1"

(*J. H. Hoffberg*)

This is a collection of continental vaudeville acts which includes a clown, Noni; The Two Tars, Strelsky's Cossack Singers and Albert Sandler's Viennese orchestra. The last named plays Schubert's "Serenade" beautifully and, in a measure, redeems the rest. Noni leads a band and The Two Tars do a silly turn, finishing with a stupid piece of business in which they row off the stage. The names are unfamiliar to Americans and the brand of entertainment is not up to standard here. The singers do typical Russian folk songs with the usual staccato ending. The lighting and photography are spotty and little imagination went into the production. No production code seal. Running time 8 mins. "G."

"A Thrill for Thelma"

(*M-G-M*)

This is one of the "Crime Doesn't Pay" series. A girl is summoned from a state prison lineup to tell her story to a reporter in the warden's office. It's an exciting yarn, detailing how she gets a job in a beauty parlor, is led unsuspectingly into a holdup of a couple in a parked car, with one crime following another until the boy is killed and the girl is sentenced to 20 years in jail. Irene Hervey is effective as the girl prisoner and Robert Livingstone gives a realistic performance as the young criminal. First class entertainment. Production Code Seal No. 1,760. Running time, 18 mins. "G."

"West Point of the South"

(*M-G-M*)

The Virginia Military Academy, is student life, references to its share in the Civil War, views of the miniature field pieces used in artillery practice and cavalry training are presented with comments by Pete Smith. Some of the comedy attempted in the narrative falls short of the mark, but the number ought to be popular in the south where the students come from almost every state. Running time, 8 mins. Production Code Seal No. 1,700. "G."

"Run, Sheep, Run!"

(*Harman-Ising-M-G-M*)

Good child entertainment and with plenty of appeal for adults. It is the story of three little white sheep, one black sheep, a dog and pickaninny. The black sheep gets into trouble in a forest, and the dog, to get revenge, wraps up in a wolf's skin to scare the others. He is eventually chased by a big black bear. A musical number somewhat reminiscent of "Who's Afraid of the Big Bad Wolf?" runs through it. Production Code Seal, No. 1,875. Running time, 10 min. "G."

"Sacred City of the Mayan Indians"

(*FitzPatrick-M-G-M*)

Indian costumes copied from the early Spanish conquistadors, native buildings and customs with mountain backgrounds, close ups of natives at play and at work, music from a marimba made of gourds—these and other scenes make this a very interesting short. The photography in Technicolor is gorgeous. Production Code Seal, 0,831. Running time, 8 mins. "G."

Out Hollywood Way

HOLLYWOOD, Jan. 22.—MEL SHAUER wondering what will happen if his two current features are put on a dual. . . . They are—"Three Cheers for Love," "It Can't Last.". . . SIR GUY STANDING to sail his own boat in regatta next week. . . . GENE TOWNE getting his play, "God Bless You, Inc.," ready for summer opening in New York.

JACK DILLON recovering from influenza at Palm Springs. . . . AL HANSEN's new house at Compton to be opened Feb. 8. . . . FRED HERSHON to open the Garden at Belvedere Gardens next week. . . . JACK SULLIVAN, F. W. C. buyer, on a vacation at Panama. . . . NEWTON P. JACOBS, RKO exchange manager, back from a tour of his territory . . . . Reports Arizona booming.

JACK CLIFFORD, operator of the Brea, looking for another house. . . . DICK MITCHELL back after siege of flu. . . . GEORGE A. HICKEY on a swing of his territory. . . . Will meet FELIX FEIST, E. M. SAUNDERS and AL LICHTMAN. . . . Pioneer signs 43 dancers for "Dancing Pirate."

BOBBY BREEN recovering so rapidly from operation that work on "The Show Goes On" will resume Jan. 27. . . . SOL LESSER starting "O'Malley of the Mounted" Jan. 29.

✚

Casting—FRANCIS X. BUSHMAN, JR., signed by M-G-M for "Romeo and Juliet.". . . MURRAY KINNELL, PHYLLIS BARRY and OWEN YOUNG signed for Pickford-Lasky's "One Rainy Afternoon.". . . CRAIG REYNOLDS added to "Sons O' Guns" and DICK FORAN, ALMA LLOYD and CATHERINE DOUCET cast in "Golden Arrow," Warners.

LIONEL ATWILL set in "Reunion" and PORTER HALL added to "Concertina," Paramount. . . . TONY MARTEN in "The Farmer in the Dell," Radio.

✚

Writers—DORE SCHARY and BRIAN MARLOW signed by Paramount. . . . FRANK WEAD writing an original called "China Clipper," Warners. . . . GUS KAHN to do the lyrics for M-G-M's "Lady Comes to Town."

Indianapolis Looks For Business Gains

INDIANAPOLIS, Jan. 22. — Business here is expected to be at least 10 per cent better this year, local business leaders have declared. Theatre men say the increased industrial development should help business in general. Two branch factories of General Motors are expanding and will increase their payrolls materially by spring. The plant of Fairbanks-Morse, which has been closed for several years, is scheduled for reopening.

The local Chamber of Commerce reports all statistics show an upward trend.

Local exhibitors have an eager look in their eyes, but most of them are afraid to make any predictions for fear they may be wrong.

Goldwyn Signs Hawks

HOLLYWOOD, Jan. 22.—Samuel Goldwyn has signed Howard Hawks to a two-year contract. As his first assignment, Hawks will direct "Come and Get It," story by Edna Ferber. Virginia Bruce and Frank Shields are the only players set for the cast so far. Hawks is the first director ever signed to a term contract by Goldwyn

Nick Lukats With Para.

HOLLYWOOD, Jan. 22.—Paramount has signed Nick Lukats, Notre Dame football star, and Marten Lamont, English actor, to term contracts. Lukats has been trying to break into pictures for the last year. Marten was discovered by Ben Piazza, studio talent scout, in San Francisco.

Hammerstein to Republic

HOLLYWOOD, Jan. 22. — Reginald Hammerstein, grandson of Oscar Hammerstein, has joined Republic Pictures as assistant to supervisor Kenneth Goldsmith. Young Hammerstein will be groomed for a production job by Nat Levine.

"Obsession" Held At Los Angeles

LOS ANGELES, Jan. 22.—"Magnificent Obsession" hit Hollywood Boulevard like a whirlwind, and before the second week at Pantages was over the take was more than double the first week par, $7,500. It held up to a par $8,000 in its second week at the Hillstreet.

The only other important gross of the week was at the Paramount where "The Bride Comes Home" on the screen and a combination of Herman Timberg and his company, an F. & M. revue and Al Lyons and his orchestra garnered $25,500, over the line by $7,500.

Total first run business was $89,600. Average is $86,150.

Estimated takings for the week ending Jan. 22:

"AH, WILDERNESS" (M-G-M)
"MY MARRIAGE" (20th-Fox)
CHINESE—(2,500), 30c-55c, 7 days. **Gross:** $11,000. (Average, $12,500)

"FIRST A GIRL" (G. B.)
4 STAR—(900), 30c-55c, 7 days, 2nd week. **Gross:** $3,000. (Average, $3,250)

"THE DANCING DUCHESS" (Foreign)
GRAND INTERNAT'L—(750), 35c-40c, 7 days. **Gross:** $1,500. (Average, $1,200)

"MAGNIFICENT OBSESSION" (Univ.)
HILLSTREET—(2,700), 25c-40c, 7 days. 2nd week. **Gross:** $8,000. (Average, $8,000)

"AH, WILDERNESS" (M-G-M)
"MY MARRIAGE" (20th-Fox)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $11,000. (Average, $14,000)

"MAGNIFICENT OBSESSION" (Univ.)
PANTAGES—(3,000), 25c-40c, 7 days. 2nd week. **Gross:** $7,500. (Average, $3,200)

"THE BRIDE COMES HOME" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Herman Timberg & Co., F. & M. revue, Al Lyons and orchestra. **Gross:** $25,500. (Average, $18,000)

"CAPTAIN BLOOD" (F. N.)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-40c, 7 days. 3rd week. **Gross:** $11,500. (Average, $14,000)

"CAPTAIN BLOOD" (F. N.)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. 3rd week. **Gross:** $10,600. (Average, $12,000)

Wall Street

Substantial Gains Revive Most on Board

	High	Low	Close	Net Change
Columbia, vtc	45½	41⅞	45⅛	+3⅝
Columbia, pfd	50¾	50¾	50¾	+ ¾
Consolidated	6¼	6	6¼	+ ⅜
Consolidated, pfd	19	18½	19	+ ½
Eastman	160½	160	160½	+ ½
Eastman, pfd	163	163	163	—2
Loew's, Inc.	53⅛	51⅝	52⅞	+1⅜
Paramount	10¾	9⅞	10⅝	+ ⅝
Paramount 1 pfd.	82	79½	81½	+1⅝
Paramount 2 pfd.	12½	11½	12⅜	+ ⅞
Pathe Film	8	7½	7¾	+ ⅜
RKO	7⅝	7	7½	+ ⅝
20th Century-Fox.	26⅛	25⅜	26⅛	+1⅛
20th Century, pfd.	35	33⅞	34⅞	+1
Universal, pfd	75	71	71	—4
Warner Bros.	11¼	10⅛	11¼	+1⅛
Warner, pfd	54	50½	54	+3¼

Technicolor Reaches 23

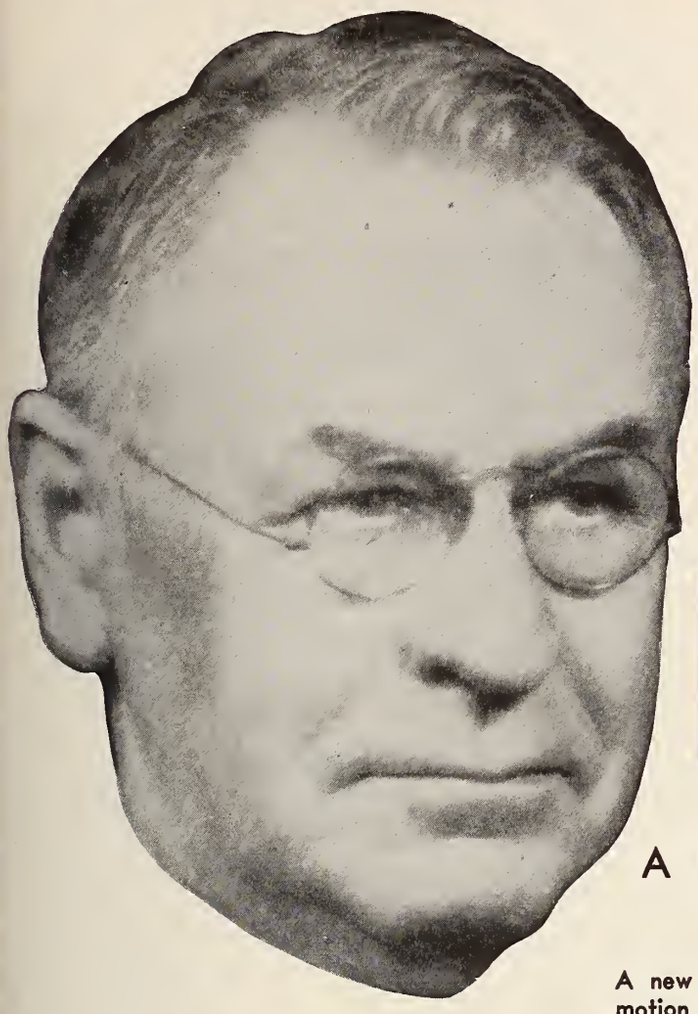
	High	Low	Close	Net Change
Sentry Safety	13/16	13/16	13/16	+1/16
Sonotone	2¼	2⅛	2⅛	....
Technicolor	23	21¾	23	+1½

Warner Leads Bond Gains With 2⅛

	High	Low	Close	Net Change
General Theatre 6s '40	25⅛	22¾	25⅛	+1⅝
General Theatre 6s '40, ctf	25¼	23	25	+1½
Keith B. F. 6s '46	95¼	95¼	95¼	+ ¼
Loew's 6s '41 ww deb rights	104½	103¾	103¾	— ¼
Paramount B'way 3s '55	58	58	58	+1
Paramount Pict. 6s '55	94½	92¾	94½	+1⅝
Warner Bros. 6s '39 wd	91⅜	89⅜	91⅜	+2⅛

(Quotations at close of Jan. 22)

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"Obsession" Pulls $7,000, Louisville

LOUISVILLE, Jan. 22.—"Magnificent Obsession" delivered a smashing $7,000 at the Strand on the week. This is nearly triple the ordinary take for the house. It was held.

"Dangerous" was $2,000 on the profit side of the line with a take of $4,500 at the Mary Anderson. This also was held.

With the public flocking to the two standout attractions, other first runs found the going rather rough. The Rialto, with "Rose of the Rancho" did $3,800, $800 under par. Loew's State, with the double feature bill, "Ah, Wilderness" and "One-Way Ticket," couldn't quite make the grade, the gross hitting only $4,300, or $200 under average.

With the repeal of the state three per cent sales tax, theatres will drop the additional cent on admissions up to 40 cents. This should give some impetus to business.

The weather has been pleasant, and the resultant reaction at the box-offices has been favorable.

Total first run business was $25,-700. Average is $18,500.

Estimated takings:

Week Ending Jan. 15:

"MR. HOBO" (G.B.)
BROWN — (1,400), 15c-25c-40c, 7 days. **Gross:** $2,200. (Average, $2,000)

Week Ending Jan. 16:

"AH WILDERNESS" (M-G-M)
"ONE-WAY TICKET" (Col.)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $4,300. (Average, $4,500)
"ROSE OF THE RANCHO" (Para.)
RIALTO — (3,000), 15c-25c-40c, 7 days. **Gross:** $3,800. (Average, $3,500)
"MAGNIFICENT OBSESSION" (Univ.)
STRAND—(1,500), 15c-25c-40c, 7 days. **Gross:** $7,000. (Average, $2,500)
"DANGEROUS" (W.B.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days. **Gross:** $4,500. (Average, $2,500)
"CAPPY RICKS RETURNS" (Republic)
"MIMI" (F.D.)
NATIONAL—(2,400), 15c-25c-40c, 7 days. Stage: Don Galvin, Bud Harris & Bert Howell, Meyers & St. John, Monroe Brothers, Beatrice Gardner Girls. **Gross:** $2,800. (Average, $3,000)
"GALLANT DEFENDER" (Col.)
"SHE COULDN'T TAKE IT" (Col.)
ALAMO—(900), 15c-25c, 7 days. **Gross:** $1,100. (Average, $1,400)

"Cook" at $2,500 Top in Oklahoma

OKLAHOMA CITY, Jan. 22.—"If You Could Only Cook" managed to overcome the effects of a cold wave here by getting $2,500 at the Capitol. This was $500 over the line.

"Collegiate" took an average $5,000 at the Criterion. "The Dark Angel" was over the line by $100 on a gross of $4,100 at the Midwest.

Total first run business, $14,250. Average is $14,000.

Estimated takings for the week ending Jan. 18:

"COLLEGIATE" (Para.)
CRITERION—(1,700), 10c-26c-36c-55c, 7 days. **Gross:** $5,000. (Average, $5,000)
"THE DARK ANGEL" (U. A.)
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $4,100. (Average, $4,000)
"IF YOU COULD ONLY COOK" (Col.)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,500. (Average, $2,000)
"YOUR UNCLE DUDLEY" (20th-Fox)
LIBERTY—(1,500), 10c-20c-26c-41c, 4 days. Stage: "A Night in Avalon." **Gross:** $1,900. (Average for week, $3,000)
"CALLING OF DAN MATHEWS" (Col.)
LIBERTY — (1,500), 10c-20c-26c-36c, 3 days. **Gross:** $750. (Average for week, $3,000)

"Wilderness" Gets $10,000, Houston

HOUSTON, Jan. 22.—Warm weather, Bank Nights and good films brought crowds to the theatres, with "Ah, Wilderness" at Loew's State the pace-setter at $10,000, which was $3,000 up.

The Metropolitan had a take of $10,000 also, with some $4,000 attributed to the stage show headed by Blackstone, the magician, and $6,000 for "Dangerous."

Bank night on Tuesday at the Kirby again drew $1,000 for the day, with the picture, "Don't Bet on Blondes," credited with a $400 take. "King of Burlesque" dropped at the Majestic to $6,000, which was $1,000 under par. "Whispering Smith," at $3,000, just held its own at the Kirby for three days.

Total first run business was $31,-700. Average is $26,000.

Estimated takings for the week ending Jan. 16:

"WHISPERING SMITH SPEAKS" (20th-Fox)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $3,000. (Average, $3,000).
"DON'T BET ON BLONDES" (W. B.)
KIRBY—(1,450), 15c-35c, 1 day (Bank Night.) **Gross:** $1,000. (Average, $500)
"STORM OVER THE ANDES" (Univ.)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,200. (Average, $1,500)
"AH, WILDERNESS" (M-G-M)
LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $10,000. (Average, $7,000)
"KING OF BURLESQUE" (20th-Fox)
MAJESTIC—(2,250), 25c-50c, 7 days. **Gross:** $6,000. (Average, $7,000)
"DANGEROUS" (W. B.)
METROPOLITAN—(2,600), 25c-50c, 7 days. Stage: Blackstone, Magician. **Gross:** $10,000. (Average, $7,000)

"Riffraff" Leads Charlotte, $3,600

CHARLOTTE, Jan. 22. — "Riffraff" was out in front here at the Carolina with $3,600 in four days, over the line by $1,000.

Bad weather prevailed most of the week and grosses were low. "A Night at the Opera" was strong at the Carolina with $1,500 in two days.

Total first run business was $9,100. Average is $11,000.

Estimated takings for the week ending Jan. 18:

"I DREAM TOO MUCH" (Radio)
BROADWAY — (1,114), 25c-40c, 6 days. **Gross:** $2,000. (Average, $4,000)
"A NIGHT AT THE OPERA" (M-G-M)
CAROLINA — (1,400), 25c-40c, 2 days. **Gross:** $1,500. (Average for 3 days, $2,000)
"RIFFRAFF" (M-G-M)
CAROLINA — (1,400), 25c-40c, 4 days. **Gross:** $3,600. (Average for 3 days, $2,000)
"MILLIONS IN THE AIR" (Para.)
IMPERIAL—(949), 25c, 3 days. **Gross:** $1,000. (Average, $1,500)
"FANG AND CLAW" (Radio)
IMPERIAL — (949), 25c, 3 days. **Gross:** $1,000. (Average, $1,500)

Distributor Named

Academy Pictures Distributing Corp. has closed with AmerAnglo Corp. to handle the distribution of eight Halperin pictures in the foreign field. "I Conquer the Sea" will be handled in Canada by L. Rosenfeld, of Columbia Pictures of Canada, Ltd.

Giveaway Dropped

TORRINGTON, Conn., Jan. 22.—Warners have dropped Bank Night here. The circuit has been using the giveaway in a number of towns.

No Parking

Chicago, Jan. 22.—Henri Elman got a permit to stop cars from parking in front of his new office. This cost him $20 for a license fee. The first person to get a tag—and one that couldn't be fixed—for parking in the reserved space, was Elman.

He paid the fine.

"Wilderness" Big Indianapolis Hit

INDIANAPOLIS, Jan. 22.—"Ah, Wilderness," topping a dual bill with "If You Could Only Cook," was a sensation at Loew's last week. It ran more than 100 per cent over normal for a gross of $9,500.

"King of Burlesque" also was a heavy grosser. It went $3,000 over the average for a take of $10,000 at the Lyric, helped by a vaudeville bill headed by Johnny Perkins. "Magnificent Obsession" was $500 up on a take of $7,500 at the Indiana.

Total first run business was $33,500. Average is $26,500.

Estimated takings:

Week Ending Jan. 15:

"AH, WILDERNESS" (M-G-M)
"IF YOU COULD ONLY COOK" (Col.)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $9,500. (Average, $4,500)

Week Ending Jan. 18:

"LITTLEST REBEL" (20th-Fox)
APOLLO—(1,100), 25c-40c, return engagement. **Gross:** $3,500. (Average, $4,000)
"DANGEROUS" (W.B.)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)
"MAGNIFICENT OBSESSION" (Univ.)
INDIANA—(3,300), 25c-40c, 7 days. **Gross:** $7,500. (Average, $7,000)
"KING OF BURLESQUE" (20th-Fox)
LYRIC—(2,000). 25c-40c, 7 days. Vaudeville. **Gross:** $10,000. (Average, $7,000)

Burroughs-Tarzan Get 6

HOLLYWOOD, Jan. 22.—Burroughs-Tarzan Pictures, Inc., has closed a deal with Col. William N. Selig, veteran producer, to release six features for him as part of the company's 18-feature schedule. The features will be produced under the supervision of Ashton Dearholt. They will be: "The Dragnet," "The Girl with the Red Feather," "Why Love Is Blind," "Going Straight," "City Pavements" and "The White Glove."

Mercy Buys at Yakima

SEATTLE, Jan. 22.—Fred Mercy, head of the Mercy Amusement Co., has purchased the Fechter building in Yakima and plans to convert it into a 1,000-seat theatre. Stage facilities for roadshows will also be provided.

This will be the fourteenth theatre in the Mercy circuit, and will be named the Roxy.

Christie Starts Three

Al Christie yesterday began shooting at the Biograph studio in the Bronx on three one-reel subjects for Educational. One will feature Don Alberto, another the Cabin Kids and the third Roy Halle.

Stern Gets F. D. Lineup

OMAHA, Jan. 22.—M. L. Stern, manager of Capitol Pictures exchanges here and in Des Moines, has taken over distribution of First Division pictures in this territory.

"Socrates," Show High in Montreal

MONTREAL, Jan. 22.—"Dr. Socrates," aided by a revue called "Streamline Scandals," garnered $12,000 at Loew's last week, thereby topping normal $1,500 for the best gross in town.

Grosses demonstrated a general reaction, and professional hockey, playing to record crowds, furnished plenty of opposition.

The Palace registered $11,000 for "Magnificent Obsession," which had no companion feature. "Show Them No Mercy" headed the bill at the Princess for an average $7,000.

Total first run business was $43,000. Average is $41,500.

Estimated takings for the week ending Jan. 18:

"I DREAM TOO MUCH" (Radio)
"THE PERFECT GENTLEMAN" (M-G-M)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, days. **Gross:** $10,000. (Average, $9,500)
"ROMAN D'UN JEUNE HOMME PAUVRE" (French)
"BURNING GOLD" (Republic)
IMPERIAL—(1,914), 20c-29c-34c, 7 days **Gross:** $3,000. (Average, $3,500)
"DR. SOCRATES" (W. B.)
"LADIES CRAVE EXCITEMENT" (Mascot)
LOEW'S — (3,115), 30c-34c-40c-50c-60c, days. Stage: "Streamline Scandals." **Gross** $12,000. (Average, $10,500)
"MAGNIFICENT OBESSION" (Univ.)
PALACE — (2,600), 25c-35c-40c-50c-65c, days. **Gross:** $11,000. (Average, $11,000)
"SHOW THEM NO MERCY" (20th-Fox)
"DRESSED TO THRILL" (20th-Fox)
PRINCESS — (2,272), 30c-35c-50c-65c, days. **Gross:** $7,000. (Average, $7,000)

"Dream Too Much" Is Portland High

PORTLAND, Jan. 22.—"I Dream Too Much," heading a dual bill with "Lone Wolf Returns," turned in the best showing of the week here by going to $8,000 at the Paramount. This was over average by $3,000.

"If You Could Only Cook" was held for a second week at the Orpheum, but a change was made in the other half of the program, "Two in the Dark" being substituted. The $6,000 take was $1,000 over the line.

Total first run business was $31,000. Average is $24,700.

Estimated takings for the week ending Jan. 11:

"CAPTAIN BLOOD" (F. N.)
(2nd Week)
BROADWAY—(1,912), 30c-35c-40c, 7 days **Gross:** $5,000. (Average, $5,000)
"CHINA SEAS" (M-G-M)
"GOOSE AND THE GANDER" (F. N.)
(2nd Run)
BLUE MOUSE—(1,700), 20c-25c, 7 days **Gross:** $2,000. (Average, $1,700)
"THE BRIDE COMES HOME" (Para.)
MAYFAIR—(1,700), 30c-35c-40c, 7 days 3rd Downtown Week. **Gross:** $4,000. (Average, $3,000)
"IF YOU COULD ONLY COOK" (Col.)
(2nd Week)
"TWO IN THE DARK"
ORPHEUM—(1,700), 30c-35c-40c, 7 days **Gross:** $6,000. (Average, $5,000)
"I DREAM TOO MUCH" (Radio)
"LONE WOLF RETURNS" (Col.)
PARAMOUNT—(3,008), 30c-35c-40c, days. **Gross:** $8,000. (Average, $5,000)
"RED SALUTE" (U. A.)
UNITED ARTISTS—(945), 30c-35c-40c, days. **Gross:** $6,000. (Average, $5,000)

Reopen Oakland House

OAKLAND, Jan. 22.—Golden State Theatres has reopened the Capitol after remodeling. Russ Hendrickson is manager.

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VOL. 39. NO. 20 NEW YORK, FRIDAY, JANUARY 24, 1936 TEN CENTS

Milton Arthur On the Stand At St. Louis

Testifies for U. S. On Product Troubles

ST. LOUIS, Jan. 23.—Taking the same lines that featured the equity case here against Warners, Paramount and RKO, during the past two days, the Government today placed on the stand Milton Arthur, president and general manager of Cabart Theatre Corp., which has theatres in California, Arizona, Nevada and Utah, and who is a brother of Harry C. Arthur of Fanchon & Marco. Arthur recounted his difficulty in getting Warner product for his houses, and said his proposals for Paramount pictures were rejected by the home office.

Paramount's position was explained at the close of the session when Louis Phillips, Paramount attorney, cross-examining Arthur, read a letter dated April 11, 1935, from George J. Schaefer, then vice-president and general manager of Paramount, to Harry Arthur, indicating that Arthur's connec-

(*Continued on page 4*)

Phila. Independent Meeting Postponed

PHILADELPHIA, Jan. 23.—The meeting of the newly formed Independent M. P. T. O., scheduled for today, has been postponed. Tomorrow the original M. P. T. O. will meet at the call of Lewen Pizor for the election of officers. Pending developments at tomorrow's session, many members of the new group have also retained their membership in the parent body.

Whether or not the merger of the two groups will go through, the two will remain, or exhibitors favoring the merger will go back to the I. E. P. A., may be decided at tomorrow's session. The illness of Charles Segal, president of the Independent M. P. T. O., is the chief reason for the postponement of today's meeting.

Title Barrage

Hollywood, Jan. 23.—Columbia has still another title for the Harry Richman-Rochelle Hudson picture. First it was "Rolling Along." Then it was "The Music Goes Round and Round." Now, it is called "The Music Goes Round."

One "round" was used to save marquee space.

Ampa Award Plan on Ads Gets Approval

Best Home Office Work To Be Recognized

Plans for the presentation of annual awards to men in the advertising, publicity and exploitation departments of various home offices for the best results as decided upon by a special committee were adopted yesterday by the Ampa at its regular meeting at Dempsey's.

The plan adopted by Ampa will not conflict with the annual Quigley awards which are limited to theatre personnel. It was pointed out that the Ampa awards will center about the importance of merchandising pictures. The first prizes will cover the work done for the year ending Dec. 31, 1935.

Persons not affiliated with the organization are eligible for the awards, it was stated yesterday. Plaques, or statuettes, will be given to the persons responsible for creating the ideas, while certificates of merit will be dis-

(*Continued on page 4*)

Gaumont's KRS Suit Delayed to Feb. 18

By BRUCE ALLAN

LONDON, Jan. 23.—The legal action instituted by Gaumont British against the Kinematograph Renters' Society and virtually all distributors in the British trade has been postponed until Feb. 18.

The proceedings deal with the ban placed on buying combines by the K. R. S., to which G. B. objects.

G. B. May Add

London, Jan. 23. — Mark Ostrer, managing director of Gaumont British, refuses comment, but, significantly perhaps, does not deny a story published locally quoting C. M. Woolf as saying G. B. is discussing regular American distribution of a selection of General Film Distributors, Ltd., releases. This is the company formed by Woolf after he retired as a joint managing director of G. B.

Fleischman Likely To Succeed Brandt

Maurice Fleischman is expected to be the candidate to succeed Harry Brandt as president of the I. T. O. A., it was indicated yesterday. Brandt has definitely announced his retirement from the top post, but will continue actively in the organization.

Nominations will be held Feb. 27 at the Astor. Brandt, who leaves today with his brother, Billy, for a vacation in Hollywood, Fla., will not return in time to be on hand for the nominations. Fleischman has been one of the most active members in the I. T. O. A. under Brandt. He operates a number of theatres in Brooklyn.

Report Hoffman to Resume as an Indie

HOLLYWOOD, Jan. 23.—M. H. Hoffman, who has four pictures to go under his Republic deal, is understood to be planning to return to independent production on his own next season. Hoffman formerly headed Liberty Pictures, which was merged with Mascot and Monogram into Republic.

Vancouver Warring on Suds

Vancouver, Jan. 23.—Four downtown theatres, the Orpheum, Capitol, Maple Leaf and Globe, have joined churches and temperance organizations in a fight against granting a beer license to the Palms Hotel on Granville St.

The theatre men say they don't want the crowds waiting in front of their houses to smell the breaths of persons emerging from the suds parlor. They are also afraid some of the prospective customers will stop off for a snifter and then decide to have another, thus delaying until they miss one of the shorts or the newsreels.

It's all quite serious. The Provincial Government and Liquor Commissioner W. F. Kennedy have been deluged by protests. The City Council has taken a hand in it by endorsing the stand of theatres.

It looks as though the night life boys will have to stick to their fish 'n' chips.

Loew Theatre Games Hinge Upon Courts

Trio of Cases in Bronx To Determine Policy

The future of games in Loew's metropolitan theatres is contingent on the outcome of three cases pending against the circuit in Special Sessions, Bronx, it was learned yesterday.

Two of the complaints filed by the district attorney are against the Elsmere and Grand and are scheduled for hearing on Feb. 21. The third involves the Paradise, de luxe house, which is slated to come up on Feb. 28. Screeno is the game played in the three houses.

On Monday, the Appellate Division of the Supreme Court, Brooklyn, upheld a decision of Special Sessions in that borough. The Winthrop, an independent theatre, was the respondent,

(*Continued on page 4*)

Expect 30-Day "U" Option Extension

Extension of Standard Capital's option to purchase Universal would be for 30 days, or to March 1, if the proposed purchaser and seller get together. The indications last night were that Universal would grant such extension on the same terms of sale outlined in the original 90-day agreement, which expires Feb. 1.

Messages on King's Death Please Trade

LONDON, Jan. 23.—The British industry has been favorably impressed by expressions of sympathy from Will H. Hays and James Beck, the latter M.P.P.D.A. representative here, following the death of King George.

The messages, published prominently in the trade press, were addressed to the Federation of British Industries.

Inside Stuff

A mock trial on the criminal and civil proceedings in St. Louis will be held at the annual Naked Truth Dinner on March 14 at the Astor, according to an announcement made by Gordon S. White, president of the Ampa, yesterday.

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MAURICE KANN
Editor
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Advertising Manager

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Rites for Nathan Vidaver

Funeral services were held yesterday for Nathan Vidaver at the Brunner Mortuary in North Pelham. Vidaver died of a heart attack at his home, Sunday. He was 64.

A member of the law firm of Vidaver, Loria and Martinson, he was personal attorney to William A. Brady and other prominent theatrical people, including David Belasco, Oscar Hammerstein and David Warfield. He specialized to a large degree in theatrical cases. Surviving him are his widow, Mrs. Nellie Ruth Vidaver; his daughter, Mrs. Robert C. Butolphe; a brother, Dr. Maxwell Vidaver, and five sisters.

Schenck, Friedman West

Nicholas M. Schenck leaves for Hollywood tomorrow. Leopold Friedman, general counsel for Loew's, Inc., will be in the party which will remain on the coast for about three weeks.

Bernstein Coming Over

LONDON, Jan. 23.—Sidney Bernstein, prominent London exhibitor, sails for New York next week. Later he goes to Hollywood.

Wechsler to New Haven

NEW HAVEN, Jan. 23.—Lou Wechsler, formerly salesman in the Boston exchange, has been appointed manager of the local U. A. branch.

Earns $131,308

LONDON, Jan. 23. — Gainsborough Pictures, Ltd., reports a profit of £27,074 (approximately $131,308) for last year.

Purely Personal

ARTHUR SCHWARTZ, who supplies tunes to HOWARD DIETZ'S lyrics, is on the way home from London where he wrote the music for "Follow the Sun," a new revue for C. B. COCHRAN. Accompanying SCHWARTZ is his wife, KAY CARRINGTON.

•

CHESTER ERSKIN'S efforts bore fruit last night with the opening of "The Puritan" at the Belmont. He adapted, directed and produced the play from LIAM O'FLAHERTY'S novel.

•

BARRON POLAN of the Warner advertising department is handling a number of advance campaigns on "A Midsummer Night's Dream" in upstate New York spots.

•

CRESS SMITH returned from St. Louis. Anything is better than the Mound City even with the weather as it is, he thinks.

•

JIM FURMAN, who handles publicity for Loew's, Jersey City, is taking a leave of absence and will leave for the coast in about two weeks.

•

AL WILKIE has put off his vacation until next month. He had planned to take a cruise to the tropics, but this is now out.

•

"LEF" FRIEDMAN no sooner gets set in his new apartment at the Warwick when the coast and duties on behalf of Loew's call him west.

•

C. H. BRADFIELD, JR., vice-president of Audio Prod. is recovering from an appendicitis operation at the Mountainside Hospital, Montclair, N. J.

•

IRVING LESSER will return from St. Louis today. He has been in the Mound City for three weeks.

•

RENE CLAIR will sail tomorrow for Paris to attend the opening there of "The Ghost Goes West."

•

EDDIE CANTOR made personal appearances all day at the Music Hall yesterday.

•

BILL BRENNER, thinking backward yesterday, remembered his long and recent sojourn in London was pleasant.

•

BILL RODGERS, that big Metro sales manager, is in Florida. Of course, it's vacation.

•

KAY FRANCIS expects to end her vacation here in about two weeks and return to the Warner studios.

•

HOWARD DIETZ expects to leave for the coast Saturday. There may be a change in plans, however.

•

HARRY and WILLIAM BRANDT will leave today for Hollywood, Fla. They will be gone several weeks.

•

EDMUND LOWE and TULLIO CARMINATI sail for Europe tonight on the *Bremen.*

•

MARY GARDEN in town. Scouting for singing talent on behalf of M-G-M.

•

JOHN O'HARA, the book scrivener, is on his way west.

$40,000 Is Allowed For GTE Attorneys

WILMINGTON, Jan. 23.—Chancellor Josiah O. Wolcott in Chancery Court here today allowed fees of $40,000 jointly on account of final compensation to Marvel, Morford, Ward and Logan, of Wilmington, and Hughes, Schurman and Dwight of New York, attorneys for Senator Daniel O. Hastings, receiver for General Theatres Equipment, Inc., on petition of Hastings.

The petition stated the firms served the receiver since his appointment Feb. 29, 1932. On Dec. 7, 1932, the local attorneys were allowed $17,500 and the New York firm $12,500. They had received no further compensation, although they had been active since, the petition said. Chancellor Wolcott, in granting the request, provided that he retain full jurisdiction to modify the order upon the hearing for final allowances.

Name Club Chairmen

The following have been named committee chairmen of the Paramount Pep Club for the year: Welfare, Dr. Emanuel Stern; insurance G. B. J. Frawley; athletics, Carl Clausen; finance, John E. McDermott; cooperative buying, Bessie Goldsmith; rules, Arthur Israel; photography, Lew Nathan; education, Joseph P. McLoughlin; membership, William J. O'Connell; entertainment, Sam Rheiner; Pep-o-Grams, Charles E. Gartner; publicity, Claude B. Keator. The second informal dance will be held at the Hotel Astor Feb. 14.

Predict Big Star Turnout

The Press Photographers' Ass'n seventh annual ball at the Commodore next Friday night shows promise of being one of the largest star-attended affairs of the year, its sponsors say. Practically every stage, screen and radio star who is in town is scheduled to attend. Lily Pons, Eddie Cantor, Rudy Vallee, Burns and Allen, Frank Fay, Eleanor Powell, Jimmy Durante and June Knight, to name a few, will perform. The constellation adds to 64.

Para. Assigns Howard

HOLLYWOOD, Jan. 23.—William K. Howard will direct "Concertina," for Paramount. Work will start Jan. 27. Dore Schary and Brian Marlow, writers, have been given term contracts.

Karloff Named by G. B.

Boris Karloff, recently signed by G. B., will star in a thriller called "The Man Who Lived Again," according to word received at the New York office.

Hamrick-Evergreen Wavering on Duals

SEATTLE, Jan. 23.—Hamrick-Evergreen circuit is beginning to waver a bit on its recently announced policy of "a double-feature program at every Hamrick-Evergreen theatre every week."

Last week the Fifth Ave. Theatre featured a dual bill consisting of "A Tale of Two Cities" and "Coronado." Together with the newsreel and trailers, the complete show ran three hours and 47 minutes. This week the show was moved to the Music Box for an extended run, but "Coronado" was left off the program, without any announcement explaining the switch to a single-feature policy at the Music Box.

Next week "Captain Blood" will be booked as a single-feature attraction at the Fifth Ave. Theatre.

M-G-M Booking Revivals

Two revivals are being booked by the local M-G-M exchange, notably "Dancing Lady" and "The Big House." Several independent circuits have already dated the films.

William A. Scully, district manager, with headquarters at the New York exchange, attaches no significance to the bookings. It is stated that the revivals are not in line with any national plans and are only being re-dated by the local exchange.

Para. Sets Two Titles

HOLLYWOOD, Jan. 23.—Two titles have just been set by Paramount. "Palm Springs" has been definitely picked for Walter Wanger's next, and "Call of the Prairie" is to be the name for Clarence E. Mulford's "Hopalong Cassidy's Protege."

Goetz on the Ile

LONDON, Jan. 23.—Ben Goetz, special emissary on foreign production for M-G-M, is aboard the *Ile de France,* New York bound.

Jack Alicoate, publisher and editor of *The Film Daily,* is likewise a passenger.

McGrath in New Post

Steve McGrath, head of the playdate department at U. A., has been made an assistant to Paul Lazarus, sales executive, and Jack Wrege has been advanced to McGrath's old post.

Goldwyn Gets Arnold

HOLLYWOOD, Jan. 23.—Edward Arnold has been signed by Samuel Goldwyn for the male lead in "Come and Get It," Edna Ferber's story. Virginia Bruce will play opposite him.



"PROFESSIONAL SOLDIER" PROVES B. O. DYNAMITE IN PHILADELPHIA PRE-RELEASE BARRAGE!

SMASH OPENING AT FOX THEATRE BEATS "LITTLEST REBEL," "STEAMBOAT ROUND THE BEND" AND "IN OLD KENTUCKY!"

Amid critics' hurrahs and audiences' applause "Professional Soldier" starts its triumphant box-office march. The top people of show business are watching 20th Century-Fox . . . pouring out one smash hit after another!

Victor McLAGLEN *Freddie* BARTHOLOMEW

"PROFESSIONAL SOLDIER"

GLORIA STUART
Constance Collier
Michael Whalen
C. Henry Gordon
a
DARRYL F. ZANUCK
20th CENTURY PRODUCTION
Presented by Joseph M. Schenck
Associate Producer: Raymond Griffith

Directed by Tay Garnett. Based on a story by Damon Runyon. Screen play by Gene Fowler and Howard Ellis Smith. Song: "Joan of Arkansas" by John W. Green and Edward Heyman.

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

CRITICS JOIN IN AUDIENCE CHEERS:

"Throngs waited in line just to jam the theatre. A tingling and thrilling experience for moviegoers!" —*Phila. Daily News*

"Rollicking comedy melodrama . . . . acted out exuberantly by Victor McLaglen and Freddie Bartholomew."
—*Phila. Evening Ledger*

"Freddie Bartholomew and Victor McLaglen join forces in an unqualified success."
—*Phila. Enquirer*

"The film achieves commanding stature. McLaglen and Freddie Bartholomew prove a worthy duet." —*Phila. Record*

"Leaves the reviewer with a keen sense of enjoyment. Damon Runyon's story gets you!"
—*Phila. Bulletin*

Eyes Right! →

Milton Arthur On the Stand At St. Louis

(Continued from page 1)

tion with the charges against Paramount and himself had destroyed the good will that should exist between buyer and seller, and that Paramount, exercising its right to choose customers, had decided not to deal with Arthur or his theatres.

Charles Caballero, Milton Arthur, Marco Wolff and Harry Arthur and his wife each own one-fourth of Cabart. Cross-examination by Frederick H. Wood, Warner counsel, brought out that Cabart had finally obtained Warner product for 1935-36 on practically the same terms as submitted by Milton Arthur. However, the houses were without these films from Aug. 1 to Dec. 24, 1935, when Warners accepted a compromise contract worked out in Los Angeles Dec. 11.

His theatres have showed RKO product, Arthur testified, but he had to give up the Studio, Prescott, Ariz., because he could not get Warner films at an early date in the 1935-36 season. He told of a conversation with Jules Levy, RKO general sales manager, in RKO's coast office in November, 1934, in which he said Levy declared Harry Arthur had gone to Washington to file a complaint with the Government and that he was causing a lot of trouble.

Arthur testified, "I told him I had no connection with the St. Louis situation, and was interested only in the theatre I was operating." He said Levy replied, "Well, you had better interest yourself in that situation if you know what's good for you."

Judge Admits Testimony

"I don't know any way that you can injure me except to withhold product for future years as I have already booked product for this season," Arthur testified he replied. He declared Levy's reply was, "That kind of talk is all right, but you had better do something about it, for if you don't you will be out of luck."

RKO counsel objected, but Judge Molyneaux ruled that since it covered a similar situation to that in the testimony of J. M. Ulmer and B. D. Gordon, Cleveland attorneys, which he tentatively admitted subject to defense objection, he would accept this testimony subject to a ruling later on its admissibility.

Arthur then told of his negotiations with Carroll Peacock, Paramount Los Angeles branch manager, on 1935-36 product for the Los Angeles, Boulder City and Phoenix houses. He said that on April 7, 1935, he signed the contract application but heard nothing further until June 7, when Peacock told him the applications had been rejected by the home office. He said on June 10 in Peacock's office he saw the applications with the rejection marked on them in large letters. He said Peacock declared the rejections were not because of terms.

Arthur said he asked him if it was due to the St. Louis situation, and said Peacock replied that he did not know what it was, but was "willing to bet $5 that when the St. Louis situation was cleared up I would get the pictures."

Arthur told of another attempt to get Paramount films through Mike Louis, Pacific Coast division manager, on July 24, 1935, when Louis said, according to Arthur, "Milt, I am sorry, but I've got my instructions to follow out and I can't serve you or any of your theatres." After argument, the court allowed Arthur to testify that after he had dropped his interest in the Strand, Long Beach, Cal., the house got Paramount product and is showing it today. He said he sold the interest about Oct. 28 or 29 last and it began Paramount films in November.

He told of a conversation with John E. Otterson, Paramount president, at the studio on Aug. 15 or 16 last. He said he told Otterson he needed the Paramount films to keep his houses open, and told him Paramount refused them because of his brother's connection with the St. Louis situation. He quoted Otterson as saying: "I am not acquainted with the situation, but I am going back to New York tonight and will look into it. If all that you say is true it would seem to me that you are entitled to the pictures." Arthur then said he had never heard from Otterson.

Talk With Lustig Barred

He tried to testify about a conversation in 1935 in Los Angeles with Harry Lustig, Warner manager, who has since died, and James Burden, salesman, and N. H. Brauer, coast manager. There was considerable argument as to whether this conversation should be barred because of the death of a participant, and Judge Molyneaux recessed the court to check the matter. But the conversation was ruled out anyway. Arthur then testified on a series of meetings with Brauer to obtain the 1935-36 Warner product, beginning in August, in which Brauer had said he could not deal with him, Arthur testified. The court overruled efforts to have the conversation ruled out. Arthur had said Brauer told him he would like to do business with him, but the Warner legal department had instructed him not to enter into a contract. A letter from Brauer dated Oct. 21 was read into the report.

The letter and Arthur's response had to do with the inability of Brauer to deal with Arthur. He then described the meetings at which a deal was finally made.

Redirect examination is expected tomorrow, when the Government will introduce Harry Arthur's reply to Schaefer's letter.

Wood cross-examined Irving Lesser of the Roxy in New York this morning on the Warner film situation with respect to "Alibi Ike," which Lesser testified had been refused him.

Walter Rice, assistant to Russell Hardy, chief Government attorney, left here tonight for Washington, to appear before the U. S. Supreme Court Monday in another case.

Two Directors Assigned

HOLLYWOOD, Jan. 23.—Irving Thalberg has assigned Sidney Franklin to direct "The Good Earth," and Sam Wood to direct "Tish," which he will produce. Casting has not yet been completed on either picture, and definite starting dates have not yet been set.

Ampa Award Plan on Ads Gets Approval

(Continued from page 1)

tributed to those assisting the winners in some divisions.

Six divisions are listed. They are:

1. The best advertisement of the year addressed to the trade.

2. The best advertisement of the year addressed to the public.

3. The best poster of the year.

4. The best and most practical press sheet.

5. The best single publicity achievement. This is not to be a campaign. It may be the planting of a story or a series of stories or the staging of a special event that directly brings publicity, but it must show wide distribution of the publicity and must show ingenuity and *be of a definitely constructive character.*

6. The best single exploitation achievement. This is not to be a campaign. It may be a tieup or a "stunt," but must have widespread effect and not be local in character. It must show originality and ingenuity and *must be of a constructive nature.*

Indies and Majors Considered

Independent companies as well as majors are to be embraced in the consideration for awards. A different set of judges will be selected for each division. Trade paper executives will judge the best trade ad and exhibitors will decide on the press book prizes.

Members of the various committees will be announced by Gordon S. White, president, at the next meeting. White is chairman of the Committee on Annual Awards which includes S. Barret McCormick, Alex Gottlieb, Milton Silver and Paul Gulick.

Home office heads already have expressed a willingness to cooperate and shortly will submit specimens of the best work turned out by their companies.

In the case of press books, it was decided yesterday to award a plaque to the company which is responsible for the winning book rather than the top executive. Employes of the company who aided in the development of the winning press sheet will be given certificates of merit.

20th-Fox to Transfer Sol Wurtzel Studio

HOLLYWOOD, Jan. 23.—20th Century-Fox plan to combine their production activities at the Westwood studio. They will move Sol Wurtzel's Hollywood studio production activities to the main Westwood plant within four months, it was learned on unimpeachable authority today. A new building at Westwood to accommodate the Wurtzel staff will be started shortly, it is believed.

The understanding here is that 20th Century-Fox does not own the Hollywood property outright but merely leases it, although verification of this fact could not be obtained.

Loew Prize Games Hinge on Courts

(Continued from page 1)

and Farmer Miller was the name of the game.

In affirming the lower verdict, the Apellate Court held that prizes awarded as a result of spinning a wheel in a theatre are a violation of the lottery laws. Weisman, Quinn, Allen & Spett, which represented the exhibitor, plan to seek leave to file an appeal with the Court of Appeals. This move is expected either today or tomorrow.

Several independent exhibitors have been successful in having various magistrates dismiss similar actions.

Some time ago the Loew circuit threw out games when a drive by the police was instituted, but shortly after reinstated them.

SEC Refunding Approval Asked

Loew's, Inc., is preparing for the approval of SEC in Washington details of a proposed $15,000,000 issue of 10-year debentures at 3½ per cent. The issue is designed to retire $7,717,500 in six per cent 1941 debentures and to retire other mortgages as well as subsidiary funded debt. The data will go to Washington sometime next month. The underwriting will be floated shortly after official approval is granted.

For the 16 weeks ending March 14, 1935, the company reports a net of $2,344,029 which is equal to $1.41 a share on the 1,464,205 shares of common outstanding.

Flash Preview

Road Gang—A lively melodrama with considerable in the way of exploitation opportunity

A review of this picture will appear in an early issue.

Wall Street

Columbia Issues Up on Board

	High	Low	Close	Net Change
Columbia, vtc	45½	45	45½	+ ⅜
Columbia, pfd	51¼	51	51¼	+ ½
Consolidated	6⅜	6⅛	6⅛	— ⅛
Consolidated, pfd	19	18⅞	18⅞	— ⅛
Eastman Kodak	160½	159¾	159¾	— ¾
Eastman, pfd	160	160	160	—3
Loew's, Inc.	53¼	52¼	52½	— ⅜
Paramount	10¾	10⅝	10⅝	.....
Paramount 1 pfd.	82¼	81½	82	+ ½
Paramount 2 pfd.	12⅜	12	12¼	— ⅛
Pathe Film	7⅛	7⅛	7⅛	— ⅛
RKO	7¾	7⅜	7⅜	— ⅛
20th Century-Fox.	26⅜	25⅞	25⅞	— ¼
20th Century, pfd.	35	34½	34½	— ⅜
Universal, pfd	70	70	70	—1
Warner Bros.	11½	11¼	11¼	.....
Warner, pfd.	54	54	54	.....

Technicolor Continues Gain

	High	Low	Close	Net Change
Sentry Safety	13/16	¾	¾	—1/16
Sonotone	2⅛	2	2⅛	.....
Technicolor	23⅞	23¼	23⅝	+ ⅝
Trans-Lux	3⅞	3⅝	3⅝	— ¼

Bonds Slightly Off

	High	Low	Close	Net Change
General Theatre 6s '40	24⅛	24⅛	24⅛	—1
General Theatre 6s '40. ctf.	24⅝	24⅛	24⅛	— ⅞
Keith B. F. 6s '46	95⅛	95	95⅛	— ⅛
Loew's 6s '41 ww deb rights	103¾	103¼	103¼	— ½
Paramount B'way 3s '55	57½	57½	57½	— ½
Paramount Pict. 6s '55	94½	93¾	94½	.....
Warner Bros. 6s '39 wd	91¾	90½	91⅜	.....

(Quotations at close of Jan. 23)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 21 NEW YORK, SATURDAY, JANUARY 25, 1936 TEN CENTS

Both Sides Score Points At St. Louis

Hilles Is New Witness In Equity Case

ST. LOUIS, Jan. 24.—Both sides registered technical victories today in the equity proceedings here of the Government against Warners, Paramount and RKO. The Government won a point when Judge Joseph W. Molyneaux permitted the introduction of the income tax reports of the three companies and their affiliates, on the theory that Warners had been charged with making threats and the tax evidence would show whether they were capable of carrying them through if they were actually made. The Paramount and RKO reports were allowed on the basis that if there were a conspiracy the aggregate wealth would increase the power of the companies to make good their alleged threats.

The defense scored when RKO counsel, Jacob M. Lashly, was successful in having exluded the evidence

(*Continued on page 3*)

Warners Aim Suits at Out-of-Town Stations

Having filed 11 complaints within the last week against local radio stations allegedly infringing on the copyrights of Warner controlled music companies, Wattenberg & Wattenberg, legal firm which has been retained to handle the actions, next week will concentrate on out-of-town stations, it was stated yesterday.

The first complaint against a station outside of New York was filed Jan. 22 by Remick Music Corp. against the Pennsylvania Broadcasting Co., station WIP, Philadelphia, for the use of "Canadian Capers" on program of Jan. 1, 1936.

Delay in filing out-of-town actions

(*Continued on page 4*)

Kennedy's RCA Plan Received by Board

A plan of recapitalization for RCA was presented to the board of directors yesterday, according to a statement issued by David Sarnoff after the meeting.

Sarnoff said that a meeting of the board would be held at an early date to study Kennedy's recommendations and that in the meantime no details could be given out.

Wall St. reports are to the effect that Kennedy's plan suggests an offer of cash and a new five per cent pre-

(*Continued on page 4*)

Government's Finance Needs Being Studied

Billions Needed; Expect Plan in Few Weeks

By BERTRAM F. LINZ

WASHINGTON, Jan. 24.—Administration plans for raising billions of dollars needed for payment of the bonus, agricultural relief and to meet the deficit will be developed within the next few week, at which time President Roosevelt is expected to determine whether he can finance himself through the coming campaign without resorting to new taxation.

Possibilities indicated by recent discussions in Washington and market trends in New York are that further devaluation of the dollar and silver revaluation at a ratio of 16 to 1 with the new gold value may be considered by the Treasury to use the profits thus made in the value of its gold and silver holdings to finance the bonus payment.

If the Administration determines to ask for new taxes, the matter is likely to come before Congress in March. What form such new taxation would take is not, of course, being discussed by officials here, but every effort is expected to be made to avoid

(*Continued on page 4*)

Jack Cohn Adds to Columbia Holdings

WASHINGTON, Jan. 24.—Acquisition of 160 shares of common stock and 12,544 shares of common through voting trust certificates by Jack Cohn, New York, through a stock dividend of Columbia Pictures Corp. in November is shown in the semi-monthly report of changes in the stock holdings of corporation officials issued today by Securities and Exchange Commission.

At the close of the month Cohn held 481 shares of common and 37,-

(*Continued on page 3*)

Pizor Re-elected; MPTO Merger Dies

PHILADELPHIA, Jan. 24.—Lewen Pizor was re-elected president of the MPTO here today at a meeting attended by 75 exhibitors representing 190 Independents and 18 affiliates.

Plans to merge MPTO with IEPA were quashed by a unanimous vote. Members also went on record as opposing triple featuring and the admission of political propaganda as a part of newsreels. It was voted to petition the news reel producers for a correction of the condition.

Myers Is Silent

Washington, Jan. 24.—Replying to a query today as to his attitude toward the suggestion of J. B. Clinton, head of Allied of the Northwest, that Allied cooperate with the M.P.T.O.A. on matters where their policies do not conflict, Abram F. Myers, general counsel, said:

"My information is that Clinton is speaking only of a policy which he favors for the northwest unit, hence any comment by me would be inappropriate.

"Policies of national Allied are controlled by the board of directors which meets here Feb. 4-5."

Detroit Vote Shows Patrons Prefer Duals

DETROIT, Jan. 24.—Patrons of six Ben & Lou Cohen theatres, in widely scattered sections of the city, are voting heavily in favor of a continuation of double features, according to Ben Cohen. The voting, which started Jan. 18, is to continue through Jan. 31. It was inaugurated in the theatres because the Cohens previously believed their patrons wanted single features.

Although no total count has yet been made, Cohen said the vote in favor of duals probably would exceed three to one, upsetting predictions of both producers and exhibitors in diagnosing the public's true attitude toward the bargain policy.

The Hollywood, Rio, Mayfair, Roxy, Norwood and Grand Victory, the houses in which the vote is being conducted, are well scattered as to location. All of them are among the most important situations. Ballot boxes have been installed in the lobbies and patrons are urged to cast

(*Continued on page 4*)

Schnitzer to Take Republic Sale Post

Edward M. Schnitzer, New York branch manager for Columbia, has been named eastern district manager for Republic. He will take up his new duties "within the next few weeks," according to a statement issued by W. Ray Johnston from St. Petersburg, Fla.

Before joining Columbia Schnitzer was connected with Fox, Educational and other major companies.

Allied Leader Favors Joint MPTOA Effort

Clinton Asks Move When Aims Do Not Conflict

MINNEAPOLIS, Jan. 24.—A plea that Allied recognize the need for two exhibitor organizations in the national field and that Allied cooperate with the M.P.T.O.A. on problems where the aims of the two organizations do not conflict is contained in a bulletin sent to members of Allied of the Northwest by J. B. Clinton, president.

Clinton has just completed a tour of sections where Allied is represented and others where it is not and his recommendations are presented to members with the statement that he intends to bring them before the directors of the national organization.

His four recommendations follow:

"That we continue to support National Allied and that we pay them

(*Continued on page 4*)

Zero Weather Nips Broadway's Grosses

Zero weather nipped box-office takes along Broadway this week in addition to sending grosses at neighborhood houses to new lows. Eddie Cantor's "Strike Me Pink" garnered $78,000 for the week ending Wednesday night. The Capitol, with "Exclusive Story," dipped to $16,750, while the Roxy ended with $22,500 on "Charlie Chan's Secret."

"Ceiling Zero" at the Strand in its first week wound up with around $35,000, and the second week of "The Ghost Goes West" at the Rivoli ended with approximately $25,000. "Dangerous" and "We're Only Human" at the Palace took in around $8,000 and the last four days of "Dr. Crespi" at the Rialto got $3,000.

Brandt Is Reported After B'way Houses

Harry Brandt, president of the I. T. O. A., is understood to be negotiating for a number of Broadway theatres including the Cohan and Broadway. Brandt left with his brother, William, yesterday for Hollywood, Fla., and will probably complete the negotiations upon his return late next month.

Frank Lawton is now operating the Cohan and B. S. Moss some time ago announced he would reopen the Broadway, but he didn't. Brandt would not discuss the deals prior to his departure yesterday.

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New Haven Protests "Riff Raff" Showing

NEW HAVEN, Jan. 24.—The New Haven Consumers' Club has protested to the Poli and all subsequent runs against the showing of "Riff Raff," as an "anti-labor" picture. Protest also has been registered with the New Haven Central Trades Council, and as many groups as possible in the city have been contacted in an attempt to influence non-attendance.

Danbury Central Labor Union has also taken similar action.

Board Picks "Pasteur"

"The Story of Louis Pasteur" has been chosen as the "exceptional" film to be shown at the annual convention of the National Board of Review which starts at the Hotel Pennsylvania, Feb. 5. In a letter to H. M. Warner, Wilton A. Barrett, executive secretary of the review board, described the picture as a "cinematic milestone."

Services for Klebanow

Memorial services for Leo Klebanow will be held Sunday, Feb. 2, at the Temple of the Covenant, 612 W. 180th St., under the auspices of the 307th Infantry Post, American Legion.

To Honor Hershfield

Harry Hershfield, tomorrow night will, for a change, be on the receiving end of a ballroom full of speakers, for he is to be guest of honor at a testimonial dinner at the Astor. Most of the celebrities in town at present are due to attend.

Purely Personal

JULES LEVY, LEO DEVANEY, E. B. HATRICK, TRUMAN TALLEY, LEW LEHR, MIKE CLOFINE, TERRY RAMSAYE, HARRY H. THOMAS, ROBERT MCKINNEY, ED GOLDEN, JACK SPRINGER, MITCHELL KLUPT, HARVEY NEWINS, PAUL BENJAMIN, HARRY SHIFFMAN, "DOC" BROWN, JACK D. TROP, AL KRELLBERG, FREDERICK JAMES SMITH, FRANK UNDERWOOD, ABE SCHNEIDER, TOM WALLER, WILLIAM SAUL, AL HOVEL and A. J. VAN BEUREN among those congregating at the Tavern yesterday.

•

RAY MILLAND, who has a role in Universal's "Next Time We Love," will arrive in New York Sunday. He will attend the premiere of the picture at the Music Hall Thursday and will leave for Paris to visit his mother who has been ill.

•

ADOLPH ZUKOR found the cold biting his ears yesterday afternoon as he conversed with NICHOLAS M. SCHENCK in front of the Loew Bldg. ZUKOR several times used his hands as ear muffs, while SCHENCK remained bare headed all the time.

Quip of the Day

Eddie Cantor was making a personal appearance at the Music Hall with "Strike Me Pink."

"Fancy me," says Eddie, "helping out the Rockefellers."

ARTHUR WILLI left for the coast yesterday and plans to spend about two and a half weeks with Radio production executives. On his way back he may visit Cleveland and Chicago.

•

E. B. HATRICK, general manager of Hearst's film interests, will leave for Hollywood today. He will be gone several months. Hatrick has just returned from a Florida vacation.

•

BERNARD MILLS, Albany Republic franchise holder, will depart for the upstate city today after a two-day conference with E. H. GOLDSTEIN.

•

HERMAN RIFKIN, Boston franchise holder for Republic, left for the coast yesterday. He intends to spend two weeks with studio executives.

•

LEO JUSTIN, now visiting his brother SIDNEY, a member of Paramount's studio legal staff, returns from Hollywood on March 1.

•

WILLIAM KASTER, associate of J. W. SPRINGER of Springer & Cocalis, is the father of a seven-pound boy born Thursday night.

•

WILLIAM KASTER, owner of the Arden, Columbus Ave., is a dad. 'Twas a boy.

•

ZACK FRIEDMAN has joined LOU IRWIN'S organization and will act as talent scout for pictures.

•

JOHN BOLES and MRS. BOLES will arrive in town Monday morning for a vacation.

•

HERBERT J. YATES is en route to Hollywood.

•

ARCH REEVE is in the sick bay.

Bishop Urges Sound Films for Churches

CINCINNATI, Jan. 24.—"There is no reason why the church should remain in the horse-and-buggy stage of using lantern slides and primitive methods when it has at its disposal such a great and effective force as the sound film," declared Bishop Henry W. Hobson, speaking before the 61st annual convention of the Episcopal Diocese of Southern Ohio. Contrasting the "tragic emptiness" of the church, with the constantly crowded film houses, he advocated installation of sound pictures in all churches.

"My prediction is that through the sound picture, the Episcopal Church will make a great advance in visual church education, and will be able to present the life and history of the church in the way facts are presented in the crowded motion picture houses of the country," he said.

"They will not be programs of light entertainment in an effort to meet the challenge of the theatres, but programs in which leading men of the church will be brought with their personality and inspiring messages to all members."

Zanuck to Do Series With the Same Cast

HOLLYWOOD, Jan. 24.—Darryl Zanuck has decided on an experiment with feature length films. After seeing "Every Saturday Night," which Sol Wurtzel produced at the Western Ave. plant of Twentieth Century-Fox, Zanuck decided to keep the main part of the cast intact, and to produce a series of four comedies with them.

Spring Byington and Jed Prouty, who play the father and mother, June Lang, June Carlson, Kenneth Howell, George Ernest and William Mahan, who play the children, will be billed as "The American Family" in "Every Saturday Night" and in three other titles still to be chosen. "Every Saturday Night" is a domestic comedy based upon the play by Katharine Kavanaugh.

International Club Opens

The International Club opened its new clubrooms this week at 165 W. 46th St. The club's affiliations include The Buccaneers Club of Berlin, Travelers' Club, London; Interallie, Paris; the National Sporting Club of Buenos Aires and the International Club in Shanghai. The outfit will operate on the style of Brook-White's in London where no dues is charged. It is well appointed, with a billiard room, card room, ping pong, squash courts and a handball court. Francis M. Rorstrom, formerly of the Governor's Island Club, is operating.

Denies Television Report

R. R. Beal, acting chairman of RCA's committee on television, said yesterday, "Television has a long way to go before it will be ready for general home service, and any report that RCA is about to market television receivers is absolutely without foundation." The statement was made following a published report that RCA is preparing to market television sets.

Former Mrs. Keaton Wed

HOLLYWOOD, Jan. 24.—Mrs. Mae Keaton, divorced wife of Buster Keaton, was married yesterday at Tia Juana, Mexico, to Sam Fuller.

Catholic Group Has Play Classification

The Catholic Theatre Movement, which has published weekly in *The Catholic News*, a "white list" of plays considered worthwhile, has decided to expand, including a classification of all plays in New York. Class A will include those approved, Class B those objectionable in part, and Class C those "wholly objectionable." The first list follows:

Class A—"Libel," "Jumbo," "Jubilee," "Pride and Prejudice," "The Taming of the Shrew," "Victoria Regina."

Class B—"At Home Abroad," "First Lady," "I Want a Policeman," "Let Freedom Ring," "May Wine," "Mid-West," "Moon Over Mulberry Street," "Night of January 16th," "Paradise Lost," "Parnell," "Porgy and Bess," "Russet Mantle," "Three Men on a Horse," "Winterset."

Class C—"Boy Meets Girl," "The Children's Hour," "Dead End," "Mulatto," "One Good Year," "A Room in Red and White," "Tobacco Road."

"Obsession" Breaks Records in Denver

DENVER, Jan. 24.—"Magnificent Obsession," at the Denver, broke all house records for the past three years, topping everything since Harry Huffman has had the house. A total of 6,402 saw the picture the first day, and the evening standouts were out to the street. Huffman is planning to keep the picture three weeks, taking it to the Aladdin next week and back down town to the Broadway the third.

Last week's picture. "King of Burlesque" is remaining for a second week at the Broadway, following seven days at the Denver.

Did $11,765 in Twin City

"Magnificent Obsession" gross at the Orpheum, Minneapolis was $11,765 and not $6,500 as reported by MOTION PICTURE DAILY. The picture then moved to the World where it is doing capacity business despite thermometers recording 36 below zero.

Maine Court Denies Bank Night Ruling

BOSTON, Jan. 24.—A virtual victory for Bank Night in Maine has resulted from the refusal of a Bangor court to hand down a decision on anti-lottery charges brought by County Attorney Ralph Dale. Dale has indicated that he will not press the case further.

Inasmuch as the litigation, which involved the M. & P. Theatres Corp. as the operators of the Opera House in Bath, was a test case, the discharge is held to be a victory for Attorney George S. Ryan and his associates.

Contests Banned at St. Louis

ST. LOUIS, Jan. 24.—Circuit Attorney Franklin Miller today banned all a lottery all cash or merchandise prize contests at theatres here, and insisted upon Police Department enforcement. Fanchon & Marco houses and the neighborhood theatres will fall under the proscription. Other first run houses had not entered the field.

Giveaway Manager Fined $200

BOSTON, Jan. 24.—James Wall, manager of the Felsway, Medford, was found guilty today and fined $200 for violation of the Massachusetts Anti-Lottery Law. Judge Thomas Dowd declared the guilty verdict mandatory where the element of chance enters giveaway contests.

Wall will appeal the verdict.

Both Sides Score Points At St. Louis

(*Continued from page* 1)

of Milton Arthur, Harry Arthur's brother, concerning a conversation with Jules Levy, general sales manager for RKO, in November, 1934. It was excluded on the ground that at the time Levy was not on company business but merely carrying on a casual conversation with Arthur, even though they met in the RKO Los Angeles office. Arthur had said Levy advised him he would be out of luck if he didn't call off his brother in the St. Louis situation.

Lashly's cross-examination brought out that Arthur has been able to get RKO product for all his houses for the 1935-36 season, and has always shown RKO films. He said he always did business with RKO and had close relations with them. "You still have?" Lashly asked. "I hope so," Arthur responded.

Hardy Claims Prescott Boycott

Russell Hardy, chief Government attorney, in redirect examination, tried to bring out that Arthur's company had to drop a Prescott, Ariz., house because it could not obtain Warner films, but the court ruled against him. Hardy said it was strange he could not show that the conspirators extended their boycott to Prescott, and succeeded there in doing the very thing they had threatened to do in St. Louis." Frederick H. Wood, Warner counsel, countered that Arthur's evidence yesterday was that Warners did deal with him. Defense objection on the Prescott testimony was then sustained.

When Hardy attempted to get into the record a list of the theatres owned by the RKO interests, Warner and Paramount, Judge Molyneaux sustained the objections of Lashly for RKO, Wood for Warners and Louis Phillips for Paramount.

Then it became known that Charles D. Hilles, trustee in bankruptcy for Paramount-Publix at the time Marco Wolff and his sister, Fanchon Simon, talked with Adolph Zukor at the coast studio on the St. Louis situation, had voluntarily come here this morning, at the request of the Government. It was learned Department of Justice men had talked with Hilles by telephone, with stenographic notes having been taken.

'Financial Strength Immaterial"

Hardy called Hilles in an effort to show that at the time of the Zukor talk Zukor had authority to sell Paramount films, but when Hilles had completed his testimony the court stuck out the original ruling that the conversation could not go into the record. While admitting the income tax data, the court, on a point raised by ex-Senator James A. Reed of Warner counsel, made it clear that the strength of the companies financially could have nothing to do with his judgment on the case.

On direct examination Hilles said he was named a trustee in January, 1933, and is being continued for the purposes of a suit although the company emerged from bankruptcy last September. He said Paramount Pictures Distributing Co., Inc., was a wholly owned subsidiary of Paramount-Publix when he became trustee, and at the direction of the court the trustees permitted the operation of the subsidiaries and that Zukor remained as president. About May 1, 1933, the trustees directed Zukor to take particular charge of production, although he continued as president, Hilles testified.

He then said that George J. Schaefer was appointed general manager to coordinate distribution and exhibition, adding that Zukor spent most of his time on the coast. "Zukor was never forbidden to carry on the exhibition or distribution business for the company," Hilles said, "but Schaefer had charge of that for the trustees." Asked by Hardy about Zukor's duties, the witness said he was president and chief executive of the company and its subsidiaries, without specific duties, but to act as the directors might indicate.

Hardy Queries On Restrictions

Hardy again sought to find out whether any restrictions had been placed on Zukor regarding distribution. Hilles replied, "We did not specifically advise Zukor not to give any attention to distribution and exhibition, but it was recognized that he would look direct to Schaefer in those matters." It developed that Schaefer reported direct to the trustees, while Zukor reported through Schaefer. Hilles added that as far as the trustees were concerned Schaefer was in charge at the Los Angeles sales meeting in 1934.

In cross-examination, Phillips for Paramount questioned Hilles about the letter from Schaefer to Harry Arthur on April 11, 1935, when Schaefer took the position that Arthur's connection with the actions against Paramount and Schaefer had destroyed the good will between buyer and seller, and that Paramount would not do business with him. Hilles revealed that the letter, prior to being mailed, was discussed by Schaefer with the trustees, who approved it after submitting it to their attorneys.

Schaefer Said to Have Explained

Hilles explained that when the trustees discovered the indictments for alleged irregularities in St. Louis, they asked Schaefer to explain. Hilles said Schaefer gave them the details of the history of the sale to Warners, the fact that Paramount had a long term franchise for films at the St. Louis houses, which terminated with the receivership, and that Paramount later sold films to the receiver and the Skouras Brothers, and that there was no conspiracy.

Hilles said Leo Gottleib, of Root, Clark, Buckner and Ballantine, the trustees' attorneys, had advised them to take no action in the St. Louis matter until the trial. The witness said the attorney saw no objection to the letter from a legal standpoint, and that the trustees saw none from a business standpoint. He said Schaefer told him he wrote the letter.

Prior to adjournment until 10 A.M. tomorrow, Hardy reopened the question of permitting the Government to offer evidence on the profits and losses of the Shubert-Rialto and Orpheum. No action was taken by the court today on the matter.

Republic Signs Corrigan

HOLLYWOOD, Jan. 24.—Republic has signed Ray "Crash" Corrigan to a five-year contract. He will be starred in "The Undersea Kingdom" as his first assignment.

Too Much Dialing

Kansas City, Jan. 24.—Major Bowes' amateur hour here nearly drove one man frantic. About 10,000 listeners voted by telephone and telegraph and the telephone number of Station WDAF was Harrison 1212.

About 11 o'clock WDAF received a call from Jackson 1212 and a frantic plea to try to do something about the dial experts who couldn't tell Ha from Ja.

Toland Working on Stereoscopic Film

HOLLYWOOD, Jan. 24.—Gregg Toland is trying out a new process which he developed with William Adler, research associate at the California Institute of Technology, during the filming of "These Three" at the Samuel Goldwyn studio. Toland, ace cameraman, hopes to achieve the effect of third dimension with an attachment fitted to standard cameras.

The attachment consists of revolving mirrors, motor driven, and synchronized with the camera shutters. As the mirrors whirl, they throw a succession of images, reflecting different angles of the scene, on the film.

Jack Cohn Adds to Columbia Holdings

(*Continued from page* 1)

633 shares of common through voting trust certificates.

A report from Arthur M. Loew, New York, showed that his holding company disposed of 353 shares of Loew's common and at the end of the month held no equity securities in the company. A report from William A. Parker, Boston, last month made a director in Loew's, Inc., showed he held 100 shares of common.

Arson Charge Dropped

OKLAHOMA CITY, Jan. 24.—Dismissal by the Choctaw County District Court of second degree arson charges against William Weaver, former Hugo, Okla., theatre owner, was ordered by the Criminal Court of Appeals Jan. 17 when it reversed Weaver's conviction.

The court held that the only evidence against Weaver was the testimony of alleged accomplices which was uncorroborated.

Weaver and two others were charged with an attempt to burn a building owned by O. Gill and used as a theatre by the Griffith Amusement Co.

Spanish Groups at Odds

MADRID, Jan. 10.—A dispute has arisen in this country between exhibitors and distributors, following a split in the Sociedad General de Autores de Espana. The insurgent group, Sociedad de Autores, has headquarters here. An adjustment is expected shortly.

Melvyn Douglas Cast

HOLLYWOOD, Jan. 24. — Melvyn Douglas has been assigned the male lead in "Bless Their Hearts," which will be B. P. Schulberg's next for Columbia.

Detroit House Rates Higher at Matinees

DETROIT, Jan. 24.—Detroit is to have what it is believed will be the only film theatre in the country charging a higher admission during the day time than at night.

When Gus Coplan and Max Heine reopen the Lafayette on Jan. 30 with a policy of double bill second runs, they will charge 20 cents from 10 A. M. until 6 P. M. and 15 cents thereafter until closing.

The reason is that the theatre is in the heart of the business section where there is much activity during the day, but which is practically deserted during the evening.

Modernization Work Pleases Felix Feist

PORTLAND, Jan. 24.—While stopping here on his tour of the northwest with other M-G-M executives, Felix Feist commented on the general modernization of theatres in this territory and also said there seemed to be a growing appreciation of better product, no matter by whom produced.

Feist was accompanied by Al Lichtman, E. M. Saunders and George A. Hickey. They went to Seattle from this city.

Academy Men Study Technical Advances

HOLLYWOOD, Jan. 24.—The Academy Research Council has scheduled a series of meetings to familiarize studio department executives and technicians with developments in allied fields.

As the first move in the new plan, directors of the major studio sound departments visited the NBC broadcasting studios Wednesday to inspect new acoustic features and electrical equipment installed there.

The inspection trip was arranged by D. A. de Wolf of NBC and Carl Dreher, representing the Academy.

Photocolor Plant Sold

Details of the proceeds of the receiver's sale of the Photocolor Pictures studio at Irvington-on-Hudson, Thursday, are not available as yet due to legal procedure. It was learned, however, that the plant's equipment was sold piecemeal.

Bach-Fox Deal Closed

W. A. Bach, president of Audio Prod., has closed a deal with Twentieth Century-Fox for distribution of some of the "Musical Moods" series in Australasia and South America.

Lewis to Do "Reunion"

HOLLYWOOD, Jan. 24.—Al Lewis will produce and Robert Florey will direct "Reunion," at Paramount, with production scheduled to start next Wednesday.

"Pasteur" Next at World

"Pasteur," a French film, will follow "Frasquita," Austrian picture, at the World Theatre. The French production contains English dialogue titles.

Albany Club to Dance

ALBANY, Jan. 24.—The Variety Club will hold a dance at the Ten Eyck on Feb. 8. A number of radio and film stars are expected to attend.

Allied Leader Favors Joint MPTOA Effort

(Continued from page 1)

10 per cent—no more, no less—of our income from whatever source and do what we can to increase the power of our local and national group;

"That we recognize the need for two such organizations as the M.P. T.O.A. and our own, and that in all proper ways we support the other organization, morally, in all problems where their aims are not in conflict with ours;

"That we do all we can as missionaries to convert those independents who further by money or influence the carrying on of an association of producer-exhibitors and convince them of the need for supporting our independent group;

"That we do not cease our efforts until in every Congressional district we have a 'Bell Cow' and an advisory committee to carry on either with or without state organization."

Strength Where There Is Unity

Clinton supplements his recommendations with the following:

"Having in mind a recent meeting in northern Wisconsin of a small group of determined exhibitors to which I was invited and where I witnessed the birth of an idea which finally resulted in an order from the War Department debarring the general public from attendance at motion picture shows at army posts and CCC camps throughout the United States, I know that throughout our land other and similar groups may be got together of men, unadvertised and unsung, who can, if united, make their influence felt, not only in their own communities, but in the halls of Congress and the councils of the organization commanded by General Hays and those he so capably represents.

"I have discussed this idea with Abram F. Myers with the request that he present it to the next meeting of his directors with the hope that they will look favorably upon it.

"But whether they do or not, it is my purpose when my successor has been appointed at our district convention next April, to devote a great part of my efforts to speeding the time when National Allied will be strong, west of the Mississippi, and below the Mason and Dixon line, and in all states where it is now nonexistent.

"We are fortunate in the Minnesota district to find our affiliated competition in the hands of such constructive minds as Messrs. Friedl and Ludwig, but the conditions I found in some of the other districts were lamentable and almost unbelievable, and, if I may be permitted to add, there were many other cases of pots calling the kettle black."

To Do 5th "Golddiggers"

HOLLYWOOD, Jan. 24.—Warners are planning the fifth edition of "Golddiggers," which will be called—"Golddiggers of 1937." Tom Reed is writing the story, and Dick Powell is mentioned as the star. Shooting is expected to start about June.

Looking 'Em Over

"Freshman Love"

(*Warners*)

Played against what is virtually a musical background, this mild little comedy of college rowing and romance is apt to prove fair, light entertainment for the younger generation, with a number of laughs, and the comedy of Frank McHugh for its drawing value. He is aided for laughs by Frank Cawthorn and George E. Stone, while Warren Hull and Patricia Ellis take care of the vocalizing and romance.

McHugh, the crew coach, is in danger of losing his job when he fails to turn out a winning crew. Miss Ellis, the president's daughter, seeks to help him by going out to "get" two expert oarsmen and have them enroll at the school. She succeeds. Everything goes well, with the crew training to a dance rhythm when one of the two oarsmen fails in his studies. The other, Hull, learns of the trickery practiced by Miss Ellis and leaves on the eve of the big race, but when he hears that she loves him returns just in time.

The rival coach tries to switch the dance rhythm, but the dear old school wins out in the end, as does Hull in his romance with Miss Ellis, while Cawthorn, Hull's father, is equally pleased. William McGann directed.

Production Code Seal No. 1,710. Running time, 69 minutes. "G."

"Limelight"

(*Herbert Wilcox Prod.*)

LONDON, Jan. 15.—Arthur Tracy is the box-office value in this first feature of Herbert Wilcox Prod., personally directed by Wilcox and released in England by C. M. Woolf's company, General Film Distributors.

Tracy, singing at the stage door of a theatre, is brought in at the instance of a chorus girl captivated by his voice to take the place of a sick vocalist. The stunt makes him a star. During his absence on a Continental tour, the show flops and, as a stunt, the chorus girl is billed to sing the numbers of the street singer she discovered. Depressed because she thinks the singer has deserted her for a society girl, she "dries up," but the Street Singer walks on from the wings and saves the show.

There are some good ballet scenes, but in the absence of really convincing story values it stands or falls as a singing show by Tracy. His numbers are well put over and balance his lack of screen personality. Anna Neagle has very few chances.

Running time, 65 minutes. "G." ALLAN

"Whipsaw," yesterday's opener at the Capitol, was previewed by wire from Hollywood on Dec. 4.

"Collegiate," now current at the Paramount, was reviewed from Hollywood by wire on Dec. 17.

"The Calling of Dan Matthews," now at the Roxy, was reviewed by wire from Hollywood on Nov. 23.

Kennedy's RCA Plan Received by Board

(Continued from page 1)

ferred issue to holders of the present seven per cent cumulative Class A preferred which is callable at $55, and the issuance of four per cent preferred and $7 cash to an exchange for the $5 Class B preferred and accumulated dividends which amounted to $11.50 on Jan. 1.

Preferred A is now selling at about a half a point over its call price of $55. The Class B, on which no dividends are being paid, was closed yesterday at 88¼. It is callable at $100.

Grieb Adds to Duties

Larry Grieb, manager of RKO's 86th St., yesterday took on an additional assignment with the resignation of Arnold Rittenberg, manager of the 58th St.

Theatre Burns

CHADBOURNE, N. C., Jan. 24.—The Chadbourne Theatre, opened just a year ago in a new building and operated by Mr. and Mrs. E. L. Derrick, was destroyed by fire Jan. 22.

Detroit Vote Shows Duals Are In Demand

(Continued from page 1)

their votes. Cohen estimates that more than 30,000 ballots have been cast since the voting started.

Early tabulation, he says, shows that Hollywood patrons are three to one for duals. The Roxy, where single bills went into effect about a month ago, is running about even in the voting. Rio patrons are demanding double bills by a vote of almost 10 to one, while in the other three houses the voting is about three to one for duals.

Re-Sign Wheeler,Woolsey

HOLLYWOOD, Jan. 24.—Radio has signed a new contract with Wheeler and Woolsey calling for the production of three feature comedies during the next 18 months. The team recently completed "Silly Billies," their 18th feature.

Retitle "Money Mad"

HOLLYWOOD, Jan. 24.—Columbia has changed the title of "Money Mad" to "Don't Gamble on Love."

Warners Aim Suits at Out-of-Town Stations

(Continued from page 1)

is chiefly due to the fact that affidavits of competent proof must first be submitted to the home office before legal measures are instituted.

In instances where numbers of Warner music subsidiaries are broadcast without consent on a sustaining program the amount of damages sought is $5,000. Where a sponsor is involved, an accounting of the profits is sought in addition to the $5,000. Out of the dozen actions already filed, only one lists a sponsor. This is the suit filed by Remick against Knickerbocker Broadcasting Co., Inc., and Sally Studios for using "Avalon" on the Jan. 19 program.

The Sally Studios complaint was filed Thursday along with three other actions, including Harms, Inc., against NBC and WEAF for using "Where Am I?" on Jan. 1; M. Witmark & Sons against NBC and WJZ for using "Painting the Clouds With Sunshine" on Jan. 1, and the Philadelphia suit.

U. S. Finance Needs Studied at Capital

(Continued from page 1)

taxes which would fall directly upon the mass of the voters to whom the President looks for reelection.

Probabilities of an increase in the admission tax are being discounted, but final decision will depend upon how urgent the Treasury's need for money becomes and the availability of other equally productive items. However, it is generally believed that such a change would be left for consideration next year and any revenue bill passed by Congress this session limited to as small a total as will carry the Government through the next few months.

Wall Street

Universal Drops 5 Points on Board

	High	Low	Close	Net Change
Columbia, vtc	45¼	44½	44¾	— ¾
Columbia, pfd	51	50¾	51	— ¼
Consolidated	6¼	6⅛	6⅛	.....
Consolidated, pfd	19	18⅞	19	+ ⅛
Eastman Kodak	160⅝	160	160¾	+ ½
K.-A.-O., pfd	85	85	85	+2
Loew's, Inc.	52⅞	52⅜	52⅝	+ ⅛
Loew's, Inc., pfd	108	107½	107½	— ½
Paramount	10¾	10⅜	10½	— ⅜
Paramount 1 pfd.	83	82	82½	+ ½
Paramount 2 pfd.	12¼	11⅞	11⅞	— ⅜
Pathe Film	7½	7⅜	7½	— ⅛
RKO	8	7¼	7¾	+ ⅜
20th Century-Fox.	26⅛	26	26⅛	+ ¼
20th Century, pfd.	34½	34	34	— ½
Universal, pfd	65⅛	65	65	—5
Warner Bros.	11½	11⅛	11¼	.....

Trans-Lux Up ⅛

	High	Low	Close	Net Change
Sentry Safety	13/16	¾	13/16	+1/16
Sonotone	2⅛	2⅛	2⅛	.....
Technicolor	23⅛	22⅝	23	— ⅝
Trans-Lux	3⅞	3⅝	3¾	+ ⅛

Bonds Gain Slightly

	High	Low	Close	Net Change
General Theatre 6s '40	24½	23½	24½	+ ⅜
General Theatre 6s '40, ctf	24	23¾	23¾	— ⅜
Loew's 6s '41 ww deb rights	103⅜	103¼	103¼	.....
Paramount B'way 3s '55	57½	57½	57½	.....
Paramount Pict. 6s '55	94½	94	94⅝	+ ⅛
Warner Bros. 6s '39 wd	91¾	91¼	91⅝	+ ¼

(Quotations at close of Jan. 24)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 22 NEW YORK, MONDAY, JANUARY 27, 1936 TEN CENTS

Reliance to Release List Through RKO

Edward Small to Become Associate Producer

HOLLYWOOD, Jan. 26.—All Reliance pictures after "The Last of the Mohicans" will be released by RKO instead of United Artists, it was stated Saturday after the closing of a deal by Harry M. Goetz, president, and Edward Small, vice-president of Reliance, and RKO officials.

All future Reliance films will be made on the RKO lot. Small will become an associate producer for RKO and supervise the production of Reliance properties. Among the new Reliance films to be made on the RKO list will be Robert Donat in "The Robber Barons," "Gunga Din," "Son of Monte Cristo" and a series of Jack Oakie starring vehicles.

Harry M. Goetz, president of Reliance, will return from the coast in about a week.

From time to time it has been reported Reliance would be distributed by Twentieth Century-Fox upon expiration of the present U.A. agreement.

Republic to Release 'Frankie and Johnnie'

"Frankie and Johnnie" will be released by Republic, it was stated by the company Saturday. Helen Morgan and Chester Morris have the title roles with Florence Reed and William Harrigan in support.

When originally produced at the Biograph studios, the film ran afoul of the Hays production code and considerable of the story had to be revamped before it was approved by the Hays organization and given code seal No. 851.

At one time RKO Distributing Corp. had a deal on to release the film, but this fell through when the Hays office tabooed the original.

Patron Kicks Cause Resolution on Reels

PHILADELPHIA, Jan. 26.—Behind the action of the M.P.T.O. in asking producers to eliminate politics from newsreels is the fact that political material in the reels is putting exhibitors in a difficult spot, with many objections having been registered by patrons.

At the meeting the following officers were elected in addition to Lewen

(Continued on page 6)

Delay Hearing

St. Louis, Jan. 26.—Yesterday's session in the equity case here was called off because, Judge Joseph W. Molyneaux informed attorneys through the court clerk, he had a toothache and had to visit the dentist. The hearing will continue Monday, probably with Harry C. Arthur, one of the few remaining Government witnesses, on the stand.

Financing by Pathe Awaits Robert Young

Plans for financing individual producers by Pathe will await the return from Europe shortly of Robert M. Young, partner of Frank Kolbe, president of Pathe and chairman of the First Division board, it is understood.

Officials of both companies have been working the last few months on negotiations which would bring several prominent producers under the Pathe financing. During the absence of Young, Robert McKinney, of the Young-Kolbe office, is said to have taken an active part in discussions on deals. Executives of Pathe and First Division are expected to make a trip to Hollywood within the next few weeks to look over the production situation and confer with a number of producers they have in mind.

Whether or not the name of Pathe will be used in this connection has

(Continued on page 6)

Mexico Strike Ends Against U. S. Firms

MEXICO CITY, Jan. 26.—The employes' strike here against eight American distributors, which started Sept. 27, last, has ended. The settlement finally restores to Mexican exhibitors the sorely needed better grade American product, which has been completely shut off since the strike began. The distributors declared yesterday they will have an ample supply of pictures ready on Monday.

By the terms of the settlement, the distributors agree to meet the strikers' demand for a 25 per cent wage increase, effective Monday, and to pay the strikers 80 per cent of their wages for the time they were out. Some $18,000 is due, half of it to be paid

(Continued on page 6)

SOUND SPOTS LEAP TO 51,697 TOTAL

Production Gains; 38 Features Going

HOLLYWOOD, Jan. 26.—Breaking a four-week production slump, studio activity took rapid strides last week, swelling company employment rosters by several hundred. Nearly every studio registered a gain.

There were 38 feature pictures and five shorts being filmed, compared to 29 features and two shorts for the week preceding.

Warners hit a new high with nine features before the cameras.

Columbia had five features working, four in preparation, and three in the cutting room. Fox had five, two and five; Goldwyn, one, zero and zero; M-G-M, three, zero and 10; Paramount, six, three and 10; Radio, three, zero and four; Roach, one, zero and one; Universal, four, one and two; Warners, nine, one and seven; independents, one, three and one.

In the short subject field Columbia had one in work, three preparing and two editing. M-G-M had two, four and three; Radio, one, zero and two; Roach, zero, zero and three; independents, one, one and two.

"Opera" Made "Opry" For Charlotte Trade

CHARLOTTE, Jan. 26.—Fearing that the word "Opera" would ruin its chances at the box-office here, the Carolina did a little exploiting of its own and changed the title to "A Night at the Opry." The picture had a good run.

"Opera" and things connected with it are not exactly the best box-office attraction for Charlotte, as proven by past experience.

Even pictures starring the greatest opera stars of them all have fared badly here. Lily Pons scarcely got to first base in "I Dream Too Much."

Chicago Cold Hits Grosses Heavy Blow

CHICAGO, Jan. 26.—A 72-hour cold spell that threatened to break the 56-year-old Loop record of 23 below hurt theatre business here during Wednesday, Thursday and Friday. Loop houses found plenty of seats vacant despite strong attractions. Neighborhood houses were also sufferers and some did not even run the late evening shows.

The American canners, in conven-

(Continued on page 6)

Increase of 10,828 Is Claimed by Federal Statisticians

WASHINGTON, Jan. 26.—The world total of sound theatres was 51,697 at the end of 1935, or an increase of 10,828 over 1934, according to annual statistics prepared by N. D. Golden, chief of the Motion Picture Section of the U. S. Department of Commerce.

The world total of motion picture theatres, sound and silent combined, at the same time was computed by the section at 87,299, or an increase of 26,381 over the Government bureau's own statistics for 1934. While little explanation accompanied the graphs which traced the rising curve, the assumption is the unbelievable increase is traceable to the claims which are made for exhibition in Russia. That country, according to the section, jumped from 9,987 outlets at the end

(Continued on page 4)

A four year comparison of theatres throughout the world, by nations and territories, appears on pages 1 and 6.

Directors Increase Guild Roster to 75

HOLLYWOOD, Jan. 26. — Approximately 125 directors turned out for the first official meeting of the Screen Directors' Guild. The membership was swelled by 35. The total is now 75.

The highlight of the session was a talk by Cecil B. DeMille, who said that any organization that aided directors was good. At the same time he upheld the work of the Academy and urged prospective members to study the purposes of the new organization before signing, it was learned. Spokesmen for the Guild stressed the point that the organization was necessary as a defensive group.

Para. Signs Sherman For 6 Cassidy Films

HOLLYWOOD, Jan. 26.—Harry Sherman yesterday signed a new Paramount contract for production of six Hopalong Cassidy features for the coming season. They will star William Boyd and Jimmy Ellison. The budgets on all six will be increased over the first series.

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B. & K. Hold "Obsession"

CHICAGO, Jan. 26.—"Magnificent Obsession," which ran two weeks at the Palace to heavy business, was rushed into the Garrick on a moment's notice by B. & K. for a third Loop week. The picture had been doing such good business the B. & K. executives thought this the wise thing to do. Previous bookings prohibited the Palace from holding the picture over another week.

Columbia Men on Coast

SAN FRANCISCO, Jan. 26.—Columbia's fourth regional sales conference of the season began here yesterday and concluded tonight with Abe Montague presiding.

Exchange centers up and down the Pacific coast and from the mountain region were represented.

"Times" Premiere Feb. 5

"Modern Times" will have its world premiere at the Rivoli on Feb. 5, according to the latest announcement from United Artists. The Charles Chaplin picture previously had been dated for this month. Opening night seats will be reserved, following which a 55-99 cents scale will go into effect.

Whitney on Coast

HOLLYWOOD, Jan. 26. — John Hay Whitney, head of Pioneer, arrived here by plane yesterday from New York. William Wright, assistant to Harry Cohn of Columbia, was on the same plane.

Purely Personal

RENE and MRS. CLAIR returned to France Saturday on the *Champlain.* Among the others on the passenger list were B. P. FINEMAN, Paramount producer, and SIDNEY and MRS. SMITH. SMITH is connected with MAX FACTOR and is en route to England to teach American makeup methods at the British studios.

•

JOHN A. SCHULTZ, in charge in the east for F. & M., left Saturday by plane for the coast for conferences on interchange of talent. LEO SINGER, also of F. & M., sailed for Europe on the *Bremen* Saturday.

•

FLORENCE AMBRAMSON of the New York Film Board of Trade is recovering at her home from an appendectomy. JOHN CRONIN of the same office is ill and has been home for several days.

Quip of the Day

Someone sent Frank Fay a scroll admitting him to membership in the Spendthrifts' Club.

The next day he appeared in Lou Irwin's apartment at the Warwick loaded down with groceries.

CAB CALLOWAY and his band, now appearing in "The Singing Kid" for Warners, were on AL JOLSON'S Shell broadcast Saturday from 9:30 to 10:30 P.M.

•

MADELEINE CARROLL has arrived in Hollywood to start work in "The Case Against Mrs. Ames" for Walter Wanger.

•

JAKE GOLDEN, RKO division head at Rochester, is back on the job after several days here conferring with circuit heads.

•

HARVEY NEWINS, who handles some of GEORGE SKOURAS' legal work, will open his own office in Radio City on Feb. 1.

•

ED MCEVOY, eastern and Canadian sales manager for RKO, is in the exchanges. It was Albany on Thursday.

•

RUTH SCHWERIN, publicity writer, has joined the staff of the Blackstone Co.

•

OTTO KRUGER, who recently returned from England, has left the Warwick for the coast.

•

LOU IRWIN is dickering with Radio for a role for ETHEL MERMAN in FRED ASTAIRE'S next musical.

•

SI FABIAN, who recently returned from a Miami sojourn, is in Albany on a periodic trip.

•

JOSEPH D. BASSON, president of Local 306, is due back either today or tomorrow from Miami.

•

ROBERT BENJAMIN has postponed his coast trek until next month.

•

MARTY BARRETT of the Van Beuren Corp. is on a sales trip.

•

SPYROS SKOURAS will return from Honolulu on Feb. 15.

MAURICE MCKENZIE, of the Hays office, has made substantial gains in health and will be back at his desk some time in February, according to reports from Miami.

•

MIRIAM DOYLE has been signed by THOMAS KILPATRICK to stage his production, "Black Widow," by SAMUEL JOHN PARK. LUCILLE LA VERNE will be starred.

•

DOUGLAS FAIRBANKS, JR., arrives tomorrow on the *Berengaria.* He is bringing a print of his latest picture, "The Amateur Gentleman."

•

JAY PLAUFOX has joined the Paramount publicity department handling press books.

•

The LYNN FARNOLS, now cruising in southern waters, are due back Feb. 9.

•

. . . Chicago

JOHN BALABAN and family are still in Mexico City where the temperature is more popular. W. K. HOLLANDER and wife are also there. They'll wait until it warms up here, before returning.

NAT PLATT, B. & K. supervisor, leaves with his wife on a West Indies cruise this week.

AARON SAPERSTEIN will go to Florida when he gets the operators' contract troubles ironed out.

JIM LUNZEL is writing the history of "The Music Goes 'Round and Around."

EMMA ABPLANALP has the 1936 Chicago theatre guide all compiled and ready for distribution.

JACK SCHLAIFER, vice-president of B. F. Zeidman Prod., has closed a deal with HENRI ELMAN'S Capitol Film Exchange to handle Zeidman product in this territory.

MORT SINGER is back from California where he spent a month with his family. He plans to be here at his office for some time before going west again.

SAM KRELLBERG of Krellberg Pictures was in town for a few days last week. He made several calls along film row.

HARRY RATHNER, sales manager for Burroughs-Tarzan Prod., was a visitor along Wabash Ave. last week.

BEN JUDELL will leave the end of the month for California to complete plans for the pictures he plans to make there this summer. He will be gone about three weeks.

DICK PHILLIPS, formerly resident manager at Clinton, Ia., for A. H. BLANK is now managing the new Blank house at Charles City, Ia.

•

. . . Pittsburgh

SALLY STARR has returned to New York after spending a month here with her family.

BEN JAFFE will manage the Casino, formerly the Harris, for his father, GEORGE JAFFE.

MARIE MCSWIGAN is spending the winter with friends in Hollywood.

BEBE DANIELS and BEN LYON were guests of Variety Club.

Threaten Grand Jury St. Louis Game Quiz

ST. LOUIS, Jan. 26.—A grand jury investigation of the giveaway situation here is threatened if the practice does not stop, following police orders to enforce a ban ordered by Circuit Attorney Franklin Miller, who ruled giveaways and prizes at theatres illegal lotteries. Miller did not indicate what had caused him to take specific action at this time.

Attorneys for Bank Night are expected here Monday to confer with G. E. McKean, local agent, on Miller's action. The ban was first ordered against Bank Night, then expanded to include all giveaway forms. F. & M. carried through its regular weekly drawing Friday night at the Missouri despite the ruling. R. W. McGowan, Missouri manager, said attorneys had advised the management of the Fox, Missouri and Ambassador that the plan is legal. Beginning Feb. 4 the three houses will give three Ford cars weekly for 10 weeks.

The complaint against Bank Night is said to have been made by Rev. C. O. Johnson, of the Third Baptist Church, adjoining the Missouri, which has been used for men's bible classes through the courtesy of F. & M. On the information that Harold W. Evans, manager of Loew's Theatre, may have induced the minister to file the complaint, Harry C. Arthur, F. & M. executive, wrote to Joe Vogel of Loew's in New York, protesting, since Loew's uses Bank Night in other cities.

Rogers Fund Reaches $35,000 in Oklahoma

OKLAHOMA CITY, Jan. 26.—Approximately $35,000 of Oklahoma's $100,000 goal for the Will Rogers fund has been contributed, according to Glen Condon of the state executive committee.

"Quotas have been assigned to all counties," he said, "and some of them already have exceeded or raised their allotments. The money is sent to the state headquarters of the Will Rogers memorial commission in Claremore, Okla., and forwarded to national headquarters.

John Mills Passes

BELLEFONTAINE, O., Jan. 26.—John Mills, 25, basso of the Mills Brothers quartet, died here after an illness of several months. The other three brothers, and the father, John Mills Sr., who has been substituting in the quartet, flew here for the funeral.

Judgments Are Filed

The Village of Irvington has filed a judgment against the Photo Color Corp. for $49,948.

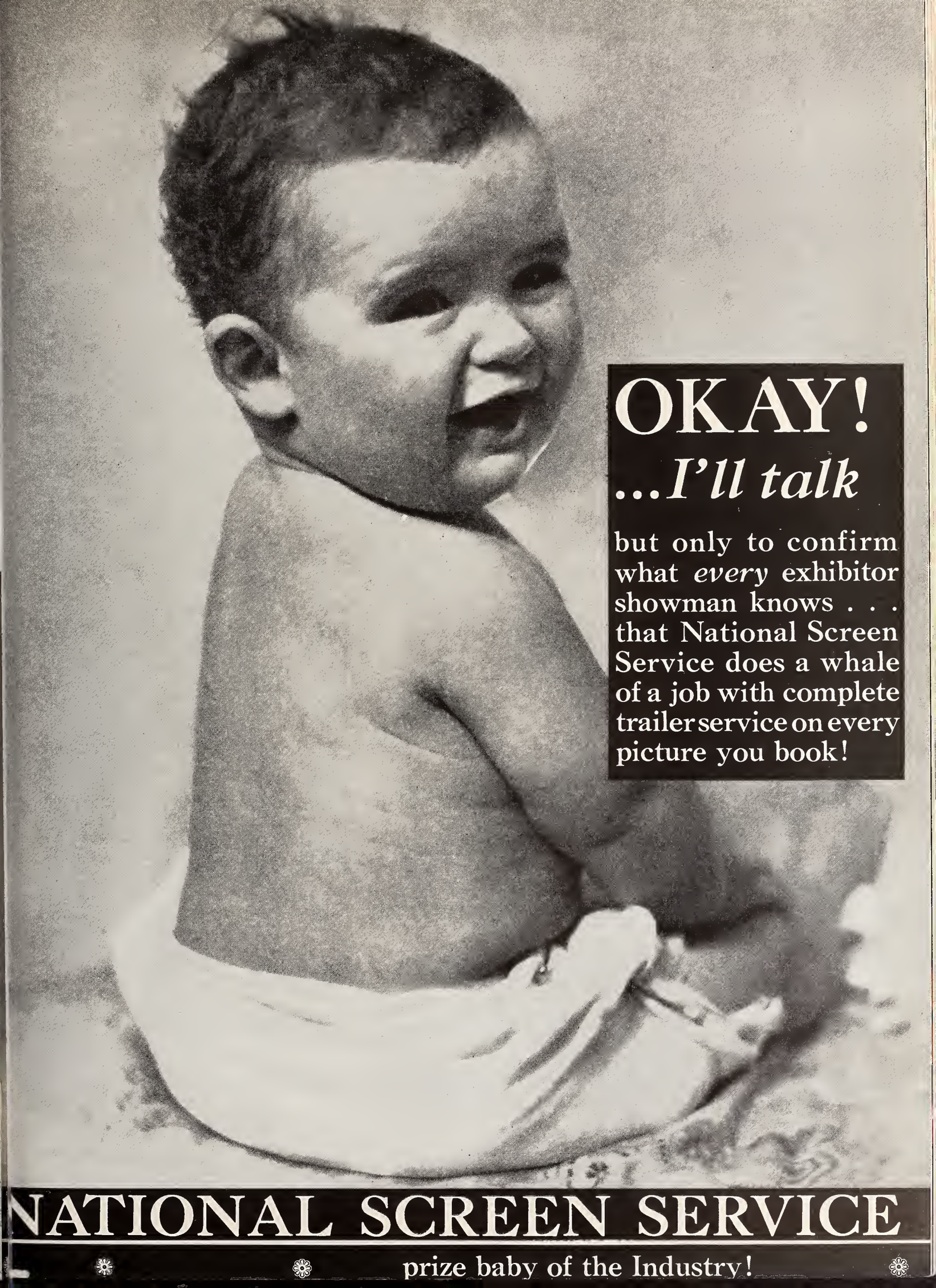
The 165 W. 46th St. Corp. has a judgment against the RKO Film Booking Corp. for $11,007.

Radio Signs Marshall

HOLLYWOOD, Jan. 26. — Herbert Marshall has been signed to a five-year contract, calling for three pictures a year, by Radio. The star's latest for Radio was with Ann Harding in "The Lady Consents."

Making Roosevelt Film

A two-reeler dealing with the life of Theodore Roosevelt is being produced by J. H. Hoffberg Co., Inc. Oscar Apfel is featured.


OKAY!
...I'll talk
but only to confirm what every exhibitor showman knows . . . that National Screen Service does a whale of a job with complete trailer service on every picture you book!
NATIONAL SCREEN SERVICE
prize baby of the Industry!

Sound Spots Leap to New Top, 51,697

(Continued from page 1)

of '34 to 29,691 at the end of the following year. This figure, it was pointed out, includes "urban, rural theatres, both those equipped with stationary and portable projectors where motion pictures are shown." In other words, the figures for the Soviets made no claims that they embrace theatres in the accepted American trade sense.

There is another approach by which the staggering increase in world theatres, whether silent or sound, may be explained away. In its 1934 survey, made public early last year, the Motion Picture Section credited the United States with only 10,143 houses, having declared at the time that the estimate was "based on the Bureau of Census survey as of December, 1934." Those within the industry and familiar with its statistical fabric failed to agree.

15,378 in United States

Currently, the section sets down 15,378 for the United States. This coincides with the conclusion drawn by the Film Boards of Trade in its own survey, detail of which was made public in New York on Thursday. However, this total, as explained by the Film Boards of Trade, represents theatres actually open as of Jan. 1, 1936. That authority placed all houses in the United States at 18,508. The Motion Picture Section, at no point, specifies whether its statistics cover theatres light or dark.

A four-year comparison of all theatres throughout the world appears elsewhere in this edition of MOTION PICTURE DAILY. Here is a four-year comparison of sound theatres, the figures, in each instance, being those of the Motion Picture Section:

1935	51,697
1934	40,869
1933	41,822
1932	36,955

Europe contributed 27,956 sound houses to the international total as against 60,150 theatres in toto in that division, the section points out. The United States, credited with 15,378 theatres, is 100 per cent wired for talkers, this source continues. Here are how the other major world geographical divisions break down:

The Far East has 3,712 sound theatres out of a grand total of 5,185.

Latin-America is listed with 3,338 sound houses out of a grand total of 5,044.

Africa and the Near East have 480 wired out of a grand total of 637.

Fawcett Books to Coast

Movie Classic and *Screen Book* editorial headquarters will be moved from the Fawcett Publications offices here to Hollywood early next month. Carl Schroeder, *Screen Book* editor, will leave for the coast Feb. 5, and Eric Ergenbright, former Fawcett western editor, will edit *Movie Classic*, both being under the managing editorship of Jack Smalley.

Theatres Throughout the World

Territory	Grand Total 1935	Grand Total 1934	Grand Total 1933	Grand Total 1932
Europe	60,150	39,547	29,693	30,623
United States	15,378†	10,143*	19,000	19,042
Far East	5,185	4,718	4,639	4,922
Latin-America	5,044	5,002	5,270	5,546
Canada	905	823	1,100	1,100
Africa, Near East	637	689	645	691
Totals	87,299	60,918	60,347	61,924

*Based upon Bureau of Census survey, December, 1934.
†Based on trade estimates.

Europe

Country	Theatres 1935	Theatres 1934	Theatres 1933	Theatres 1932
Russia	29,691†	9,987*	2,000	3,200
England	5,070	4,897	4,672	4,950
Germany	4,782	5,100	5,100	5,071
Italy	4,221	3,794	2,500	2,500
France	4,000	4,000	3,900	3,300
Spain	3,450	3,252	2,600	2,600
Czecho	1,833	1,955	2,024	1,900
Sweden	1,581	843	1,100	1,100
Belgium	790	750	650	750
Austria	779	850	850	850
Poland	498	728	759	900
Hungary	400	380	633	505
Denmark	344	340	350	300
Switzerland	340	320	310	325
Yugoslavia	336	319	338	300
Netherlands	305	308	255	253
Rumania	301	380	350	400
Finland	242	232	220	220
Norway	225	241	220	235
Portugal	210	250	250	400
Irish Free State	181	...	...	...
Greece	142	122	100	100
Turkey	110	100	80	80
Bulgaria	94	128	145	145
Latvia	86	107	107	80
Lithuania	63	60	80	77
Esthonia	62	94	93	82
Albania	14	10	10	..
Totals	60,150	39,547	29,693	30,623

*Includes all halls, converted churches and other local places of exhibition.
†This figure includes urban, rural theatres, both those equipped with stationary and portable projectors where motion pictures are shown.

The Far East

Country	Theatres 1935	Theatres 1934	Theatres 1933	Theatres 1932
Japan	1,634	1,600	1,699	1,485
Australia	1,334	1,050	1,050	1,500
India	675	675	685	685
New Zealand	435	366	335	397
Philippines	313	273	300	300
China	300	276	238	200
Neth. India	248	192	180	180
Siam	77	68	68	68
British Malaya	57	58	45	40
Straits Settlements	..	48	..	..
Chosen	43	43	..	..
French Indo-China	40	40	40	40
Ceylon	18	18	18	16
Fiji Islands / Society Islands	11	11	11	11
Totals	5,185	4,718	4,639	4,922

Latin-America

Country	Theatres 1935	Theatres 1934	Theatres 1933	Theatres 1932
Argentina	1,493	1,604	1,634	1,608
Brazil	1,351	1,200	1,125	1,600
Mexico	701	701	701	701
Cuba	300	225	400	400
Colombia	200	170	385	220
Chile	171	243	215	212
Peru	141	110	100	100
Uruguay	137	137	127	125
Porto Rico	100	127	112	112
Venezuela	88	134	134	125
Panama	44	38	33	33
British West Indies	..	42	42	42
Costa Rica	35	29	27	21
Guatemala	32	28	28	28
Ecuador	31	29	22	23

(Continued on page 6)

Midwest's Theatre Changes Continuing

KANSAS CITY, Jan. 26.—Transfers of control and general improvements have been on the upgrade in this territory for some time.

C. A. Schultz, vice-president of Commonwealth Amusement Corp., has acquired the State, Garden City, Kan., from Lester McCoy. W. G. Green, former operator of the Electric, Glasgow, Mo., has leased the Princess at La Platte and is remodeling it. W. G. Waldon has opened the new De Soto at De Soto, Kan. Loew's Midland will soon receive bids for reupholstering and other improvements.

N. E. Changes Numerous

BOSTON, Jan. 26.—Shifts on the New England theatre map are numerous. The Broadway, Chelsea, has been opened by M. & P. with George Friary in charge; Waldron's Casino, an old house, is about to be opened with films and vaudeville. The Strand, Gloucester, also has been opened by M. & P.

Two Maine theatres back on the active list are the Star, West Pembroke, and Wilbur Hall, Phillips.

In New Hampshire the Alley, Groveton, has been reopened. Others just opened are: the Town Hall, Jeffersonville, and Community, Ashland.

Buy Empress at Denver

DENVER, Jan. 26.—Three Denver real estate men, L. F. Eppich, Ed P. Eppich and A. G. Talbot, who formed the Center Investment Co. for the deal, have bought the old Empress. The house has been closed for three years, but is equipped for pictures and vaudeville, and it is planned to reopen it as a first run with a stage show.

Southern Shifts Unabated

JACKSONVILLE, Jan. 26.—Southern theatre changes and new construction continue unabated. In this state Butler Gore has sold the Florida at Haines City to F. O. Mullins of Kissimmee and a new house, the Fain has been opened at Leesburg.

The Leesburg is a $25,000 500-seat structure of brick, with a separate balcony for colored patrons.

Two new North Carolina houses are planned. One will be at Newton and will be erected for G. G. Mitchell. A second will be a $25,000 structure the first there, at Clinton.

At Columbus, Miss., home town of Ed Kuykendall, Solomon Bros., Inc. have purchased the Chevrolet building for the purpose of converting it into a 1,000-seat house.

Acquires London Series

HOLLYWOOD, Jan. 26.—Joseph Simmonds, head of Excelsior pictures has acquired screen rights to a series of stories by Jack London titled "The Road."

Simmonds will not produce this group under the Excelsior banner. He will probably rent space from the Talisman Studio for the series.

Lloyd Turel Has Son

DETROIT, Jan. 26. — Lloyd Turel, general manager of the I. J. London houses, is passing around cigars. Reason: The birth of Lloyd, Jr., weight eight pounds and one ounce. Mother and son are doing nicely.

JUST WHEN EVERYBODY
was beginning to think there was too much sameness in cartoons,

UP POPS OSWALD



with the cleverest, cutest, funniest situations and tricks the cartoon world has ever seen!

Just take a look at
OSWALD THE LUCKY RABBIT
in "SOFTBALL GAME"
at your nearest UNIVERSAL exchange, and you'll see what we're talking about!

Oklahoma Diplomacy Developing Strains

OKLAHOMA CITY, Jan. 26.—Relations between distributors and the Motion Picture Council here are a bit strained. The council hopes "to persuade distributors to lease the right kind of films to churches and schools."

So far the distributors have more or less gracefully dodged the issue.

A recent meeting called by Mrs. Charles McPherren, to which distributors had been "cordially" invited, she said, failed to attract a single exchange manager.

Mrs. C. R. Loucks, council secretary, says she phoned all the exchange heads the next day and "all eight were out of town."

It was Mrs. Loucks, who, a few days ago, gave out some caustic comment on J. H. Cooper's plan to form a foundation through which all his theatre income would be used to aid destitute children. She called it a plan to "hoodwink" the public.

Financing by Pathe Awaits Robert Young

(Continued from page 1)

not been decided finally, it is said. Some interests are inclined to believe the company, because of its RKO agreement, is not legally entitled to do so. Others hold differently. First Division in any event will distribute.

At present First Division is releasing through its own branches and by franchise arrangements Chesterfield and Invincible product in addition to some B. I. P. features. With the exception of Kansas City, the company has 100 per cent representation nationally. The Kansas City situation is expected to be worked out shortly.

Pessis Joins Talisman

HOLLYWOOD, Jan. 26.—Erman Pessis has been appointed publicity director for the Talisman Studio, and will handle many of the units working on that lot. Pessis has been handling publicity for the George Hirliman films, as well as handling other accounts which he will retain in addition to his new duties.

Lefholtz in New Post

OMAHA, Jan. 26.—Harry Lefholtz salesman, has resigned from Universal and has joined Scott Ballantyne, theatrical supply company.

R. C. Fox, salesman with Universal at Minneapolis, has been transferred to replace Lefholtz.

Takes Three Serials

DETROIT, Jan. 26.—S. K. Decker of Excellent Pictures Corp. has acquired Michigan distribution rights to the three serials made by Weiss Prod., "Custer's Last Stand," "The Clutching Hand" and "Jungle Perils."

Kennedy Made Manager

PORTLAND, Me,, Jan. 26.—Edward Kennedy has been named assistant manager at the Empire, where he was formerly an usher. Kennedy replaces George Street, resigned.

Para. Pep Club to Dance

A St. Valentine's dance at which amateur members will furnish the entertainment is planned by the Paramount Pep Club at the Park Central Feb. 14.

Latin-America

(Continued from page 4)

Country	Theatres 1935	Theatres 1934	Theatres 1933	Theatres 1932
Salvador	30	36	47	47
Honduras	29	14	18	26
Nicaragua	24	22	21	21
Bolivia	24	23	25	17
Dominican Rep.	21	36	20	25
Trinidad	17	..	..	..
Fr. West Indies	15	..	..	..
Jamaica	14	14	14	11
Paraguay	11	9	9	9
Bermudas	9	9	9	13
Haiti	7	7	7	9
Br. Guiana	5	5	5	5
Neth. West Indies	5	4	4	4
Bahamas	4	4	4	5
Barbadoes	3	..	..	..
Br. Honduras	2	2	2	2
Totals	5,044	5,002	5,270	5,546

Africa and Near East

South Africa	300	350	291	350
Algeria	130	130	150	150
Egypt	90	89	89	87
Iran	30	30	30	33
Tunisia	30	..	..	..
Palestine	27	22	25	19
Syria	24	26	20	20
East Africa	13	19	17	9
West Africa	12	12	12	12
Iraq	4	4	4	4
Madagascar	4	4	4	4
Totals	637	689	645	691

"Obsession" Leads Providence Takes

PROVIDENCE, Jan. 26.—Heavy snowstorms cut into first run receipts last week, but "Magnificent Obsession" made a good showing by garnering $7,800, up by $800, at the Majestic.

The only other downtown attraction to get into the profit column was a dual consisting of "Rose of the Rancho" and "Hitch Hike Lady," which took $6,800 at the Strand.

Total first run business was $32,700. Average is $39,500.

Estimated takings for the week ending Jan. 24:

"MAGNIFICENT OBSESSION" (Univ.)
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $7,800. (Average $7,000)

"WE'RE ONLY HUMAN" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: "Broadway Revels." **Gross:** $6,100. (Average, $7,000)

"PROFESSIONAL SOLDIER" (20th-Fox)
"THREE LIVE GHOSTS" (M-G-M)
LOEW'S STATE — (3,800), 15c-40c, 7 days. **Gross:** $5,800. (Average, $12,000)

"ROSE OF THE RANCHO" (Para.)
"HITCH-HIKE LADY" (Republic)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $6,800. (Average, $6,500)

"PADDY O'DAY" (20th-Fox)
FAYS—(1,600), 15c-40c, 7 days. Stage: "Fun Parade Revue." **Gross:** $6,200. (Average, $7,000)

Schwalm Seeks Old Job

HAMILTON, O., Jan. 26.—John A. Schwalm, manager of the Rialto, recently reelected to City Council, is a candidate for appointment to the Butler County Election Board. His appointment would necessitate resignation from council.

Form World Pictures

ALBANY, Jan. 26.—World Pictures Corp. has been formed here by Samuel Berger, Benjamin Berger and Philip Kranzbaum.

"Burlesque" Pulls $8,000 in Denver

DENVER, Jan. 26.— With the National Western Stock Show helping all first runs, "King of Burlesque" ran up a big gross, $8,000, at the Denver. This was $3,000 over normal.

"Miss Pacific Fleet" was almost 100 per cent over the line on a take of $4,000 at the Paramount. "First a Girl" hit a fast pace at the Aladdin and reached $3,000.

Total first run business was $23,500. Average is $19,500.

Estimated takings for the week ending Jan. 22:

"FIRST A GIRL" (G. B.)
ALADDIN — (1,500), 25c-35c-50c-60c, 7 days. **Gross:** $3,000. (Average, $2,000)

"SPLENDOR" (U. A.)
BROADWAY—(1,500), 25c-40c, 7 days, following a week at the Aladdin. **Gross:** $1,000. (Average, $1,000)

"MILLIONS IN THE AIR" (Para.)
DENHAM—(1,500), 25c-35c-40c, 5 days. **Gross:** $3,500. (Average, $4,000)

"KING OF BURLESQUE" (20th-Fox)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $8,000. (Average, $5,000)

"LAST OF THE PAGANS" (M-G-M)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $5,000)

"MISS PACIFIC FLEET" (W. B.)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $2,500)

Robinson to Freelance

HOLLYWOOD, Jan. 26.—Edward G. Robinson will freelance following completion of his newest starring film, "Bullets or Ballots," for Warners. He has signed a managerial contract with the William Morris office.

Jacob Lourie Engaged

BOSTON, Jan. 26.—Jacob Lourie, executive of Netoco Theatres, and Beatrice Buckman, daughter of Nathan Buckman of M. & P. Theatres Corp., have announced their engagement.

Mexico Strike Ends Against U. S. Firms

(Continued from page 1)

on the day of the strike settlement and the remainder in three equal monthly installments. A payment of $1,500 was made yesterday as "strike costs." Distributors are forbidden to create employes' unions and they must recognize the Cinematographic Employes' Union as the sole labor organization.

The settlement followed a long series of conferences under Government supervision. It is understood the settlement will help to straighten out the controversy on import duties and income taxes between the distributors and the Government.

Patron Kicks Cause Resolution on Reels

(Continued from page 1)

Pizor as president: Mike H. Egnal, A. R. Boyd, George T. Gravenstine, vice-presidents; George P. Aarons, secretary; Al Fisher, treasurer. The board of managers includes: Abe Sablosky, Ed Jefferies, Ted Schlanger, Norman Lewis, Joseph Schwartz, Abe Rooner, John Monroe, Jake Fox, Ben Amsterdam, J. F. Corbett, Oscar Steifel, Louis Felt, William Hassner, Herman Coane, Max Korr, E. M. Connelly, Luke Farrell, Nate Sablosky, Luke Ring, Sam Kinto and Ben Bache.

Chicago Cold Hits Grosses Heavy Blow

(Continued from page 1)

tion here, provided about enough business to pay the coal bill.

"Strike Me Pink" opened in the midst of a cold blast that had the thermometer 20 below. Business at the opening show found the main floor of the United Artists almost filled, which was better than had been expected. With warmer weather the house is expected to do capacity for the first week at least as the picture was given a terrific ballyhoo.

Wall Street

Paramount Issues Up Slightly

	High	Low	Close	Net Change
Columbia	44¾	44¾	44¾	.....
Columbia, pfd.	50⅜	50¼	50¼	— ¾
Consolidated Film.	6	5⅞	6	— ⅛
Consolidated, pfd.	18⅞	18⅝	18⅞	— ⅛
Eastman Kodak	160	160	160	— ¼
Loew's, Inc.	53	52⅛	53	+ ⅜
Loew's, Inc., pfd.	107⅛	107⅛	107⅛	— ⅜
Paramount	10½	10⅜	10½	.....
Paramount 1 pfd.	83	82	83	+ ½
Paramount 2 pfd.	12	11¾	12	+ ⅛
Pathe Film	7½	7½	7½	— ⅛
RKO	7¾	7½	7⅝	— ⅛
20th Century-Fox	25⅝	25⅝	25⅝	— ½
20th Century, pfd.	33¾	33¾	33¾	— ¼
Universal, pfd.	65	65	65	.....
Warner Bros.	11⅜	11¾	11¼	.....

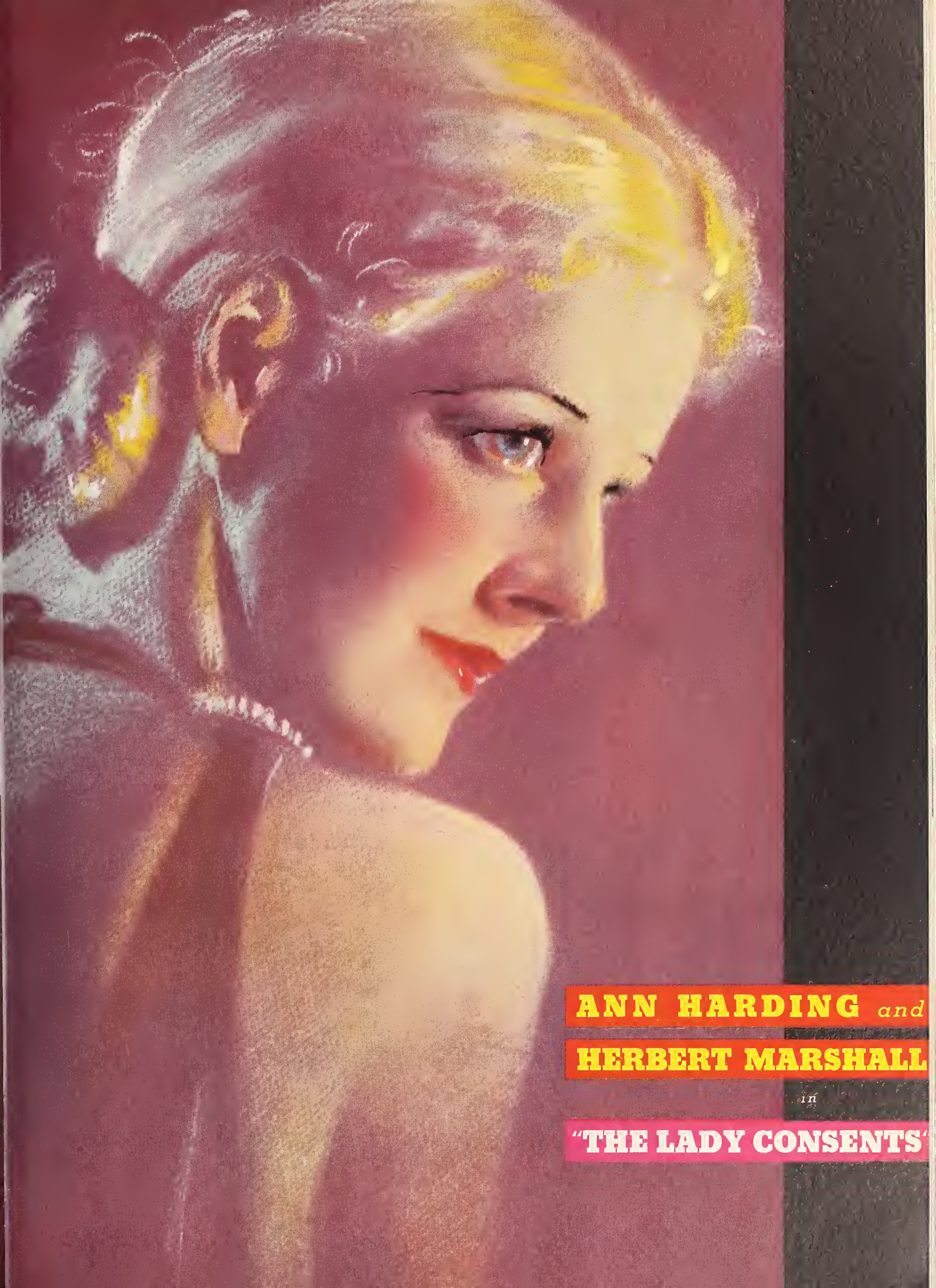
Technicolor Off a Point

	High	Low	Close	Net Change
Sonotone	2¼	2¼	2¼	+ ⅛
Technicolor	22	21¾	22	—1
Trans Lux	3⅞	3¾	3⅞	+ ⅛

Little Bond Activity

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	23	23	23	—1½
Loew's 6s 41 ww deb rights	103½	103¼	103¼	.....
Paramount Pictures 6s 55	94⅝	94¼	94¼	— ¾
Warner Bros. 6s '39 wd	91¼	91	91	— ⅝

(Quotations at close of Jan. 25.)



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Directed by
STEPHEN ROBERTS

R K O RADIO PICTURE

New Orleans Agrees Gain Will Go On

NEW ORLEANS, Jan. 26.—Reports from exchanges here point to one of the best years in the history of the business. Upstate, where in the past theatres have been open only two or three nights a week, a full six-day programs are being given at a slightly advanced range of prices owing to increased employment, both private and on WPA projects.

For the general business outlook the Association of Commerce predicts more than substantial gain in all lines.

New Orleans proper shows big gains in admissions, not in spots, but all through the week, with more than satisfactory gains Saturday and Sunday nights. In the neighborhood houses the gains have more than doubled since a year ago at the same period. This, too, is due to the fact more money is in circulation and there is more sustaining employment.

Downtown houses are not doing so well. They are adhering to a conservative policy, with none of the trimmings so popular in the neighborhoods, such as cash awards, chinaware and the like.

On cash award nights no attention is paid to the feature—any old thing goes. The patrons are after the cash.

Retail Trade Up 30%

As a rule, with the exception of the wash goods industry, which is the largest in the United States, manufacturing industries are not running full time. Canal Street retail stores report an increase of approximately 30 per cent in business over a corresponding period of the previous year. The holiday trade was even greater than during the rush year of 1929.

An official statement from the banks read: "With business and all forms of trade on the increase, particularly during the past six months and the holiday season, bank deposits in New Orleans have jumped up more than $28,000,000 in the past year."

Many attempts have been made to bring vaudeville to the city again, but exhibitors have decided that such a move would be financial suicide in view of the excellence of the films presented. Newspapers shed tears of joy when Major Bowes and his amateurs were billed for Jerusalem Temple at 75 cents top. It is currently reported that the unit went in the red.

Reports are current that the Tulane, only legitimate house in the city, is to be discontinued by the K. & E. main offices.

Favor Action Films

Henry Lazarus, owner of the Wonderland, Newcomb and Coliseum, believes that business will increase from now on, both in independent houses and affiliated. Lazarus says his books show that action pictures will have the call. Lazarus heads Allied in this section.

On the other hand, J. D. Duffy, speaking for Harry S. McLeod of the St. Charles, believes that musical comedy will have the run and quotes figures to show that the St. Charles did better business with this type than with others, with the exception of "Emperor Jones" which broke all house records and came back for a second time.

Philip Sliman, controlling the Laurel, and another in New Iberia, believes that action films are the best bet.

At the Republic-Bromberg headquarters, Leo Seicshnaydre, manager, says country business is improving, the exhibitors buying more and better films. He also notices that theatres are devoting more space to advertising on billboards and in newspapers, lithograph being in good demand, exhibitors endeavoring to reach non-theatregoes, instead of depending entirely on the screen.

Business in Indiana Area Is Improving

TERRE HAUTE, Ind., Jan. 26.—Prospects for a bright and merrier New Year are indicated here through expansions of various retail establishments and major manufacturing plants, especially those engaged in making nationally advertised wares.

Business in Terre Haute, as well as the rest of Indiana, is on the upgrade. More money is being spent and bank debits are gaining, according to statistics. Employment is showing gains constantly.

Several major industries here have purchased additional tracts for expansion of their plants, which will require a greater force of workmen. Mines and smaller industrial plants are working steadily.

Stage plays are again becoming popular here with local picture houses offering such attractions on their programs. The city's only vaudeville house has in recent weeks presented a number of prominent plays to a well-pleased audience.

Terre Haute's houses are all in full operation and it is anticipated that several new ones will be planned in the near future.

Bank Night at the Indiana probably has been the most outstanding event in the annals of local theatre history. On various occasions, when the prize ran into the hundreds, traffic near the theatre was practically blocked.

The theatre outlook is brighter than it has been in a number of years. While there are no plans for immediate changes in the local situation neither are there any advances being planned in admission prices. Top prices are 40 cents at night with a 25 cent matinee. Other houses range from 10 cents up and the established admission is likely to hold throughout the coming year.

The year will undoubtedly witness much improvement and remodeling at a number of the leading houses here. During the past several years such remodeling and improvements were scarce. However, the larger theatres are practically new buildings.

Theatre advertising has shown an increase in the past several months in local newspapers. Several recent attractions were heralded by full page copy and the results were packed houses at every performance. Such was the case when "Top Hat" played at the Orpheum and the engagement was held over for another week.

Theatre Gain Is Seen in Virginia

RICHMOND, Va., Jan. 26.—While amusement interests in Virginia experienced improvement in business last year, eight or more new theatres having been opened in 1935, many exhibitors predict better conditions in 1936 as a result of increased activity along many lines.

The Lee was among the new houses completed last year. Others have opened in Norfolk, Lynchburg, Hillsville, Martinsville, Stuart and Galax. Another new house is being built at Falls Church, a suburb of the national capital. Plans are being made for the construction of two additional houses in Richmond and building activity is reported to be on the increase in various parts of the state. Several industrial plants have been enlarged and a larger number of textile workers will be given employment this year.

Elmer H. Brient, secretary of the M. P. T. O. of Virginia, Inc., said today 1936 should be a good one for the industry.

"Better products are being offered and they will produce better business," he said. "We felt the depression later than other businesses and will be later in getting back to good times again."

Former State Senator Edwin S. Reid, director of the State Division of M. P. Censorship, reports improvement in the types of films now being offered.

Gilbert Greentree, president of the Retail Merchants of Richmond, reports 1935 the best year since 1929 when the Wall Street collapse marked the beginning of the business depression which led to the national bank holiday of 1933.

Sweepstakes Sued in K. C. by Bank Night

KANSAS CITY, Jan. 26.—Affiliated Enterprises, Inc., has filed an equity suit in Federal district court here against E. S. Young, theatre owner; Frank Bowen, supply man; W. Edgar Orndorff, attorney, and members of the I. T. O. operating a Sweepstakes Night pool, charging unfair competition through the resemblance of Sweepstakes to Bank Night. An accounting, damages and a restraining injunction are asked.

It is charged the methods of Sweepstakes are so similar to Bank Night as to confuse persons intending to patronize the latter. Sweepstakes Night is not to be confused with Movie Sweepstakes, it is pointed out. The former is said to have been developed locally by Young, Bowen and Orndorff.

Reade Will Extend Use of Bank Night

With Bank Night playing in a number of his theatres in New York and New Jersey, Walter Reade intends to adopt the game in practically all of the 35 theatres in the circuit.

Reade pointed out last week that the results of the game in the Peekskill, Peekskill, have convinced him of the desirability of the move. The theatre, which usually grosses about $80 on Tuesday, one week jumped to a take of $500, which Reade attributes directly to the game.

Steady Trend Upward Noted In Hartford

HARTFORD, Conn., Jan. 26.—Theatre managers think 1936 will be a good year. Business, they say, showed a steady improvement in the latter part of 1935.

"More people are going to the theatre this year than last," says Lou Cohen, manager of the Palace. "The pictures are better, too." These sentiments are echoed by all the managers, who find a growing satisfaction on the part of their patrons with the type of picture coming out of Hollywood. "The producers seem to have hit on the kind of entertainment the public wants," they say.

Deposits in Connecticut savings banks are up $11,000,000 over last year. Manufacturing activity in Hartford jumped from 60 per cent of normal in August and September to 75 per cent of normal in November and is still climbing.

Employment in Hartford has shown steady gains from 82 per cent normal last January to 96 per cent normal. Graphs showing employment and manufacturing activity laid over box-office receipts would almost coincide, a survey reveals.

Insurance Field Gains

Insurance, the main industry in Hartford, made a gain of $150,000,000 in assets during the year. Payment of bonuses to employes at Christmas, while not general, was sufficiently widespread to promote confidence in the future on the part of the working classes, who make up the bulk of the theatre patronage.

Business is really good in Hartford—not just around the corner. G. Fox & Co., leading department store, has just completed an air-conditioning and modernizing program that cost a million dollars.

The Board of Education voted yesterday to restore 10 per cent pay reductions to teachers in city schools. All city employes will receive at least five per cent of 10 per cent pay cuts which have been in force for three years.

Manufacturers of machine screws and parts for automobiles reported sharp upturns in activity following fall automobile shows.

Theatres Brushing Up

Theatre improvements, which had been at a standstill, have resumed on a modest scale. The Princess has new carpets, the Allyn is having murals painted on the walls by a local artist, the large lobby of the Poli has been redecorated. There has been talk of installing new seats at the Palace.

Perhaps one of the most significant signs that Hartford theatremen are not worried about 1936 is the lack of opposition which greeted the announcement that a PWA civic repertory company would be operating soon at Parsons. Managers downtown feel that a return to legitimate drama in Hartford, even at competitive prices, would increase attendance, rather than cut in on it. Hartford's best days, they recall, were when the Parsons was running. Anything that might tend to revive the spoken drama and again place Hartford in the top rank among show towns, would be welcome now.

Short Subjects

"Between the Lines"

(*Vitaphone*)

A strikingly novel theme and deftly handled touches of satire make this a genuinely entertaining musical offering. With the flash-back technique it fancifully presents the real life of magazine story characters and how they visit their colleagues on other pages. Modern life and the Civil War period provide some excellent singing by Bernice Claire. Centering about her, the story has an intruder from a night club yarn on another page coming over and introducing her to modern times. In a night club, modernly gowned, she is enjoying herself when the place is held up. At that point her southern brother, a Civil War army officer, comes to the rescue, saving her from the "rebels." A great piece of burlesque. There is a Lindy Hop sequence at the finish. Tuneful, witty, old-fashioned and yet sophisticated, this will be well received. Production Code Seal, No. 0638. Running time, 22 mins. "G."

"Steel and Stone"

(*Vitaphone*)

This number of the "Our Own United States" series covers the construction of bridges and tunnels. It is finely done photographically, and the dialogue by Milton J. Cross is a genuine blend of scientific fact with the correct shading of humor. The piece skips about the country showing to their best advantage bridges on many rivers, their purposes and the fine points of their architecture. There are excellent views of the Key West spans, the Pulaski Skyway, the Huey Long bridge in New Orleans and others. Aside from its educational angle the film is both interesting and entertaining. Should be well received. Production Code Seal, No. 0764. Running time, 11 mins. "G."

"The Cat Came Back"

(*Vitaphone*)

A cartoon in Technicolor that should be well received by children and adults alike. It concerns the rivalry between cat and mouse family. Mother cat teaches her kittens the art of catching mice with football tactics and the mice are schooled in eluding them. A friendship between a kitten and a mouse springs up and ceases when the kitten is beaten up, only to resume again. The mothers do some quarreling and the two go off and dance to phonograph music. The kitten falls into a sewer and the mouse goes to the rescue. Rescued, all is serene again until mama cat remembers and the struggle is on again. Production Code Seal, No. 1882. Running time, 8 mins. "G."

"Wild Wings"

(*Vitaphone*)

Beautifully photographed on the island of Laysan in the Pacific, this is an interesting and amusing pictorial record of sea bird life. The island is a natural bird sanctuary and flocks of albatross, rails, terns and frigate birds winter there. Exceptional shots reveal mating habits and others in slow motion show the poetry of their effortless flight. Should please. Production Code Seal, No. 0652. Running time, 11 mins. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Milky Way"

(*Lloyd-Paramount*)

HOLLYWOOD, Jan. 26.—With uproarious comedy and to the tune of a thousand laughs, Harold Lloyd returns to the front rank of screen funmakers. Farce and hokum, moving with speed and holding a sock in every sequence, the film is a credit to everyone connected with it and should prove one of the season's ace attractions. An indication of what to expect is the reaction of the preview audience, which giggled, guffawed and roared at the nonsensical action and clever dialogue.

With the exception of a few suggestions of romance, which in themselves are funny, the film ignores everything but laugh-provoking comedy. Protecting sister Helen Mack, Lloyd, a milkman, whose fighting ability is confined to a knowledge of how to duck, is accused of knocking out William Gargan, middleweight champion. Shanghaied by chiseling manager Adolphe Menjou's gang, including Gargan, Veree Teasdale and Lionel Stander, Lloyd is taught, but never learns, ring craft.

Wading through a series of framed bouts, the stage is set for the big Milk Fund bout with Gargan, sponsored by Marjorie Gateson, socialite. In a ridiculous single round, Lloyd wins, when Gargan's desire for revenge is licked by his affection for Lloyd's sister, and a dose of insomnia medicine administered by Stander gets in its work.

The entire cast does a fine comedy job, their performances leaving the audience limp. Based on a play by Lynn Root and Harry Clork, the screenplay by Grover Jones, Frank Butler and Richard Connell is a masterpiece of farce comedy. Leo McCarey's direction takes full advantage of all the opportunities and maintains a continuous fast pace. E. Lloyd Sheldon supervised. The picture looks to be a sure winner wherever it is played, on the basis of word-of-mouth advertising alone.

Production Code Seal No. 1,735. Running time, 85 minutes. "G."

"Tough Guy"

(*M-G-M*)

HOLLYWOOD, Jan. 26.—Designed for general audiences, this picture will fit nicely on most programs. Jackie Cooper and Joseph Calleia head the cast of all male players with Rin Tin Tin, Jr., the dog star.

Jackie and his dog run away from home, stowing away in a truck which Calleia is using in a bank holdup. Delivered at the gangster hideout, Jackie and Calleia are separated from the mob when the police close in and they camp out in the mountains. Calleia softens by his association with the boy and they form a deep attachment for each other. Later the mob is tempted by the reward to kidnap Jackie as Calleia is taken into custody. Allowed to escape, Calleia and the dog find Jackie and release him in a fight which results in Calleia's death.

Skillful direction by Chester Franklin builds the situations for suspense, nicely shading the sequences which otherwise might have appeared as hokum. The production by Harry Rapf, made mostly outdoors, offers opportunities for good photography which are all capitalized.

Supporting performances by Harvey Stephens, Robert Warwick as Jackie's father, and Jean Hersholt as a veterinary, are best. Florence Ryerson and Edgar Allan Woolf wrote both the screenplay and the original story.

The lack of love interest should not prove a handicap and the picture should be well received as good action entertainment.

Production Code Seal, No. 1851. Running time, 75 minutes. "G."

"Every Saturday Night"

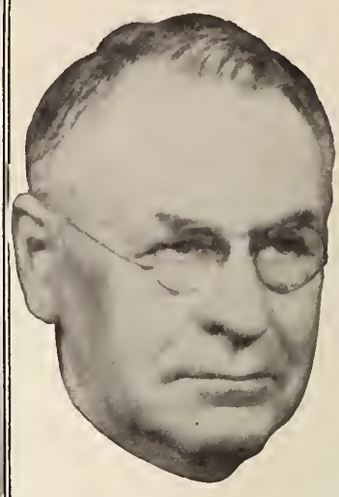
(*Twentieth Century-Fox*)

HOLLYWOOD, Jan. 26.—Striking a new and popular chord in entertainment values and meeting pronounced approval at a neighborhood preview, this film has a typical American family in typical home situations. Wholesome and sincere elements make up the picture.

In the family is Jed Prouty, father, who lectures and loves his brood; Spring Byington, mother, understanding and kindly; June Lang, daughter, in her first feature role, and a youthful romance; Florence Roberts, grandmother, keeping Prouty in his place; Kenneth Howell, 17, with his first tuxedo; George Ernest, 12, a cold-eyed banker, and little June Carlson, with a yen to be Garbo.

All these everyday folks under one roof develop the story of young people, with their joys, sorrows and happiness. James Tinling directed with understanding from Katherine Kavanaugh's play. It is Max Gordon's first as an associate producer and it clicks in a refreshing manner. It should do well in the general field, particularly with the family patronage. It is the first of a new series, called "Our American Family."

Production Code Seal, No. 1,908. Running time, 70 minutes. "G."



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Defense Wins Vital Points At St. Louis

Arthur's Conversations Are Eliminated

St. Louis, Jan. 27.—The question of whether Warners, Paramount and RKO had conspired to violate the anti-trust law in their alleged refusal to supply films to the Ambassador, Missouri and New Grand Central here was almost entirely confined to correspondence between officials of the various companies involved in connection with commitments and actual contracts for Paramount and RKO films to the Shubert-Rialto and Orpheum for the 1934-35 season, by a series of rulings in the equity case here today by Judge Joseph W. Molyneaux.

Shortly before 12 noon the court sustained a defense objection to Government introduction of documentary evidence on the financial operations of the Shubert-Rialto and Orpheum under Warner management since March 31, 1934. Russell Hardy, chief

(*Continued on page 3*)

Contempt Penalty For Fox This Week

An order fixing William Fox's punishment for contempt of court will be prepared some time this week by Federal Judge William Bondy, it was learned yesterday after Fox's New York lawyers, who conferred with him over the week-end, said that the former film executive would refuse to submit to voluntary questioning by attorneys for the Capital Co., which holds an unsatisfied judgment against Fox for $255,000.

Fox was cited for contempt of court by Judge Bondy some time ago for failing to answer a subpoena

(*Continued on page 7*)

Warners Start Four New Suits on Music

Four more complaints were filed by Warner music subsidiaries yesterday against radio stations allegedly infringing on copyrights by broadcasting numbers without permission. The actions filed in the U. S. District Court yesterday are: Remick against NBC and WJZ for using "Congratulate Me" and "Then You've Never Been Blue"; Remick against WOR for the use of "My Isle of Golden Dreams"; Harms against WABC for the use of "Chansonette," by Rudolf

(*Continued on page 4*)

Legion to Publish Single Nationwide List of Films

One nationwide list supplanting sectional classifications will be published by the National League of Decency, the first to be dated Feb. 6.

The appraisal of product will be prepared under the direction of the New York Archdiocesan Council of the Legion of Decency with the cooperation of the M. P. Bureau of the International Federation of Catholic Alumnae.

Alfred E. Smith is chairman of the Council. His associates on it are William F. Bleakley, Martin Conboy, George L. Cook, James A. Donnelly, James F. Dwyer, James A. Farrell, William T. Fetherston, George MacDonald, John E. Mack, John P. O'Brien, Morgan J. O'Brien, Arthur T. O'Leary, Martin Quigley, John J. Raskob and Alfred J. Talley. Rev. Joseph A. Daly is executive secretary.

Mrs. James F. Looram is chairman of the M. P. Bureau of the International Federation of Catholic Alumnae which will analyze the product and prepare the three classifications into which films will fall. Mrs. Thomas A. Bannin and Mrs. Richard Aus-

(*Continued on page 4*)

Every 4th Number

Cincinnati, Jan. 27. — The following signs appear on the walls of the rathskeller of a local hotel:

"Please do not request the orchestra to play 'The Music Goes 'Round and Around.' It will be played every fourth number."

Jersey Allied Will Talk Changes Today

Plans will be made today for putting into operation the finance, business relations and public relations committees when the Allied of New Jersey membership meets at the Lincoln.

The finance committee consists of Maurice Miller, chairman; Ralph Wilkins, sub-chairman and J. Pineless, H. Block, A. J. Sabo, Frank Henry and Sam Frank.

On the business relations committee are: James Forgione, chairman; Martin Ellis, sub-chairman, and Edward Lachman, Leon Rosenblatt, Myron Starr, I. Levy and D. R. Faunce.

With Irving Dollinger as chairman, the public relations group comprises I. M. Hirshblon, sub-chairman, David Mate, Harry Doniger, H. Bergton, Mrs. Hildinger and W. C. Hunt.

Each of the three committees is represented by an exhibitor in the 21 counties embraced by the organization. Lee Newbury, president, will wield the gavel. Henry Soskin has joined the organization as canvasser.

Allied-ITOA Union Contract Is Upheld

Validity of a 10-year agreement between Allied M. P. Operators and the I. T. O. A. was upheld yesterday when Justice Ernest E. L. Hammer in the Bronx County Supreme Court ordered the Leff & Meyers circuit, operating the Freeman, Fenway and Lido, to employ projectionists of this union.

In its suit against the circuit, Allied contended that the three theatres were breaching the agreement between the

(*Continued on page 4*)

Europe Leads In Gains of Sound Houses

Washington, Jan. 27. — Europe made the greatest gains in sound installations in 1935, a further breakdown of the annual theatre statistics prepared by the Motion Picture Section of the Dept. of Commerce reveals.

Whereas that continent had 23,460 of its reported 39,547 total wired by

(*Continued on page 4*)

A four-year comparison of sound theatres throughout the world appears in tabular form on pages 4 and 7.

Selznick May Shift Personnel to Coast

Hollywood, Jan. 27.—John Wharton, treasurer of Selznick International, who arrived here today accompanied by Katharine Brown, story editor, and Dora Midisett, her assistant, will be here for two weeks discussing with the board of directors plans to transfer all of the company's activities to Hollywood. Selznick, Jock Whitney and others on the board met with Wharton immediately upon his arrival and held preliminary discussion relative to the transfer of the entire Manhattan personnel to the coast.

Wharton predicted that other major

(*Continued on page 4*)

SEC's Study Of Atlas Will Involve Films

Investment Trust Quiz Asked by Congress

By BERTRAM F. LINZ

Washington, Jan. 27.—Officials of the Securities and Exchange Commission said today that a study of the operations of the Atlas Corp. undoubtedly will involve the company's activities in the film field.

The Atlas inquiry is part of a study of practically all investment trusts undertaken at the direction of Congress, and on which a report, together with recommendations for necessary legislation, is to be submitted at the opening of the Congressional session next year. In numerous cases the S.E.C. is sending field examiners to

(*Continued on page 7*)

Harley Is 20th-Fox Director in London

By BRUCE ALLAN

London, Jan. 27.—Francis L. Harley has been appointed managing director for Twentieth Century-Fox here by Walter J. Hutchinson, foreign manager of the company. The appointment follows conferences in Paris, where Harley has been managing director since last April. The appointment is effective Feb. 17.

Harley was born in North Wales and graduated from the University of Pennsylvania in the United States. He served in the War and joined Fox in 1926 as a salesman under Hutchinson in London. He was successively assistant to the managing director at Paris, Near East manager at Athens and managing director in Brazil before his Paris appointment.

RKO Reported Ready For More Producers

With the signing of the Reliance deal, RKO is understood to have in work deals which would bring into the fold a number of other prominent producers.

The negotiations are said to await the arrival of Leo Spitz, president of RKO, on the coast. While Spitz is here practically all of his time is being taken up with production and distribution matters. Following his next trip to the coast, the RKO head is expected to look into the theatre setup.

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Discuss New Films At Columbia Meeting

SAN FRANCISCO, Jan. 27.—Columbia product for 1936-37 was outlined and discussed at the company's regional sales meeting here at the William Taylor Hotel over the week end. Abe Montague, general sales manager, and Jerome Safron, western division manager, presided. Managers and salesmen from Salt Lake, Los Angeles, Portland and Seattle attended. Local arrangements were in charge of L. E. Tillman, branch manager here, and Mel Klein, office manager.

Chaplin Scale $5.50 Top

Tickets for the premiere on Feb. 5 of "Modern Times" will go on sale at the Rivoli, tomorrow. A special box-office has been set up in the lobby. Seats for the opening will be priced at $5.50 for the orchestra and $2.20 for the balcony, all reserved. Popular prices will prevail on the following day.

The premiere is being planned on an elaborate scale.

Conn. MPTO to Elect

NEW HAVEN, Jan. 27.—Nominees who are to be voted upon at the annual election of the Connecticut M. P. T. O. Feb. 4 are: President, Arthur H. Lockwood, Adolph G. Johnson, Harry L. Lavietes and Peter Parokas; vice-president, Adolph G. Johnson, Lawrence O'Neill, Ralph Pasho and Maurice Shulman; treasurer, Edwin S. Raffile; secretary, Edward G. Levy and Joseph Shulman.

Purely Personal

FANCHON SIMON, the F in Fanchon & Marco, has arrived from St. Louis and will head for the coast within a few days. MARCO WOLFF is still in St. Louis and won't leave there until the civil hearings are over.

•

FRANK SPICKER, who resigned recently as Columbia art director, will be tendered a farewell luncheon by his colleagues in the College Room of the Hotel Edison Friday.

•

HUGO BRYK, European representative of Ascap, is on the *Ile de France,* due today. Also arriving on that boat are BEN and MRS. GOETZ and MRS. HAL ROACH.

•

AL FRIEDLANDER intends to leave either today or tomorrow for Boston, Albany and Buffalo and a couple of other First Division exchanges.

•

MAX WOLFF, assistant to CHARLES SONIN, purchasing head of M-G-M, has the honor of being the last colonel appointed by Gov. Ruby Laffoon.

•

BILL DANZIGER, who recently resigned from the M-G-M publicity department, is reported joining the HAL ROACH publicity forces on the coast.

•

WILLIAM C. PHILLIPS, Paramount attorney in Berlin, will come back to this country on Feb. 11 for his first vacation in eight years.

•

SAM FORGOSTON, assistant to Bill O'BRIEN of the M-G-M advertising department, will become a benedict in the spring.

•

LIONEL BARRYMORE has arrived from the coast. He is staying at the Waldorf-Astoria.

•

FRANK and MILT BRITTON will smash up their orchestra beginning Friday on the Roxy stage.

•

NAT KARSON, painter and caricaturist, is a benedict. HENRIETTA KAYE, sculptor, is the bride.

•

GINGER ROGERS arrived here yesterday on her first holiday in a year and a half.

•

CHARLES KOERNER is in from Boston.

•

LESLIE E. THOMPSON will leave the end of the week for Palm Beach.

•

JACK L. WARNER is due on the coast Friday.

•

CHARLES K. STERN has shaved 20 pounds from his belt line.

•

BILL POWERS was home ill yesterday. The cold weather got him.

•

EDDIE HALPERIN has left for Hollywood following a short stay here.

•

DOUGLAS FAIRBANKS, JR., leaves England on the *Majestic* today.

Mulloney and Deery Sentence Reaffirmed

BEVERLY, Mass., Jan. 27.—John Deery, circuit head and former president of Salem Trust Co., and Daniel Mulloney, former president of the closed Federal National Bank, were sentenced here today by Judge James Morton in United States District Court, Boston, to one year and a day in Plymouth Jail, effective immediately. The sentence affirms their conviction for the misappropriation of $131,000 of bank funds consisting largely of theatre loans.

Complaints Filed in Two A. T. & T. Suits

Complaints in two suits seeking triple damages of $10,500,000 from A. T. & T. and subsidiaries were filed in Federal court here yesterday. The complaints allege a monopoly in restraint of trade in the sound equipment field.

The actions were instituted about six months ago by Thomas F. James, assignee of a claim by the Granger Mfg. Co., and by Bernard R. Gogle, assignee of a claim by Standard Sound Recording Corp.

Reviewers Look for Attendance of 500

About 500 delegates are expected at the 12th annual conference of the National Board of Review to be held at the Hotel Pennsylvania Feb. 5 to Feb. 8. On the morning of the opening day they will be guests of the Committee on Exceptional Photoplays and will see "The Life of Louis Pasteur."

During the afternoon and evening they will meet newspaper critics, Young Reviewers and 4-Star Club representatives for an exposition of the juvenile viewpoint on film trends.

National Theatres Heads Meet Feb. 17

LOS ANGELES, Jan. 27.—Division heads of National Theatres will hold a three-day annual meet here starting Feb. 17. Spyros Skouras, who will preside, is due to return from a Honolulu vacation two days prior to the meeting. With him is Elmer C. Rhoden.

Others to attend the sessions will be Arch Bowles, Frank L. Newman, Sr., Rick Ricketson and Harold Fitzgerald.

Set "Rhodes" Openings

"Rhodes" will have a special showing at the Lincoln, Miami, on Feb. 10. The picture opens at the Roxy here on Feb. 21.

Blank Resumes Bank Night in Des Moines

DES MOINES, Jan. 27.—Judge Russell Jordan has dissolved a permanent injunction issued last fall by District Judge Jordan which enjoined the Tri-States Theatre Co. and A. H. Blank, Pres., from conducting Bank Night at five theatres here.

The recent ruling of the Iowa Supreme Court in a Newton, Ia., case to the effect that Bank Night is not a lottery under the Iowa statute prompted the action of Judge Jordan, on motion of attorneys for the theatre company after the county attorney had approved the dismissal.

Bank Night will be resumed tomorrow in the five theatres here, the Des Moines, Paramount, Roosevelt, Strand and Uptown.

George P. Hundling, manager of the theater at Newton, whose appeal to the Iowa Supreme Court resulted in the ruling, states that definite plans for resuming Bank Nights in Newton await action of the Jasper County Attorney, P. J. Siegers. Siegers withheld comment pending receipt of a copy of the Supreme Court's ruling.

Set Painesville Hearings

PAINESVILLE, O., Jan. 27.—Bank night lottery charges lodged against the Willoby, Willoughby, and Utopia, this town, are scheduled for hearing here on Feb. 3.

Rites for H. T. Morey

Funeral services were held yesterday at the Fairchild Funeral Chapel for Harry T. Morey, villain of the silent days, who died of a lung ailment in St. John's Hospital, Brooklyn, Friday. He was 63.

Born in Charlotte, Mich. in 1872, he attended the University of Michigan and in his second year made his debut on the stage with Robert Downing. He came to New York and worked on the stage before starting in pictures with the old Vitagraph Co. in Brooklyn. Later he went to Hollywood where he appeared in films for Selznick, Robertson-Cole, Graphic Film, Metro, Weber & North and Pro-Dis-Co. among others. In recent years he had played in a few shorts and commercials.

Surviving him are his mother, Addie C. Morey, two brothers, Charles R. and Warren Morey.

Bessie Nugent, 90, Dead

CAMBRIDGE, Ohio, Jan. 27.—Bessie Nugent, mother of Jack Nugent, playwright and actor, and grandmother of Elliott Nugent, screen player, died here today in her ninety-first year.



Defense Wins Vital Points At St. Louis

(*Continued from page* 1)

Government attorney, argued at length, declaring the evidence would show the theatres were "fighting" properties, operated to furnish unfair competition to the Ambassador, Missouri and New Grand Central under F. & M. operation.

Ex-Senator James A. Reed and Frederick H. Wood, Warner counsel, argued that if the court went into the financial question evidence would have to be heard on the entire exhibition situation, pointing out that on the basis of their complete St. Louis operations, Warners made more money since opening the two theatres than in any similar period in the past.

Judge Rules Out Talks

Judge Molyneaux sustained defense objections later, ruling out conversations with Herman Starr, Gradwell Sears and Abel Cary Thomas of Warners by Harry C. Arthur, F. & M. executive, and the Government's star witness. Included were other conversations with Ned Depinet of RKO and George J. Schaefer of Paramount. The Government had been depending on that testimony concerning alleged statements attributed to Depinet and Schaefer to make its point that Warners brought pressure on RKO and Paramount to force them to sell first run films here to Warners instead of the Ambassador, Missouri and New Grand Central.

Arthur completed his direct testimony at 3:55 P. M., after taking the stand at 12. His actual direct testimony was less than two hours. He repeated the story of his career as in the criminal case and gave details of his business connections here. He told how he was invited by John S. Leahy, Allen L. Snyder's attorney, to become interested with Snyder in the three houses, F. & M. putting up $55,000 of the $105,000 guarantee fund posted for the reorganization of the properties, including $5,000 for Harry Greenman and Charles Kurtzman. He said that Harry Koplar has one share of stock in each of the leasing companies, while his brother-in-law, Dr. J. G. Probstein, posted $25,000 of the fund.

Tells of Jeffries Meeting

He recited a conversation with Sam B. Jeffries, local Warner counsel, in a New York hotel sometime between Feb. 20 and March 6, 1934, when he said he informed Jeffries that Harry Koplar had advised him to explain that F. & M. were not considering acquiring the St. Louis Amusement Co., but were interested solely in the leases for the three houses. He said Jeffries asked him to tell it to Thomas as he (Jeffries) would have no chance to see Thomas. Arthur said he could get hold of neither Thomas nor Major Albert Warner that day, and that Major Warner's secretary told him to take the matter up with Sears.

With little change from his criminal case testimony, Arthur told what transpired at the March 6, 1934 meeting of himself, Jack Partington, Sears, Starr and Thomas in the Warner office, including the "You are the lambs to be slaughtered" phrase. The court permitted the Government to introduce copies of MOTION PICTURE DAILY and *Film Daily* of that date, "merely for the purpose of showing what they were talking about, and not as proof of anything that was printed."

Arthur Tells of Phoning

Arthur mentioned a phone conversation and later personal conference with Schaefer about March 19, 1934. He set a date different than that in his criminal case testimony. He quoted Schaefer as saying: "They put the pressure on me and were threatening to upset our reorganization plans in Detroit," and so on. Objection by Louis Phillips, Paramount attorney, caused the elimination of the conversation.

Judge Molyneaux sustained objections by George S. Leisure for RKO against conversation with Depinet in the RKO offices the week of March 19 and also the meeting in the Plaza Hotel April 7, at which Leahy discussed the Warner film deal with Depinet. Also ruled out were conversations between Arthur and Sam Dembow of Paramount, and another with Ralph Kohn of Paramount. In both instances the court held that either the subject of the talk did not relate to St. Louis or the company officer was not acting within the scope of his authority, his statements not binding the company.

Agnew and Cresson Talks Admitted

The judge permitted to stand Arthur's testimony on talks with Neil Agnew and Cresson Smith, of Paramount and RKO, respectively, about second run films for the Missouri and New Grand Central.

In cross-examination, Wood asked Arthur whether he had gone to Warners on March 6, 1934, to buy films, to take over the Shubert-Rialto or to sell out to Warners his interest in the St. Louis houses. To each query Arthur responded with a negative.

Then Wood succeeded, on the basis that Arthur was not transacting business with Warners, in having all of the conversation eliminated from the record, with a similar ruling applying to the previous testimony of Jack Partington about the same conference. A motion by Phillips to extend the ruling as to the conference with Schaefer and Partington's testimony on the same meeting, will be decided tomorrow, when Phillips will present to the court notes on what Partington said. The court could not recall Partington's testimony this afternoon.

Harry M. Warner left here for New York over the week-end.

Son Ill, Sears Asks Excusal

Due to the illness of his son, Richard, and a desire by Gradwell L. Sears to remain in New York until the boy recovers from rheumatic fever, efforts will be made by Warner counsel in St. Louis today to have Russell Hardy, chief Government counsel, accept Sears' testimony in the criminal trial as that for the civil proceedings now in progress.

If this stipulation is agreed to by the Government, the Warner sales executive will not have to take the stand.

Sears arrived from St. Louis on Sunday with Harry M. Warner. The latter returned yesterday to the Mound City with Herman Starr, who flew in Sunday morning. As one of the excluded witnesses who cannot appear in court until he is called by Warner lawyers, Sears spent the whole of last week at the Park Plaza Hotel constantly in touch with his home. In the event Hardy does not agree to the stipulation, Sears will depart for St. Louis today.

Collins New Hardy Aide

ST. LOUIS, Jan. 27.—Harold F. Collins, a special assistant to the attorney general, is here assisting Russell Hardy in the civil proceedings against Warners, Paramount and RKO. He replaces Walter Rice who returned over the week-end to Washington to take part in arguments before the U. S. Supreme Court on the Sugar Institute anti-trust case.

Variety Club Chatter

Buffalo

BUFFALO, Jan. 27.—Chief Barker JACOB LAVENE and his new board of officers were installed at a dinner in the King Arthur attended by 70 barkers. EDWARD K. O'SHEA, retiring chief barker, was presented a diamond stickpin by Barker HERBERT T. SILVERBERG on behalf of the club. Barker SIDNEY S. WALLENS was toastmaster. There were talks by Chief Barker LAVENE and his two assistants, JOHN M. SITTERLY and ROBERT T. MURPHY; Barker O'SHEA and his two 1935 assistants, SYDNEY SAMSON and JACK H. KAPLAN, and by MOE SILVER, upstate manager for Warner Theatres.

Chief Barker LAVENE announced these committee chairmen:

Membership, MATTHEW V. SULLIVAN, JR.; house, J. M. SITTERLY; entertainment, HARRY A. SEED; constitution and bylaws, SILVERBERG; welfare and charity, JACK BERKOWITZ; finance, EDWARD K. O'SHEA; publicity, W. E. J. MARTIN.

Luncheon meetings, to be conducted semi-monthly, will begin Jan. 27, with Barkers SEED and KENNETH ROBINSON as kings for the day.

Dallas

DALLAS, Jan. 27.—The newly formed Variety Club tent here is getting off to a flying start. Nena Claiborne, decorator for the Interstate Circuit, has held out a smart modern setting in the rooms at the Adolphus Hotel and Jacques Stineau is painting murals.

An inaugural ball is planned at the Adolphus for Feb. 8. Weekly luncheons are to be held Mondays.

Officers are: President, R. J. O'Donnell; vice-presidents, C. E. Hilgers and W. G. Underwood; treasurer, J. B. Underwood; secretary, Edward Wilson; directors, Paul Scott, L. M. Rice, Harold Robb, J. B. Dugger, Buddy Harris and Wallace Walthall.

Kansas City

KANSAS CITY, Jan. 27.—Preliminary work has been completed for the fourth annual Variety Club charity dance and show at Pla-Mor Feb. 17.

The program will go much as it has in former years with a stronger appeal to outside-the-industry ticket sales.

Committees appointed by General Chairman ARTHUR COLE are: Ticket sales, FRANK HENSLER, chairman, GEORGE FULLER, SAM ABEND, GUS DIAMOND, WILLIAM BURKE, FINTON JONES, HARRY WHEELER, TOM BALDWIN, LELAND ALLEN, JIMMY LEWIS, CHARLES SHAFER, WILLIAM TRUOG, I. BEISER, DON DAVIS and EARL JAMEYSON; entertainment, GEORGE BAKER, chairman, BARNEY JOFFEE, LAWRENCE LEHMAN, JOHN MCMANUS, STANLEY CHAMBERS; publicity, Paul BAYZMAN, chairman, MIKE ROTH, KENNETH FORCE; wardrobe checking, BOB WITHERS; clocking, PAUL LAROCHE.

Floor, BILL WARNER, chairman, GEORGE FULLER, WILLIAM TRUOG, JOE MANFRE, BOB WITHERS, WILLIAM BENJAMIN, HARRY TAYLOR, T. R. THOMPSON, FRANK HENSLER, RUSSELL BORG; attendance, H. P. WOLFBERG, WARD SCOTT, MAX ROTH, R. C. LIBEAU, HARRY GRAHAM, E. C. RHODEN, L. J. MCCARTHY and ED DUBINSKY.

HARRY TAYLOR is captain of hostesses.

Washington

WASHINGTON, Jan. 27.—The social season of Tent No. 11 will be officially started Jan. 27, when Chief Barker J. LOUIS ROME personally tosses the club's first stag smoker of the New Year.

The chief barker states that this party is "on me," and issues a general invitation to all barkers and their friends to start off the season with a bang.

The first luncheon of the year is scheduled for Feb. 3. "Paramount Day" will be observed, with HARRY HUNTER and his cohorts promising their customary "super-super-super" sensations.

The following Monday evening, Feb. 10, WILLIAM E. S. WILCOX and ROBERT M. GRACE will officiate as the kings for a day at a smoker to be held in the clubrooms.

Screen Directors To Name Donovan

HOLLYWOOD, Jan. 27.—Major Joseph O. Donovan, formerly head of the NRA Film Code Authority, will be signed as executive secretary of the Screen Directors' Guild at the organization's meeting here Wednesday night if present Guild plans materialize. Donovan, seen today, refused to confirm the report but admitted the existence of the move.

Lawrence Bielenson, attorney for the Writers' and Actors' Guilds, aided the directors in their initial legal moves. Screen Directors' Guild, however, has no contractual affiliation with other groups. The selection of Donovan is believed to be conducive to future harmony between directors and producers.

"Dream" for Road Show'g

HOLLYWOOD, Jan. 27.—Warners' "A Midsummer Night's Dream" has been booked through FWC for roadshowing in twenty-five cities throughout southern California.

Europe Tops Gains Among Sound Houses

(Continued from page 1)

the end of 1934, the Government bureau states this figure had increased by 4,476 to 27,956 by the end of last year. The chief impetus came from Russia which gained 1,200, according to this authority, to a total of 3,000.

Germany went from 4,489 in '34 to 4,780 in '35, giving it more sound theatres than any other country in Europe; England went from 4,608 to 4,712; France from 2,900 to 3,300; Italy from 2,095 to 2,724; Sweden from 843 to 1,581 and Spain from 1,333 to 1,550, to single out some of the leaders.

The Far East, which appears in the Section's analysis as one division, stepped from fourth to third place in 1935, outdistancing Latin-America. Total sound installations are placed at 3,712 as against 3,362 in 1934, comparing with 3,338 for Latin-America last year as against 2,783 by the end of 1934.

Canada is given 833, which is increase of 123 from the 710 cited for 1934. Africa and Near East jumped from 411 to 480.

Warners Start Four New Suits on Music

(Continued from page 1)

Friml; M. Witmark & Sons against NBC and WJZ for the use of "Blue Nights."

In the first complaint damages totaling $10,000 are sought. In the second case, $5,000; the third, $15,000 and the last, $5,000. The $15,000 claim is based on the allegation that the station broadcast the song mentioned three times.

With the filing of these actions, the number reached 16. Wattenberg & Wattenberg represent the Warner companies in each instance.

Legion to Publish Nationwide List

(Continued from page 1)

pitzer are her running mates. Consultors for the bureau are Dr. Francis W. Baldwin, Rev. John M. Costello, Dr. Paluel J. Flagg, Rev. Philip J. Furlong, Carroll Hayes, Rev. Conrad I. McCoy, Frank J. Murphy, Raymond H. Reiss and Ignatius M. Wilkinson.

The classifications follow:

A (1)—Unobjectionable for general patronage.

(2)—Unobjectionable for adults.

B.—Objectionable in part.

C.—Condemned.

Allied-ITOA Union Contract is Upheld

(Continued from page 1)

union and exhibitor organization, of which Leff & Meyers is a member. Local 306 men have been employed at the trio.

In addition to upholding the validity of the Allied pact, the court also stated that if the theatres had a contract with Local 306 the owners must live up to them.

Murray Harstn, counsel for Allied, yesterday stated an injunction will be entered in a few days compelling the employment of Allied men.

Sound Theatres Throughout World

Territory	Grand Total 1935	Grand Total 1934	Grand Total 1933	Grand Total 1932
Europe	27,956	23,460	20,934	17,822
United States	15,378*	10,143	15,000	14,000
Far East	3,712	3,362	2,539	2,147
Latin-America	3,338	2,783	2,208	1,830
Canada	833	710	710	777
Africa, Near East	480	411	432	379
Total	51,697	40,869	41,823	36,955

*Based upon trade estimates.

Sound Theatres in Europe

Country	1935	1934	1933	1932
Germany	4,780	4,489	4,000	3,700
England	4,712	4,608	4,414	4,228
France	3,300	2,900	2,550	1,450
Russia	3,000†	1,800*	2,000	3,000
Italy	2,724	2,095	1,079	1,000
Sweden	1,581	843	750	750
Spain	1,550	1,333	1,500	500
Czecho	1,343	1,025	818	640
Belgium	725	650	400	250
Austria	706	650	570	435
Poland	467	428	353	110
Hungary	362	315	267	198
Switzerland	330	310	302	200
Denmark	312	325	303	200
Rumania	298	300	350	165
Netherlands	291	252	240	233
Yugoslavia	246	174	184	100
Finland	214	120	120	111
Norway	205	204	175	107
Portugal	170	168	107	88
Irish Free State	160	..	..	..
Greece	112	107	100	70
Bulgaria	89	88	109	109
Latvia	86	107	87	56
Turkey	85	60	52	37
Esthonia	54	58	44	39
Lithuania	43	44	53	46
Albania	11	7	7	..
Total	27,956	23,460	20,934	17,822

*Includes all halls, converted churches and other local places of exhibition.
†Includes urban, rural theatres, both those equipped with stationary and portable projectors where motion pictures are shown.

Sound Theatres in Far East

Country	1935	1934	1933	1932
Australia	1,334	999	999	1,050
Japan	827	877	450	216
India	500	506	340	220
New Zealand	435	366	324	306
Neth. India	192	172	131	104
China	178	157	120	90
Philippines	121	127	105	105
British Malaya	57	50	36	28
Straits Settlements	..	48	..	..
Chosen	24	24	..	..
Fr. Indo-China	18	18	18	12
Siam	10	12	12	6
Ceylon	10	9	7	6
Fiji Islands	3	3	3	2
Society Islands	3	3	3	2
Total	3,712	3,362	2,539	2,147

Sound Theatres in Latin-America

Country	1935	1934	1933	1932
Argentina	1,000	600	542	580
Brazil	906	800	525	330
Cuba	225	150	131	123
Mexico	200	350	265	265
Chile	150	148	160	85
Peru	122	85	77	40
Uruguay	122	118	110	110
Colombia	120	120	60	30
Porto Rico	100	93	87	87
Venezuela	85	75	44	24
Panama	44	36	25	25
Costa Rica	35	26	26	9
Ecuador	31	27	22	20
Honduras	29	14	18	10
Salvador	24	24	11	7
Nicaragua	23	15	14	12
Dominican Rep.	21	13	14	15

(Continued on page 7)

May Drop Plan

Ampa, which has been considering a take-off on the St. Louis trial as one of its features for the forthcoming Naked Truth Dinner slated for March 14 a la Gridiron Dinner, may abandon the plan. The Hays office has lodged a protest.

Ampa-ites, however, explain the idea was not a mock trial based on St. Louis, but the court proceedings held and now under way there as a background on which to draw caricatures of industry figures.

H. G. Knox Realigns Erpi Engineer Staff

H. G. Knox, vice-president in charge of engineering for Erpi, has made a number of appointments to his staff.

H. B. Santee has been made director of engineering, with H. C. Humphrey, D. MacKenzie, G. Dobson, A. De Napoli, G. W. Flaccus and K. F. Morgan on his staff.

J. S. Ward has been appointed director of operations with J. P. Dinsmore, D. C. McGelliard, P. T. Sheridan and F. C. Gilbert, J. P. Maxfield has been named director of commercial engineering with S. K. Wolf, G. T. Stanton and C. H. Fetter on his staff.

Selznick May Shift Personnel to Coast

(Continued from page 1)

companies would follow suit, and added that such moves would result in increased employment in Hollywood and large savings in transportation and other expenses necessitated by contact with Manhattan.

To Rebuild at Staunton

WASHINGTON, Jan. 27.—Warners will immediately rebuild the New at Staunton, Va. The house was destroyed by fire last Friday. John J. Payette, general zone manager, gave orders to go ahead with plans for a new house over the long distance phone from Miami.

Presentation Delayed

The death of Andre Sennwald, critic of *The New York Times*, has set back plans of the lower case organization simply known as the New York film critics to formally present to Radio the gold medal which accompanies selection of "The Informer" as the best picture of 1935.

M-G-M Executives Arrive

HOLLYWOOD, Jan. 27.—Al Lichtman, Felix Feist, and Ed Sanders arrived at M-G-M today on an extensive swing around key centers throughout the country.

Borg, Thompson Sick

KANSAS CITY, Jan. 27.—Russell Borg, exchange manager for G. B., and Tommy Thompson, ditto for RKO, are on the sick list.

THE BIGGEST NEWS THAT'S HIT THIS INDUSTRY SINCE SOUND

is on the other page

"The Trail of the Lonesome Pine"

would be **A SMASH HIT**

in black and white

with its story value, star power, great support, ace direction, action, romance, spectacle, heart interest, comedy, song . . . to all these box-office elements— we've added

COLOR . . .

*COLOR of such naturalness, trueness that only that over-worked word SENSATIONAL can be applied to the picture Walter Wanger has produced for Paramount. Watch for further news.

*Technicolor

Paramount Pictures

Contempt Penalty For Fox This Week

(Continued from page 1)

served on him by Capital, which sought to question him as to his alleged inability to satisfy the judgment. Fox took an appeal from the contempt order to the U. S. Circuit Court of Appeals, which last week declined to reverse Judge Bondy. The latter had provided that Fox might purge himself of the contempt citation by voluntarily appearing for questioning by Capital's lawyers, but Fox, who is now at Atlantic City, advised his attorneys last week-end that he would refuse to do this.

SEC's Atlas Study Will Involve Films

(Continued from page 1)

check the records of investment companies, without waiting for the returns on the complete questionnaire sent out some time ago.

It was pointed out that, although the study of Atlas is almost certain to involve its film operations, it will not be an investigation of picture companies as such, nor is the inquiry an investigation in the usual sense of the word as used here. The purpose of the study is to determine whether any legislation is needed to control investment trust operations.

Open at Falls Church

FALLS CHURCH, VA., Jan. 27.—The State, first theatre here since the Civil War, opened tonight, with an invited audience comprising representatives of state and local governmental groups, civic organizations, and distributors and exhibitors.

Operated by Neighborhood Theatres, Inc., of Richmond, the State is the sixth in a circuit headed by Morton G. Thalhimer. R. Wade Pearson is manager.

Pasteur Patient to U. S.

Joseph Meister who, as a boy in France, was the first person whose life was saved by the scientific genius of Louis Pasteur, has accepted an invitation to visit America as a guest of the French Chamber of Commerce. Meister, now 60, is employed in the Institute Pasteur of Paris. The saving of his life is depicted in Warners' "The Life of Louis Pasteur."

Rubin Heads Committee

Harry Rubin, director of projection for Paramount, has been named chairman of the Projection Practice Committee of the S. M. P. E. for the fifth consecutive year. Rubin has been a projection expert for 25 years, is the originator of the effects projector and responsible for the development of the Magnascope giant screen.

"Forest" for St. Louis

ST. LOUIS, Jan. 27.—Warners are planning an elaborate opening for "The Petrified Forest" at the Orpheum Thursday night. The house will be closed during the afternoon to permit installation of special decorations.

Tearle Is Re-Signed

HOLLYWOOD, Jan. 27. — Mitchell Leichter has re-signed Conway Tearle for another series of eight pictures.

Sound Theatres in Latin-America

(Continued from page 4)

Bolivia	19	20	19	8
Trinidad	17	..	..	..
Guatemala	17	16	12	9
Jamaica	14	14	8	3
Bermudas	9	9	9	13
Paraguay	5	5	6	4
Haiti	5	5	3	2
Neth. West Indies	5	2	2	1
Bahamas	4	4	4	5
Barbados	3	..	..	..
Br. Guiana	2	2	2	1
Br. Honduras	1	1	1	1
Fr. West Indies	..	..	..	..
Br. West Indies	..	11	11	11
Total	3,338	2,783	2,208	1,830

Sound Theatres—Africa and Near East

Country	1935	1934	1933	1932
South Africa	200	200	195	180
Egypt	90	72	72	70
Algeria	60	60	95	..*
Tunisia	27	..	..	..*
Palestine	27	22	16	16
Iran	25	..	..	..
Syria	24	23	20	7
East Africa	12	13	13	4
West Africa	7	7	7	5
Iraq	6	6	6	4
Madagascar	2	2	2	2
Persia	..	6	6	6
Total	480	411	432	379

*Motion Picture Section's figures for 1932 listed North Africa with 85 installations. This is assumed to have embraced Algeria and Tunisia, listed separately in the survey for 1935.

More Detroit Spots Open

DETROIT, Jan. 27.—Three additional theatre reopenings have been announced here. Gus Coplan and Max Heine are reopening the Lafayette this week with a policy of second run double features. George W. Sampson, who formerly had the Dawn, now operated by William Schuttenhelm of the Globe, will turn the lights on at the Broadway-Capitol, 3,448-seat downtown second run house in the near future. Charles Collins of Onaway, Mich., will reopen the Family there about March 15. It is a 500-seat house.

"Zero" Helps Stage Play

BOSTON, Jan. 27.—"Ceiling Zero" proved to be such a draw on the screen of the Metropolitan that the stage version was held over a sixth week at the Copley where it had been scheduled to clear when the picture hit the Hub.

Mark MacIntyre, local newspaperman, has been appointed chief publicist at the latter house.

Hendee Talks at N. H.

NEW HAVEN, Jan. 27.—Harold Hendee, RKO research director, illustrated his talk on "Authenticating the Movies" here with a reel each from "The Informer," "Top Hat," "Cimarron," and "The Little Minister." Hendee came under the auspices of the New Haven Council of Theatre Patrons.

Sutherland to Para.

HOLLYWOOD, Jan. 27.—Paramount has signed Eddie Sutherland to a term contract. As his first assignment, Sutherland will direct "Poppy," the next W. C. Fields picture, scheduled to start Feb. 10. Sutherland worked for Paramount ten years before he directed "Diamond Jim" at Universal.

N. O. Film Council Elects

NEW ORLEANS, Jan. 27.—Mrs. J. M. White has been elected president of the Better Films Council. She succeeds Mrs. Luther D. Ott.

Others elected were: Mrs. F. I. Williams, first vice-president; Mrs. J. M. Farrell, second vice-president; Mrs. S. C. Newitt, third vice-president; Mrs. D. C. Earnest, fourth vice president; Sylvia Metcalf, recording secretary; Mrs. J. J. Ritayik, corresponding secretary; Mrs. Charles F. Landry, financial secretary; Mrs. Norman E. Kirth, treasurer; Mrs. C. J. Ton, parliamentarian, and Mrs. Adolph Baumgartner, chairman of the executive board. The new officers will be installed Feb. 1.

Patterson Now Co-Owner

MIDDLETOWN, O., Jan. 27. — Roy Patterson, manager of the Gordon, one of the houses taken over by Southio Theatres, Inc., last week, has resigned to become co-owner of the State and Family, subsequent runs. The houses heretofore have been owned by George Turklukis.

Dubinsky at Leavenworth

KANSAS CITY, Jan. 27.—Irwin Dubinsky, formerly in the central offices of Dubinsky Brothers, now is managing the circuit's two Leavenworth theatres.

H. A. Flinn Reelected

BEREA, O., Jan. 27.—Harry A. Flinn, operator of the Pastime, has been reelected to his third term as president of the Berea Business Ass'n.

Wood Guest at Dinner

CLEVELAND, Jan. 27.—A testimonial dinner by the I. T. O. for Pete Wood, secretary, is to be held at the Deshler-Wallack tomorrow night.

"Bride" Is Fair; Milwaukee Slumps

MILWAUKEE, Jan. 26.—"The Bride Comes Home" and "Last of the Pagans" grossed $4,800 at Fox's Palace for high honors during a sick week marked by the winter's heaviest snow storm and three days of sub-zero weather, in addition to a six-day bike race at the Auditorium.

The snow storm blew into town late Friday, burying week-end business and just when the town had shoveled itself out, the mercury fell to 23 below. As a result, business in every instance was below average.

Total first run business was $17,200. Average is $23,000.

Estimated takings:

Week Ending Jan. 22:

"DANGEROUS" (W.B.)
"THE INVISIBLE RAY" (Univ.)
WARNER — (2,400), 25c-40c, 6 days. **Gross:** $4,000. (Average, $5,000)

Week Ending Jan. 23:

"THE BRIDE COMES HOME" (Para.)
"LAST OF THE PAGANS" (M-G-M)
PALACE—(2,800), 25c-40c, 7 days. **Gross:** $4,800. (Average, $5,000)

"TOO TOUGH TO KILL" (Col.)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: Ken Harvey, Bud Harris & Bert Howell, Paul Harris, Three Queens, Peggy Gary Chorus, Lee Roth's orchestra. **Gross:** $4,100. (Average, $5,000)

"SHOW THEM NO MERCY" (20th-Fox)
"PADDY O'DAY" (20th-Fox)
WISCONSIN—(3,200), 25c-40c, 7 days. **Gross:** $4,300. (Average, $8,000)

Chesterfield on Third

HOLLYWOOD, Jan. 26.—Chesterfield has started "The Little Red School House," third picture on its current schedule. The cast includes Ann Doran, Lloyd Hughes, Dickie Moore, Frank Coghlan, Jr., Ralf Harolde and Richard Carle. Charles Lamont is directing under the supervision of Lon Young. The picture is being made at the Pathe studio.

Wall Street

Paramount, Universal Up on Board

	High	Low	Close	Net Change
Columbia, vtc	44½	44	44	— ¾
Columbia, pfd	51	50½	50⅝	+ ⅜
Consolidated	6⅛	6	6	.....
Consolidated, pfd.	19	18½	18½	— ⅜
Eastman Kodak	160¼	160¼	160¼	+ ¼
Eastman, pfd	159	158	158	—2
Loew's, Inc.	53⅝	52⅜	52⅜	— ⅝
Loew's, Inc., pfd.	106¾	106¾	106¾	s14
Paramount	10¾	10½	10½	.....
Paramount 1 pfd.	83¾	83	83¾	+1
Paramount 2 pfd.	12¼	12	12⅛	+ ⅛
Pathe Film	7¾	7½	7½	.....
RKO	7⅞	7½	7½	— ⅛
20th Century-Fox.	26	25½	25½	— ⅛
20th Century, pfd.	34	34	34	+ ¼
Universal, pfd	68	65	67	+2
Warner Bros.	11⅞	11½	11¾	+ ½

Small Gains on Curb

	High	Low	Close	Net Change
Sentry Safety	⅞	⅞	⅞	.....
Sonotone	2⅛	2	2⅛	— ⅛
Technicolor	23	22½	22⅝	+ ⅛
Trans-Lux	3⅞	3¾	3⅞	+ ⅛

General Theatre Bonds Off

	High	Low	Close	Net Change
General Theatre 6s '40	23⅞	23½	23½	— ½
General Theatre 6s '40, ctf.	24	23½	23½	— ½
Keith B. F. 6s '46	95	95	95	— ⅛
Loew's 6s '41 ww deb rights	103¼	103¼	103¼	.....
Paramount B'way 3s '55	57½	57½	57½	.....
Paramount Pict. 6s '55	94¾	94	94⅝	+ ⅜
Warner Bros. 6s '39 wd	92	91½	92	+ ⅝

(Quotations at close of Jan. 27)

Short Subjects

"Double or Nothing"
(*Vitaphone*)

Phil Harris resembles a current champion fighter and, being friendly, both play practical jokes on each other. Falling for Leah Ray, Harris is bamboozled into posing as the champ and goes to the training camp to bear out the impersonation. Miss Ray visits him and they do a couple of songs and windup at a party on the eve of the fight where he becomes aware that he has been kidnapped by gangsters. The real champ wins and, speaking over the radio, explains that it was another joke. Harris, of course, wins Miss Ray. This has its moments. There are some clever tunes which help put it over. Production Code Seal, No. 0682. Running time, 21 mins. "G."

"Beautiful Blue Danube"
(*J. H. Hoffberg*)

The Strauss waltz is played again to support a weak theme. The melodic twists of the music are not fully utilized. However, there are some interesting newsreel clips woven into the narrative which portrays Vienna and Austria in calm and strife. Happy peasants, cafe life and realistic revolutionary turmoil contrast with the peaceful stream which continues to flow like an "Ol' Man River." It is a routine offering, the overplayed theme has little that is novel to impress audiences. No production code seal. Running time 9 mins. "G"

"Vitaphone Troupers"
(*Vitaphone*)

Made up of four vaudeville acts this will entertainingly fill in a few minutes of any program. The Four Trojans do a snappy tumbling act; Aunt Jemima sings about "Clementine," Ross and Stone do their familiar turn and The Buccaneers vocalize effectively with "Got the Jitters." Production Code Seal, No. 0628. Running time, 10 mins. "G."

Ithaca to Study Screen

ITHACA, Jan. 27.—Ithaca College has introduced in its curriculum courses in screen writing, acting technique, microphone practice and film laboratory work. The courses are arranged for those who wish intensive training in these fields without taking a general four-year course. As the project progresses the production of shorts will be made part of the course.

Pick Robinson's Next

HOLLYWOOD, Jan. 27.—Edward G. Robinson will make "Ballots or Bullets" for Warners before sailing to fulfill a commitment in England. Humphrey Bogart and Barton MacLane will be heavies in the picture, and Robinson will appear on the side of the law. Production is scheduled to start in March.

Lugosi Out of Cast

HOLLYWOOD, Jan. 27.—Bela Lugosi has been withdrawn from the cast of "The House of a Thousand Candles" at Republic, because of illness. He will be replaced by Irving Pichel. The picture had been in production for five days, and all scenes in which Lugosi had appeared will be remade. Arthur Lubin is directing.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"It Had To Happen"
(*20th Century-Fox*)

HOLLYWOOD, Jan. 27.—Built on a popular, semi-topical theme, this is a comedy-drama with all the earmarks of an attractive feature. Premised on the idea of an immigrant's rise to wealth and political power, the picture vividly combines drama, romance, comedy, political intrigue and excitement. The action and dialogue are blended nicely with these elements. It is well acted by all, with George Raft and Rosalind Russell contributing swell performances.

With Leo Carrillo as a comedy partner, Raft, a city laborer is brought effectively to the attention of Miss Russell when he flags down a car carrying her political boss fiance, Alan Dinehart, and Mayor Paul Stanton. Patronized by Stanton as a result of this incident, Raft becomes a political power in the Italian section. A bank fails, and he forces Dinehart, who has married Miss Russell, to make good the losses to his countrymen. Raft's affection for Miss Russell is growing meanwhile.

She distrusts a political intrigue of Dinehart's by which he attempts to convict Raft as a bribe taker. Since this menaces Raft's romantic, political and business career, he appears before the investigating Grand Jury and convinces it that he has acted to protect the depositors and rout the political leeches. With this victory under his belt he has no difficulty in convincing Miss Russell that she should divorce Dinehart.

The story is based on "Canavan" of Rupert Hughes. Howard Ellis Smith and Kathryn Scola did the script, which, together with Roy Del Ruth's direction, adhere closely to the original theme as it concentrates on understandable and believable entertainment.

Reviewed without production code seal. Running time, 80 minutes. "G."

Looking 'Em Over

"Swifty"
(*Walter Futter*)

A routine western, this rates as average or less compared with others of its kind. It may do for the youngsters, played in the week-end action position, or as the second half of a dual bill, if the top half is strong. It tells the usual story, of the murder of a rancher, the framing of a stranger for the killing and the successful uncovering of the real murderer and the men behind him, with the aid of a friendly and clever sheriff.

Hoot Gibson plays the lead, as the suspected stranger, while June Gale, as the daughter of the murdered rancher, takes care of the romantic angle; George F. Hayes is the elderly, smart sheriff, and Ralph Lewis is the brains behind the murder of his stepfather, the motive being the victim's money. A second will, sought by Lewis after the murder, is the focal point about which the action moves, as he and his men try to take the will from Miss Gale.

The action often lacks reality and performances are only fair for the most part.

Production Code Seal No. 1,671. Running time, 60 minutes. "G."

"Between Men"
(*Supreme*)

This is a Johnny Mack Brown western, cut pretty much to the standard western story patter and without any distinguishing virtues of its own. It offers a nominal amount of gun fire, jaw and shin bruising, pony riding and a slim and self-conscious romance between the hero and the rancher's daughter, played by Beth Marion.

The story centers on Brown's search for his guardian's granddaughter, who has disappeared with her parents in the western badlands following a family estrangement. The search not only leads him to the girl but to his own father, who had disappeared as a fugitive from justice years before after murdering a man whom he believed had killed the son. William Farnum plays the part of the father. This one requires a second feature for support.

Production Code Seal No. 1,592. Running time, 60 minutes. "G."

Interesting

"The Seeing Eye" (Treasure Chest-Educational release) is a well-done and interesting 10-minute short sketching in highlight form the workings of the nationally known institution in Morristown, N. J., where dogs are trained to aid and lead the blind.

Alexander Woollcott, some months ago, devoted one of his "Town Crier" talks to the institution over the radio. Now comes the picture to depict in pictorial form for those who can see what is being done for those who cannot. Training of man and animal is shown and the very effective results accruing from both.

Production Code Seal, No. 0835. "G."

KANN

"Obsession" Again Louisville's High

LOUISVILLE, Jan. 27.—In its second week at the Strand "Magnificent Obsession" did the best business in town, grossing $5,500. Another holdover, "Dangerous," at the Mary Anderson did an unusually good business, $3,500, over par by $1,000.

Other first runs did not fare so well, "Exclusive Story" and "Dangerous Intrigue," a dual bill at Loew's State gathering around $4,000, or $500 below average. Across the street, the Rialto was unable to make the grade, the gross not going over $3,400, $100 under par.

"Fang and Claw," coupled with "First A Girl," boosted the take at the Brown to $2,800. The weekly average is $2,000. The National, only house in Louisville playing vaudeville, continues to get fair grosses, with the playing time for acts cut to four days a week.

Weather conditions were bad, with sub zero temperatures, the lowest in 18 years, visiting the city on Thursday, the 23rd.

Total first run business was $23,400. Average is $18,500.

Estimated takings:

Week Ending Jan. 22:

"DANGEROUS" (W. B.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days, 2nd week. **Gross:** $3,500. (Average, $2,500)

Week Ending Jan. 23:

"EXCLUSIVE STORY" (M-G-M)
"DANGEROUS INTRIGUE" (Col.)
LOEW'S STATE—(3,000). 15c-25c-40c, 7 days. **Gross:** $4,000. (Average, $4,500)

"CORONADO" (Para.)
"HER MASTER'S VOICE" (Para.)
RIALTO—(3,000), 15c-25c-40c, 7 days. **Gross:** $4,200. (Average, $3,500)

"MAGNIFICENT OBSESSION" (Univ.)
STRAND—(1,500), 15c-25c-40c, 7 days, 2nd week. **Gross:** $5,500. (Average, $2,500)

"RIP ROARING RILEY" (Puritan)
NATIONAL—(2,400), 15c-25c-40c, 7 days. Stage: "Stratosphere Revue," Al Aldridge Band, Euhl & Odessa, Gibson & Lee, Charlie Delmar, Four McNally Sisters, George Lovett, Georgia Templeton, Myra & Her Mystery Band. **Gross:** $3,200. (Average, $3,600)

Week Ending Jan. 25:

"FANG AND CLAW" (Radio)
"FIRST A GIRL" (G. B.)
BROWN—(1,400), 15c-25c-40c, 7 days. **Gross:** $2,800. (Average, $2,000)

"NEVADA" (Univ.)
"THREE KIDS AND A QUEEN" (Para.)
"SMILIN' THRU" (M-G-M)
"THE CLAIRVOYANT" (G. B.)
ALAMO—(900), 15c-25c, 7 days, split week. **Gross:** $1,000. (Average, $1,400)



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"Soldier" Big In Storms at Philadelphia

PHILADELPHIA, Jan. 27.—Old Man Winter stepped in this week to knock some potentially high grosses into a cocked hat. The worst snowstorm of the season hit the city Sunday and ruined Sunday business. Wednesday night brought another snow gale.

At that, some strong figures were registered. In its first Aldine week, "Strike Me Pink" knocked off a good $13,000. Nine days of "Professional Soldier" at the Fox rolled up $22,000 and would have hit much higher had it a good second Sunday, while "Magnificent Obsession" got $16,500 at the Boyd and stayed a second week. A surprise hit was the second run engagement of "Bride Comes Home" at the Arcadia, which was beating out "Mutiny on the Bounty" at this house until the weather overtook it. It got $4,800 for nine days.

Total first run business was $90,000. Average is $86,760.

Estimated takings for the week ending Jan. 23:

"STRIKE ME PINK" (U.A.)
ALDINE—(1,200), 40c-55c-65c, 7 days. **Gross:** $13,000. (Average, $8,160)

"BRIDE COMES HOME" (Para.) (2nd run)
ARCADIA—(600), 25c-40c-50c, 9 days. **Gross:** $4,800. (Average, 7 days, $2,800)

"MAGNIFICENT OBSESSION" (Univ.)
BOYD—(2,400), 40c-55c, 7 days. **Gross:** $16,500. (Average, $14,000)

"FRESHMAN LOVE" (W.B.)
EARLE—(2,000), 25c-40c-50c, 7 days. Stage: Lottie Mayer Underseas Ballet; Eddie White; Fifi Dorsay; Joe Phillips. **Gross:** $13,000. (Average, $14,000)

"PROFESSIONAL SOLDIER" (20th-Fox)
FOX—(3,000), 40c-55c-65c, 9 days. Stage: Ed Sullivan's "Dawn Patrol Revue." **Gross:** $22,000. (Average, 7 days, $14,000)

"MURDER OF DR. HARRIGAN" (F.N.)
KARLTON—(1,000), 25c-35c-40c, 7 days. **Gross:** $2,200. (Average, $4,000)

"CAPTAIN BLOOD" (F.N.) (2nd run)
KEITH'S—(2,000), 30c-40c-50c, 7 days, 2nd week. **Gross:** $2,300. (Average, $4,000)

"ROSE OF THE RANCHO" (Para.)
STANLEY—(3,700), 40c-55c, 7 days. **Gross:** $10,500. (Average, $14,000)

"LAST OF THE PAGANS" (M-G-M)
STANTON—(1,700), 30c-40c-50c, 7 days. **Gross:** $5,700. (Average, $7,000)

"Blood" Is Fair as Omaha Takes Slump

OMAHA, Jan. 27. — The coldest weather in years with heavy snow gave box-offices a bad jolt, with all houses going under par.

"Captain Blood" made the best showing, $4,500, which was under the Brandeis par by $500.

Total first run business was $15,300. Average is $17,800.

Estimated takings:

Week Ending Jan. 22:

"CAPTAIN BLOOD" (F.N.)
BRANDEIS—(1,200), 25c-35c-40c, 8 days. **Gross:** $4,500. (Average, $5,000)

"THE MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
"CHARLIE CHAN'S SECRET" (20th-Fox)
OMAHA — (2,200), 25c-40c, 6½ days. **Gross:** $3,800. (Average, $4,800)

Week Ending Jan. 23:

"AH WILDERNESS!" (M-G-M)
"MARY BURNS, FUGITIVE" (Para.)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $7,000. (Average, $8,000)

"Obsession" $5,500 Draw In St. Paul

MINNEAPOLIS, Jan. 27.—"Magnificent Obsession" was in the money in a big way in St. Paul where it garnered $5,500 at the Orpheum, passing par by $1,500. At the World here it took an average $3,000.

"Captain Blood" took a strong $6,500 at the Orpheum here, and "Riff Raff" was above par with $6,000 at the State. "Whipsaw" went $1,000 above on a take of $4,500 at the Riviera.

Total first run business in Minneapolis was $27,000. Average is $25,500. Total first run business in St. Paul was $18,500. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Jan. 22:

"MAGNIFICENT OBSESSION" (Univ.)
WORLD—(400), 25c-55c, 7 days. **Gross:** $3,000. (Average, $3,000)

Week Ending Jan. 23:

"THE MELODY LINGERS ON" (U.A.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Jan. 24:

"DANGEROUS" (W.B.)
MINNESOTA—(4,000), 25c-55c, 7 days. Stage: Ina Rae Hutton and orchestra. **Gross:** $10,000. (Average, $10,000)

"CAPTAIN BLOOD" (F.N.)
ORPHEUM—(2,900), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

"RIFF RAFF" (M-G-M)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,600. (Average, $5,500)

St. Paul:

Week Ending Jan. 24:

"THE LITTLEST REBEL" (20th-Fox)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"WHIPSAW" (M-G-M)
RIVIERA — (1,200), 25c-40c, 7 days. **Gross:** $4,500. (Average, $3,500)

"MAGNIFICENT OBSESSION" (Univ.)
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $5,500. (Average, $4,000)

"MILLIONS IN THE AIR" (Para.)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"TRANSATLANTIC TUNNEL" (G.B.)
WORLD—(400), 25c-35c, 7 days. **Gross:** $1,500. (Average, $1,500)

Charge on Passes to Pay Insurance Fund

SEATTLE, Jan. 27.—A five-cent "service charge" is being added on to all passes by Hamrick-Evergreen here. The money thus collected is diverted into a fund which will be used to offset the two per cent state unemployment insurance charge assessed against all employers of labor.

The five-cent charge is in addition to the two-cent state tax on amusement admissions. Even employes of individual Hamrick-Evergreen theatres are taxed the five cents when they attend another house of the same circuit.

FWC Houses in Contest

LOS ANGELES, Jan. 27.—All 10 districts will participate in the F.W.C. "Southern Handicap" from Feb. 9-15. House managers will compete for special prizes, and the event will be followed by a similar "Northern Handicap" in March.

Viceroy a Fan

Ottawa, Jan. 27.—After attending a performance of his own filmized story "The 39 Steps" at the Rideau, His Excellency, the Governor-General has become a picture fan —to the extent that a portable sound projection set has been installed in Rideau Hall, the official residence. This will permit Lord Tweedsmuir, known in private life as John Buchan, author, to enjoy pictures at home as well as at the local theatres.

"Obsession," $8,150 Leads in Seattle

SEATTLE, Jan. 27.—Gross honors went to "Magnificent Obsession" in a big way last week, the take at the Fifth Avenue soaring to $8,150, over normal by $1,150. It was moved to the Music Box for an extended run.

"Ah, Wilderness," heading a dual bill with "Navy Wife," went into the profit column to the extent of $350 on a gross of $6,350. "East of Java" and "A Perfect Gentleman" also managed to get slightly over the line at $5,100 in the Paramount.

Total first run business was $34,950. Average is $33,500.

Estimated takings for the week ending Jan. 24:

"KING OF BURLESQUE" (20th-Fox)
"SEVEN KEYS TO BALDPATE" (Radio)
BLUE MOUSE—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Orpheum. **Gross:** $4,300. (Average, $4,000)

"MAGNIFICENT OBSESSION" (Univ.)
"PADDY O'DAY" (20th-Fox)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $8,150. (Average, $7,000)

"WHISPERING SMITH SPEAKS" (20th-Fox)
"DANGEROUS INTRIGUE" (Col.)
LIBERTY — (1,800), 10c-15c-25c-35c, 7 days. **Gross:** $3,850. (Average, $4,000)

"A TALE OF TWO CITIES" (M-G-M)
"CORONADO" (Para.)
MUSIC BOX—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Fifth Ave. **Gross:** $3,900. (Average, $4,000)

"AH WILDERNESS" (M-G-M)
"NAVY WIFE" (20th-Fox)
ORPHEUM—(2,450), 25c-30c-40c, 7 days. **Gross:** $6,350. (Average, $6,000)

"EAST OF JAVA" (Univ.)
"PERFECT GENTLEMAN" (M-G-M)
PARAMOUNT — (3,050), 20c-25c-30c, 7 days. **Gross:** $5,100. (Average, $5,000)

"MAN OF IRON" (F.N.)
REX—(1,500), 15c-25c, 7 days. Stage: "Rancho Grande Revue." **Gross:** $3,300. (Average, $3,500)

Mississippi Spot Burns

PASS CHRISTIAN, Miss., Jan. 27.—Scores of children and adults safely left the theatre last night when the projection room booth of the Cozy here burst into flames. An explosion followed which was not under control until $35,000 worth of damage had been done. The audience was hardly out of the house when the place was completely enveloped in flames. The theatre, operated by A. Konet, was uninsured.

Veiller on "Winterset"

HOLLYWOOD, Jan. 27.—Radio has assigned Anthony Veiller to write the screen version of "Winterset." Burgess Meredith, who is playing the leading role in New York, will head the cast. Pandro S. Berman will produce.

"Ceiling" and Show $35,000 Boston Smash

BOSTON, Jan. 27.—"Ceiling Zero," helped by a stage show headed by Burns and Allen, overcame the effects of the season's worst weather in a big way at the Metropolitan by running the take up to $35,000. This left normal $13,000 behind.

"Hitch Hike Lady," with Earl Carroll's "Sketch Book" on the stage, hit $21,500 at the RKO Boston, over par by $6,500. "Riff Raff" and "The Lone Wolf Returns," dualled at Loew's Orpheum and Loew's State, took $15,000 at the former and $14,000 at the latter. Both grosses were well above par.

Total first run business was $109,500. Average is $85,500.

Estimated takings for the week ending Jan. 24:

"THE BRIDE COMES HOME" (Para.) (2nd Run)
"MISS PACIFIC FLEET" (W.B.)
FENWAY — (1,382), 30c-50c, 7 days. **Gross:** $5,500. (Average, $4,500)

"MAGNIFICENT OBSESSION" (Univ.)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days, 2nd week. **Gross:** $10,500. (Average, $12,000)

"RIFF RAFF" (M-G-M)
"THE LONE WOLF RETURNS" (Col.)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $15,000. (Average, $13,000)

"RIFF RAFF" (M-G-M)
"THE LONE WOLF RETURNS" (Col.)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $14,000. (Average, $12,000)

"CEILING ZERO" (F.N.)
METROPOLITAN — (4,332), 35c-65c, 7 days. Stage: Burns and Allen, Ben Blue, Cardini, Jacques Renard, Stone Vernon Foursome, Gene Marvey and Fabien Sevitzky. **Gross:** $35,000. (Average, $22,000)

"THE BRIDE COMES HOME" (Para.) (2nd Run)
"MISS PACIFIC FLEET" (W.B.)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $8,000. (Average, $7,000)

"HITCHHIKE LADY" (Republic)
RKO BOSTON—(3,246), 35c-65c, 7 days. Stage: Earl Carroll's Sketch Book with Ken Murray, Edward Rosenwald and his Grand Orchestra. **Gross:** $21,500. (Average, $15,000)

Bell to Buy Plant Equipment in U. S.

LONDON, Jan. 27.—Major Charles H. Bell, director of Soskin Prod. Ltd., and former Paramount executive here, will leave about Feb. 12 to buy studio equipment for the new Amalgamated Studio at Elstree, of which he is one of the principals. He also will study the television situation in the United States, representing the C.E.A.

Soskin plans 12 features a year at the new studio. The plant is expected to be ready for production next August. Bell will spend 10 days in New York and three weeks in Hollywood.

Complete Canton Film

CANTON, O., Jan. 27.—Local talent has completed the first film to be made here. It was made under the direction of Larry Thompson, manager of Loew's, and will be shown there. Its title is "It Happened in Canton."

Seek Funds for Films

CINCINNATI, Jan. 27.—The American Legion is soliciting funds to defray the cost of building a new clubhouse here, which is to contain a large auditorium in which films will be shown sporadically.

The Leading Daily Newspaper of the Motion Picture Industry

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Alert, Intelligent and Faithful Service to the Industry in All Branches

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St. Louis Case Blows Up; Hardy Requests Dismissal

Assert Phila. Duals Ruling Hits Control

MPTOA Sees New Blow To Self-Regulation

A new obstacle to local self-regulation on trade practices is viewed by the M. P. T. O. A. as having been raised by the recent decision of the U. S. Circuit Court of Appeals at Philadelphia holding the exhibition contract clauses restricting double featuring to be illegal. In the national exhibitor organization's latest bulletin, released yesterday, the decision is characterized as "another legalistic obstacle in the way of constructive plans for self-regulation and self-discipline."

Pointing out that M. P. T. O. A. favors double featuring for any locality where a majority of the exhibitors indorse the policy, the organization's bulletin asserts that if a majority of exhibitors oppose the practice they should be permitted to ban it by majority vote.

"We do not favor the unrestrained and arbitrary control of double featuring by the producers," the bulletin states. "But the Philadelphia decision

(*Continued on page* 11)

MPTOA's Board to Pick Meeting Date

With the arrival here of Ed Kuykendall on Monday, plans will be mapped for the annual meeting of the officers and directors of the M.P.T.-O.A. in late February or early March, probably in Miami.

There will be no convention this year, but one will be held in 1937 in San Francisco, according to current plans.

Fawncy!

Hollywood, Jan. 28.—Believing that exhibitors and picture patrons in England resent the American accent in films, Ashton Dearholt, vice-president in charge of production for Burroughs-Tarzan Pictures, will record a separate sound track for films which his company will release in Great Britain. Actors will not be asked to simulate British pronunciation, but will accent syllables in a manner familiar to British ears.

Mexico's Film Industry Had Biggest Year

By JAMES LOCKHART

Mexico City, Jan. 28.—During the year just passed, Mexico enjoyed the biggest theatre building and opening boom in the 30-year history of the industry here. Ten new houses, four of them first class theatres, were opened and work was started on five others. Films developed a new popularity. The Federal District, including this city, had 63 theatres in operation at the end of the year.

Exhibitors had a more prosperous year than in a long time, at least up to Sept. 27, when the strike of employes of the eight major American distributors here cut off practically the entire supply of better American product. With the settlement of the strike it is expected that the better product from across the bor-

(*Continued on page* 11)

Mexico Is Drafting Cut in Import Duty

Mexico City, Jan. 28.—The Federal Government is drafting a modification of the film import duty regulations, which, it is understood, will be highly favorable to American companies. It is learned the Finance Ministry's action is in connection with the emergency measure adopted during the recent strike, cutting the import duty to $9.72 per kilogram, which expires Jan. 31. It is understood modification of duties is to be effective next week.

Disney Talking New United Artists Deal

United Artists' negotiations for a new distributing deal on Walt Disney productions are proceeding directly with Disney, it was stated officially by the company yesterday. The present distribution agreement with Disney expires in about a month.

Disney's attorney, Gunther Lessing, who is now en route to the coast, did not discuss the new distribution deal with home office executives during his visit, it was stated at U. A.

May Be Precedent

St. Louis, Jan. 28.—This town's legal lights say Federal Judge Joseph W. Molyneaux probably set a precedent when he stopped the big film trial because of a toothache, because a 73-year-old judge with a tooth to ache is rare.

New Pickford-Lasky Finances About Set

Hollywood, Jan. 28.—Final details of the plan for $2,000,000 of additional financing for the Pickford-Lasky Co. will be completed by the end of this week, it was stated today.

The principals in the deal are Guy Carey, the Pickford representative on United Artists board of directors, and Robert W. Goelet, New York real estate man and a director of the Union Pacific Railroad. It is understood that several other California and New York financiers are also interested. The belief here is that Carey will be made a member of the Pickford-Lasky board as well as legal advisor to the company. Goelet is en route for San Francisco tonight and will leave for Manhattan in a couple of days. Carey will remain here to conclude the negotiations.

The company announced that the new financing in no way alters the plans adopted at the time of its formation.

Canadian Theatres Dark to Honor King

Toronto, Jan. 28.—With the proclaiming of a Day of Mourning today, across the Dominion for the burial of King George V., practically all theatres closed for matinee performances. The closing was first announced by Famous Players Canadian Corp., and other proprietors took similar action. It was the first time on record that film theatres had ceased operation to mark a national occasion, although theatres in various centres of the Province of Quebec have followed the custom of remaining closed on Good Friday each year for religious reasons.

In a considerable number of smaller cities and towns, local memorial services were conducted in theatres through the cooperation of exhibitors with civil and military authorities,

(*Continued on page* 4)

Intimates He May Renew Case Later — Court To Act Today

St. Louis, Jan. 28.—The Government's long drawn out litigation against major distributors blew up today.

Russell Hardy, special assistant attorney general, exploded the legal bombshell at the morning session by requesting the court to dismiss the case without prejudice, so that, if he decides to do so, he can file a new suit joining a number of individual officers of Warners, Paramount and RKO as co-defendants.

Judge Joseph W. Molyneaux indicated he might grant the motion, but gave defense counsel until 2 o'clock tomorrow to present their opposition.

In asking the dismissal Hardy said: "After serious and mature consideration of the rulings of the court yesterday I wish to state with the greatest deference and respect to the court that we feel an adequate and complete exposition of the facts in this matter requires that many individual actors

(*Continued on page* 4)

Livingston Opposes Lincoln, Neb., Suit

Lincoln, Neb. Jan. 28.—A separate denial that the cause for action is sufficient has been filed in Federal Court by R. R. Livingston in the State Theatres $444,000 suit against himself, the Lincoln Theatre Corp., J. H. Cooper, Fox, M-G-M, Universal, United Artists, Paramount, RKO and Vitagraph.

Livingston is also defendant with the same companies in a suit for $1,353,000 filed by Independent Theatres. Both actions charge collusion and conspiracy to force the plaintiffs out of business.

Season's Supply

Montreal, Jan. 28.—Deep snow between this city and Clark City, a pulp and paper company town, can't affect the film supply there even though travel will be blocked for four months.

Before cold weather set in 40 features and 80 shorts were shipped in by Royal Films, Ltd.

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March of Time Has Its First Birthday

On Feb. 1 the March of Time celebrates its first anniversary, the first issue having opened at the Capitol on Broadway on February 1, 1935. During the year, the March of Time editors declare, the theatres showing the reel have increased from the original 400 to 4,500, with worldwide distribution now through RKO. The editors are Roy E. Larsen, John S. Martin and Louis de Rochemont.

In all, 10 issues have been released. Special foreign editions are now prepared in French and Spanish and an English edition is made up for countries of the British Empire.

Para. Board Meets

The monthly meeting of the Paramount board, postponed from last Thursday, was held yesterday. Only routine business was transacted, according to Adolph Zukor, chairman of the board. The meeting was held without John E. Otterson, president, in attendance. Otterson, now in Hollywood on a visit to the company's studios, is not expected back for another 10 days or two weeks.

Gilbert Left $363,494

LOS ANGELES, Jan. 28.—John Gilbert's estate is estimated at $363,494 in cash, stocks, bonds and negotiable securities. His will was admitted to probate yesterday and Charles A. Greene, Gilbert's business manager, was designated as executor of the estate.

Insiders' Outlook

By RED KANN

BACKED by little or no fanfare and dismissed airily as a return to normalcy in expansion and progress, the major circuits, almost to a man, are beginning to step out. Theatres are being annexed. Where not acquired, plans are cooking for brand new ones. As a case in point, and only that, there is Wisconsin Amusement Enterprises, arm of National Theatres and so of Twentieth Century-Fox. Harold J. Fitzgerald, the boss in that area, discounts any special objective, although reports had it hovering around one hundred houses. He says whatever growth may come will be governed by appraisals of likely situations and the breaks as they develop. . . .

▼

What he says represents the general comment. Yet, from the grist of the news as it showers upon New York from various quarters of the nation, the conclusion turns more decisive that the move to make major circuits more major is gaining impetus. Conditions are better and about it the chorus of agreement is more and more rising in pronounced crescendo. If the major circuits held on by whatever grit and sacrifice necessary during depression and bankruptcy times, obviously the to-be-expected policy now is to expand. We are reminded and thus remind you, in turn, of comment in this very space several years ago. . . .

▼

You may recall that it was our observation, based on considerable and careful probing of the then directional signs, that the structures built by the bigger companies would undergo no drastic change; that those producers and distributors who had completed the triangle with far-flung theatre holdings would go very far indeed along the road to complete oblivion before they conceded any withdrawal from the exhibition business. True and essential was the necessity for pulling in horns, for retrenching, for rewritten deals with bondholders and landlords, for the elimination of bad leases made in the exciting days when money was plentiful. But early in the bankruptcy era did it become evident that producers who were also exhibitors would continue to be both. . . .

▼ ▼

It is merely the fact to observe that this, exactly, has taken place. Now come bolstered spirits, abetted by better box-offices and sturdier financial statements, to do and dare along lines already well marked. With no desire to turn sage, this forum, nevertheless, believes there is substantial merit in dangling a warning finger against too great an enthusiasm and too much overextension. The lessons which, it is to be hoped, were learned from '29, '30 and thereafter were expensively acquired. Or is it necessary to explain in more detail? . . .

▼ ▼

The deal which takes Reliance from United Artists to RKO, thereby presumably opening the doors at Radio to outside producers, may not be that at all. Currently, assurance is readily available that there are no similar schemes hatching, although it does not follow other producers will not be added to the ranks. As a matter of fact, others are expected to join up, not as self-contained units but as RKO units swelling an already sizable film-making fraternity. The plan for Reliance, as a matter of reasonable conjecture, fits into this general scheme. For the present, Harry M. Goetz and Eddie Small will maintain their trademark identity. Later and gradually, Reliance, the guess is, will blend with the Radio studio. . . .

▼ ▼

The major, meaning Albert Warner, has a neat method of conducting business. He gets a number of calls for this and that. If it's theatres, the caller is shunted to Joe Bernhard. If it's distribution, the petitioner goes to Andy Smith where the east is concerned and to Grad Sears when the problem concerns the west. That leaves Warner in the clear and makes it possible to forsake icebound New York for sunny Miami which is exactly what happened yesterday. . . .

▼ ▼

Nate Spingold is back from the coast. Reported in and out of Columbia, the word now is that he may stay. After all that has been said and written. . . .

Harry Dahn Resigns

MONTREAL, Jan. 28.—Harry Dahn has resigned as manager of the Capitol, Famous Players Canadian house, and has been succeeded by Harold Bishop, formerly at Winnipeg and Calgary.

Claim Fire Incendiary

PORTLAND, Me., Jan. 28.—As a result of an inquiry into the $35,000 fire which destroyed the Strand Theatre block, Fire Chief Sanborn and Police Sergeant Maguire insist it was incendiary.

Dramatists' Guild Pact Comes Up Soon

The contract committee of the Dramatists' Guild will meet early in February with representatives of the League of N. Y. Theatres on proposed changes to be made in the present minimum basic agreement with the managers which expires March 1.

The proposed changes will cover revisions in the procedure on bidding for film rights to plays and are expected to embrace changes in the participation of dramatists and managers in sums received for the picture rights. Under the present agreement the usual participation is 50 per cent to the dramatist and 50 per cent to the manager. Changes in the basic agreement are being sought by the dramatists as a result of the entry of film companies into play production. This development, the dramatists believe, tends to restrict competitive bidding for picture rights and consequently curtails the dramatist's income.

Columbia to Engage In Play Production

Columbia plans to produce plays on Broadway, and has named Richard Aldrich, of Richard Aldrich and Alfred de Liagre, Jr., producers, as play editor and producer. He will serve under William C. Lengel, former associate editor of *Liberty Magazine,* who was appointed eastern story editor this week. Aldrich will join Columbia following the opening of a new play, "Fresh Fields," scheduled for Feb. 10 at the Empire.

Aldrich will present several plays for Columbia this season, and produce at least one during the spring. His partnership with de Liagre is being terminated. Aldrich served for a time as manager of the Laboratory Theatre for Richard Boleslavsky.

Major Film Prod. Securities Listed

WASHINGTON, Jan. 28.—Statements for registration of securities by Major Film Prod., Inc., of Wilmington, Del., have been filed with the Securities and Exchange Commission, it was made known here today. The company is offering 16,000 shares of preferred 6 per cent non-cumulative stock of $5 par value and 4,000 shares of common stock of $5 par value in units of four shares of preferred and one of common at $25 per unit.

The statement lists Fred Church, Hollywood, as president of the corporation. The offering is to be made through C. Wayne Could & Co., Los Angeles.

Delay Receiver Plea

BELLEVILLE, Ill., Jan. 28.—State's Attorney Zerweck has asked the St. Clair County Circuit Court for indefinite continuance of his request for appointment of receivers for the Belleville Amusement Co. and the Belleville Theatre Co. The companies have agreed to pay back taxes in instalments, he told the court.

Ampa Meet at Astor

So that the Ampa boys and their guests can get back to work before quitting time this week's meeting will be held at the Astor on the mezzanine floor where the Orangeria used to be.

"ROSE MARIE I LOVE YOU!"



—that's what your patrons will be singing and your box-office will be SHOUTING!



BOX-OFFICE SWEETHEARTS! JEANETTE MacDONALD and NELSON EDDY!

There were cheers in the M-G-M Home Office Projection Room at the conclusion of the "Rose Marie" screening this week. We knew from Coast reviews and word-of-mouth that another great M-G-M hit was on the way. We sincerely believe it is even greater than "Naughty Marietta," the triumph that introduced MacDonald-Eddy, the screen's greatest singing sweethearts. And now as "Rose Marie" leaps into the box-office headlines we lift our hats to its stars, its director, W. S. Van Dyke, and its producer, Hunt Stromberg. Together they made "Naughty Marietta." And *now* they have repeated! And the M-G-M torrent of hits rolls merrily on!

Government's Counsel Asks For Dismissal

(*Continued from page* 1)

in the conspiracy must be made defendants in the case.

"Therefore, I move the court to dismiss this case without prejudice, so that a new suit may be filed joining these individual actors as defendants."

In a series of rulings yesterday Judge Molyneaux eliminated a number of statements attributed to various officers of defendant companies and virtually reduced the conspiracy evidence to the correspondence that had passed in connection with commitments of Warners, of Paramount and of RKO pictures.

Judge Molyneaux is expected to grant the Government's request for a dismissal after court reconvenes tomorrow morning.

Just before adjournment at 2:20 P.M. today, Judge Molyneaux said from the bench: "I am of the opinion that they will have the absolute right to dismiss, but, of course, I will hear you."

Judge Asks Brevity

The court then ordered counsel for both sides to present their arguments tomorrow morning and to make them as brief as possible "because if I do grant the request for dismissal I want to catch the 2 o'clock train back home."

When the court sessions were resumed at 2 o'clock this afternoon Frederick H. Wood of Warner counsel addressed the court as follows: "Your honor, while I have not had the opportunity for conference with other defense attorneys, it would seem from the studies of various authorities that I have made, and which others of my associates have made, that there is no absolute right of dismissal with or without prejudice—and that whether such right shall be granted rests entirely within the discretion of the court."

Wood Requests Recess

At this point Wood requested a recess until 10 o'clock tomorrow morning, so that the defense may prepare affidavits to establish the hardships and injustices that may be imposed upon the defendants if the case is dismissed without prejudice.

Defense counsel indicated they had no objection to taking the case out of court, provided that the Government is not permitted to bring new proceedings based upon the same facts and circumstances.

Hardy indicated the Government may institute a new suit against the same defendants. He said that if the present case is refiled under an amended petition it will be brought in this Federal court district, as the venue lies here, since the affected properties are located in St. Louis.

Anticipating that Harry C. Arthur probably was the last Government witness, and that his cross-examination would end today, defense attorneys had wired for numerous out-of-town witnesses, and some were en route here when Hardy filed his surprise motion.

In his argument supporting his motion this morning Hardy admitted none of the cases he cited probably had proceeded as far as this one, but he added he did not believe that could alter the fundamental universal rule that the plaintiff retains the right to dismiss without prejudice, except under extraordinary circumstances, until the very time the court passes on a suit.

He contended that in the absence of many of the important actors in the alleged conspiracy, he felt the Government will not be able, largely for technical reasons, to obtain the relief to which it is entitled "from this oppressive gigantic combination," if it had to proceed with the present case, and that it will deprive the public of its trade free of restraint. He insisted the defense would lose none of its rights if the Government is permitted to withdraw the present suit and bring a new one.

Judge Molyneaux is said to have ruled in another case under somewhat similar circumstances that the dismissal request be granted, and was upheld by the higher courts.

Rubin with Schenck

HOLLYWOOD, Jan. 28.—J. Robert Rubin accompanied Nicholas M. Schenck west. The party, including Leopold Friedman and Howard Dietz, arrived this afternoon from New York.

Out Hollywood Way

HOLLYWOOD, Jan. 28.—MERIAN C. COOPER, now at St. Moritz, will visit Venice to see a play with a view to buying it for Pioneer, according to a cable received here . . . HUGH WALPOLE to stay here until April . . . JEAN CHATBURN gets new M-G-M contract.

LLOYD CORRIGAN'S car stolen from in front of his home . . . Pioneer insures with Lloyd's against delays on "Dancing Pirate" . . . ERROL FLYNN recovering from appendicitis operation at Cedars of Lebanon Hospital . . . FRANCIS LEDERER and JOSEPH CAWTHORNE both laid up by colds, but Pickford-Lasky unit on "One Rainy Afternoon" is shooting around them.

SAM DIEGE named production manager for George Hirliman Enterprises.

✚

RUSSELL BIRDWELL, publicity chief for DAVID O. SELZNICK, insists upon doing the proper thing. . . . At Christmas time he was in a hospital, so he is now sending out his Christmas cards. . . . JOHN HAY WHITNEY is expected to hurry back from New York by plane in a few days.

✚

MARY ELLIS takes house at Santa Monica.

✚

Casting—WARREN HYMER, BETTY COMPSON and RAYMOND HATTON signed for Republic's "Laughing Irish Eyes" . . . RAY MAYER borrowed from Radio by Warners for "I Married a Doctor" . . . JEAN MUIR gets lead in Warners' "Schoolhouse in the Foothills."

LOIS JANUARY and ALEX SCHONBERG added to cast of "One Rainy Afternoon," Pickford-Lasky . . . PAUL LUKAS in MARLENE DIETRICH'S "I Loved a Soldier," Paramount . . . SHERMAN ANDERS, dancer, cast in Pioneer's "Dancing Pirate" . . MARGARET CALLAHAN gets lead opposite RICHARD DIX in "Fugitive Gold" . . . TONY MARTIN, radio singer, cast in "The Farmer in the Dell."

HARVEY CLARK and BILLY GILBERT, formerly with HAL ROACH, cast in "One Rainy Afternoon," Pickford-Lasky. . . . JULIAN RIVERO, FRANK MILLS, MARJORIE MOORE, ALFREDO PEDROZA and ALMA REAL, singer, signed for "Dancing Pirate," Pioneer. . . . AGNES AYRES to have role in M-G-M's "Small Town Girl." . . . IRENE WARE signed for "O'Malley of the Mounted," SOL LESSER.

TOM BROWN, JOHN HOWARD and FRANCES FARMER added to "Border Flight"; KEN TAYLOR and JACK OAKIE set for "Florida Special," and BILLY O'BRIEN added to "Too Many Parents," all at Paramount. . . . LESLIE FENTON, SHEILA TERRY and CHRISTIAN RUB cast in "The Puzzle of the Briar Pipe," Radio. . . . PAUL ELLIS in "The House of a Thousand Candles," Republic.

✚

Writers—JOHN BRIGHT and ROBERT TASKER doing screenplay for the JAMES E. GRANT story, "Buster," Paramount . . . ERNEST VAJDA signed by Radio to adapt NETTA SYRETT'S "Portrait of a Rebel," to be produced by PANDRO S. BERMAN.

✚

Director—GEORGE NICHOLLS, JR., to direct ANN HARDING'S next for Radio, "The Witness Chair."

EDWIN L. MARIN gets new M-G-M contract following "The Garden Murder Case." . . . Next assignment "Speed."

✚

Contract—JOHN ARLEDGE, who has just finished in Radio's "Thorobreds All," gets new contract . . . PAUL BARRETT, stage actor, given term pact by Paramount . . . May be assigned to "Thirteen Hours by Air."

EDNA MAE DURBIN, child singer, given term contract by M-G-M.

Canadian Theatres Dark to Honor King

(*Continued from page* 1)

the requiem programs being conducted on a non-denominational basis with clergymen and local officials participating. Such programs were regulated by orders from the Dominion Government which prohibited certain types of music and customary ceremonials until after the actual burial of the monarch.

Induct Empire Officers

Officers of Empire State M. P. Operators' Union were inducted Monday night at 136 Lawrence St., Brooklyn. They are: President, C. (Happy) Ricca; vice-president, Max Amreich; recording secretary, Alec Rosenson; financial secretary, A. Sierveld; business agent, Jack Millet; sergeant-at-arms, Walter Underhill; executive board, Louis Davis, I. Ricca, Mike Finkelstein, Harry Cohen, I. Silver, Joe Gilhooly, Phil Katz, Charles Polowsky and Joseph Gaisner.

"Yellow Dust" Is Title

HOLLYWOOD, Jan. 28.—The final title of the new Richard Dix picture for Radio is "Yellow Dust." It was orginally known as "Mother Lode."

Purely Personal

NATE SPINGOLD, JACK COHN, COLVIN W. BROWN, FRANK WALKER, ED FAY, E. C. GRAINGER, HARRY H. THOMAS, AL FRIEDLANDER, CHARLES MOSES, E. H. GOLDSTEIN, HERMAN GLUCKMAN, BOR and LEONARD GOLDSTEIN, EDWARD GOLDEN, EDWARD SCHNITZER, HARRY SHIFFMAN, "DOC" BROWN, GEORGE GERHARD, ARTHUR LEE, A. J. VAN BEUREN, DON HANCOCK, ARTHUR SCHWARTZ and JACK GOETZ, at the Tavern yesterday where SCHWARTZ was given an impromptu birthday party and GOLDEN started to tell a story during which his fellow lunchers did a disappearing act.

●

The HERMAN ROBBINS, JACK COHNS, SAM DEMBOWS and EDDIE ALPERSONS dropped into the New Montmartre Monday evening to hear "BEE" LILLIE sing and were mightily amused by the various nonsensicals which held forth.

●

E. L. ALPERSON will attend the meeting of the heads of National Theatres in Los Angeles beginning Feb. 17. SPYROS SKOURAS will have returned from his Honolulu vacation by that time.

●

RAY MILLAND, Paramount player now appearing in "Next Time We Love" for Universal, will sail today on the *Manhattan* for England to visit his mother.

●

MAX COHEN and ARTHUR SEIGEL yesterday closed the New Yorker, formerly the Warner, which has been operating on a dual feature policy.

●

BORIS KARLOFF will leave Hollywood tomorrow en route to London via New York. He has just signed a new contract with Universal.

●

MORT SPRING will return within the next few days from a Miami vacation.

●

ED KUYKENDALL, president of the M.P.T.O.A., is due from Columbus, Miss., Monday.

●

ALBERT WARNER left yesterday for Miami where a recently acquired home awaits his occupancy.

●

IRWIN ZELTNER put over a swell campaign on Burns and Allen at the State this week.

●

FRANK BUCK will be the guest of CLEM CLEMENS on the Melody Master radio program Sunday night.

●

EDWARD H. GRIFFITH, director of "Next Time We Love," will come east next week.

●

MAX COHEN, the theatre man, will leave Feb. 14 for Honolulu.

●

HARRY SHIFFMAN is planning to take a cruise next month.

●

J. J. UNGER left yesterday on a tour of his exchanges.

●

JOE SEIDER plans to get away on his annual vacation next month.

●

JAMES R. GRAINGER is scheduled to arrive Friday from the coast by train.

CARTOONIST TELLS ALL!

The secret's out!

LOWELL THOMAS gives famous screen cartoonist the third degree!

Unmasking the tricks and sounds that have mystified and amazed audiences for years!

Millions have asked "How?" What makes screen cartoons move, talk, run, jump? How many people does it take? Where is the orchestra? Who are the impersonators, singers? How are all those seemingly impossible effects obtained?

Now you can show them the whole works behind the scenes!

UNIVERSAL again scores a scoop on the industry!

SO 'PHONE, WIRE OR WRITE YOUR UNIVERSAL EXCHANGE AND ASK FOR

GOING PLACES No. 18

THE WHOLE COUNTRY HAS GONE TAP DANCE CRAZY

IT'S GAY! IT'S FAST! IT'S FURIOUS!

"A SWELL MUSICAL"
Editorial in HOLLYWOOD REPORTER

REPUBLIC PICTURES
presents

DANCIN

with

EDDIE NUGENT
BEN LYON
JOAN MARSH
ISABEL JEWELL

ADAPTED FROM THE NOVEL
by ROB EDEN
Directed by JOSEPH SANTLEY
Supervised by COLBERT CLARK
Story by DAVE SILVERSTEIN
Screen play by JERRY CHODOROV
OLIVE COOPER • WELLYN TOTMAN

THIS IS THE REPUBLIC PICTUR



U'VE BEEN WAITING FOR

Fox Midwest Spots Will Suspend Gifts

KANSAS CITY, Jan. 28.—The Kansas City district of Fox Midwest has stopped advertising gift stamps, and in April will discontinue giving them with tickets. The houses will put them back in the box-office, however, again in the fall. The idea is, not to wear out their effectiveness as an attendance stimulator.

A variety of gifts has been offered. The stamps were introduced about 18 months ago, and the gifts have been displayed in foyers. On Jan. 1, the circuit discontinued gifts, but made all stamps redeemable in theatre tickets.

Script book tickets at 10 per cent off admission price still are being effered, but are not being heavily promoted in this district. Their use is circuit-wide. Use of stamps is confined to the Kansas City district.

Milwaukee Giveaways by Fox

MILWAUKEE, Jan. 28.—Impetus has been given to giveaways at neighborhood houses here by introduction of grocery nights and Hollywood at practically all Fox neighborhood houses in the city. Almost all of the Fox neighborhood houses are now using some type of giveaway several times a week.

In addition, there are a score of independent houses also featuring giveaways in the form of giftware and glassware nights or charging 10-cent admissions one or two nights a week. No efforts to clamp down on this type of promotion have been made by the local police following a district court verdict in December acquitting Norman Haacke, manager of the Grace, charged with the holding of a "manufacturers' ad show" at the house.

Missouri Expects Court Test

ST. LOUIS, Jan. 28.—Banning of Bank Night by Franklin Miller, circuit attorney, is expected to lead to a test case which will be carried to the Missouri Supreme Court. Promoters of the system say they are anxious for the test, because of their recent victory in the Iowa Supreme Court.

Fred Wehrenberg has discontinued the giveaway at the Cinderella, Melba, Michigan and Virginia, but other houses still using it were visited by the police Saturday night. No arrests were made, however.

Delay Bank Night Case

LOS ANGELES, Jan. 28.—The case of Bank Night vs Buck Nite, which was scheduled to come up before Judge Leon R. Yankwitch in Federal Court here today, has been postponed for one week at the request of Bank Night attorneys. Fay Barnes, president of Buck Nite, is here with his attorneys, G. B. Ross and Judge Bledso, to fight the case.

Commonwealth Expands

KANSAS CITY, Jan. 28.—Commonwealth Amusement Corp. has taken over the Gillioz, Monett, Mo., from L. L. Lewis of the Lewis circuit.

Jack Stevenson, who has been manager, will continue. Lewis will retain an interest in the house.

This gives Commonwealth 23 houses in Kansas, Missouri and Iowa.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Next Time We Love"

(Universal)

HOLLYWOOD, Jan. 28.—Brilliant in its dramatic power to stir the sincerest of human emotions, this is a story of a beautiful love brought face to face with life's sternest realties. Tastefully produced, intelligently acted and directed, the dialogue is the sole interpretive medium. Nevertheless, the gripping quality of the story held the attention of a preview audience in hushed silence throughout.

Following a charming courtship, Margaret Sullavan, student, and James Stewart, reporter, marry. The joy of their honeymoon is shattered when Stewart gets a foreign assignment and Miss Sullavan, under Ray Milland's patronage, embarks on a stage career. A baby is born to them. Stewart quits his job and rushes home. The happiness of the little family is that of all those who have only faith and love while enduring poverty, as Stewart is blacklisted.

Backed by Milland, Miss Sullavan returns to the stage and triumphs. A rift is created as Stewart resents the fact his wife is supporting him. Miss Sullavan's plea to Editor Robert McWade reinstates Stewart. There follow years of separation with both going on to great success in their professions in which there are only occasional happy meetings. Though faith endures, Miss Sullavan finds her love for Stewart is not strong enough to answer Milland's plea for divorce and marriage. Going to Europe to talk it over, Stewart runs away from a planned happy reunion. Following him, Miss Sullavan finds him mortally ill, but love triumphs as she goes with him to keep the pledge of their marriage vow.

Miss Sullavan's, Stewart's and Milland's performances are artistic to the last degree, a quality vividly substantiated by McWade, Florence Roberts, Ann Demetrio and Christian Rub in support.

Based on the novel "Say Goodbye Again," by Ursula Parrott, Melville Baker's screen play is a faithful transcription of the original's sincere, human interest character. Director E. H. Griffith's job is a fine example of understanding craftsmanship. Paul Kohner produced.

Certain to click with women patrons, the show is a valuable asset in any theatre where fine screen merchandise is appreciated.

Production Code Seal No. 1,912. Running time, 85 minutes. "G."

"The Return of Jimmy Valentine"

(Republic)

HOLLYWOOD, Jan. 28.—This is a worthy sequel to the original Jimmy Valentine story, well produced as average entertainment.

Roger Pryor, a newspaper reporter, conceives the idea of finding the reformed Valentine as a circulation-building scheme. Robert Warwick, as Valentine, is discovered as the president of a small town bank, happily married to Lois Wilson and the father of Charlotte Henry. Pressure is brought on Pryor to let the matter drop, as Warwick's past is unknown to the community and his daughter. Complications are added by J. Carroll Naish, a gunman, who is seeking vengeance for a wrong allegedly done to his father by Warwick.

When Pryor establishes his identity, Naish attempts to make Warwick open the bank vault before taking his revenge. In the safe-opening scene, almost as thrilling as the original, Pryor reaches the alarm at the critical moment, foiling Naish's plans. Later Wade Boteler, Warwick's friend, claims Valentine's identity and all is saved on all sides.

Jack Natteford and Olive Cooper, who fashioned the screen play from the original story by Scott Darling, Wallace Sullivan and Paul Armstrong, Jr., have added comedy to suspense and written in two good characterizations which are well played by Edgar Kennedy and James Burtis. Lewis D. Collins directed and Victor Zobel supervised the production.

The picture should please in all family and neighborhood houses.

Production Code Seal No. 1,924. Running time, 67 minutes. "G."

"Woman Trap"

(Paramount)

HOLLYWOOD, Jan. 28.—An average attraction, this holds amusement for average audiences. The story, consolidated by a surprise climax, is pretty much of a hodge-podge of jewel thieves, gangsters, a stranded girl flyer and a newspaper reporter through which runs a mysteriously

(Continued on page 10)

Producers i Japan Turnin To Sound Film

By TETSUYA MORI

TOKYO, Jan. 12.—During 1935 t Japanese film industry definite turned its back on the silent pictu and took to the sound medium, t leading producers, realizing the i roads that talking films have ma in recent years, finally becoming co vinced domestic product had to in sound in order to hold its ov against importations.

Shochiku, Nikkatsu, Shinko, P.C. and J.O. Talkie were the leadi producers which went over to talki films. However, studio activity w somewhat affected by the rush to t new medium, with the result that i ported product gained in this mark American film still led in the countr accounting for 80 per cent of t foreign product released during t year. It was only late in the ye that a few domestic productions, pro ing box-office hits, gave new impet to the home producers.

Some Restriction Expected

The establishment of national fil control by the Government, begun la in the year, is expected to result greater protection for the domest industry, with possible conseque restrictions on importations.

Observers here, however, see litt effect upon importation from t United States, at least for some tim since the American product is co sidered far superior to the Japanes by Japanese patrons themselves, a more appealing than other forei product released in this country. is conceded that the domestic sou product must go through sever years of transition before it can se ously compete with American film The more active American pictur as contrasted to the romantic ty from America and Europe, ha enjoyed the greatest success in Jap this year, indicating the trend of t taste of the film public. Exhibito are still seriously affected by t extra rental charged by domestic pr ducers.

Britzker to Far East

HOLLYWOOD, Jan. 28.—Harry Bri ker, former Chicago prosecuting torney, will leave soon for Angk Indo-China to film background sh for "Revolt of the Zombies" for Halperin Brothers. Britzker will t camera and soundmen with him. T film is planned as a sequel to "T White Zombie."

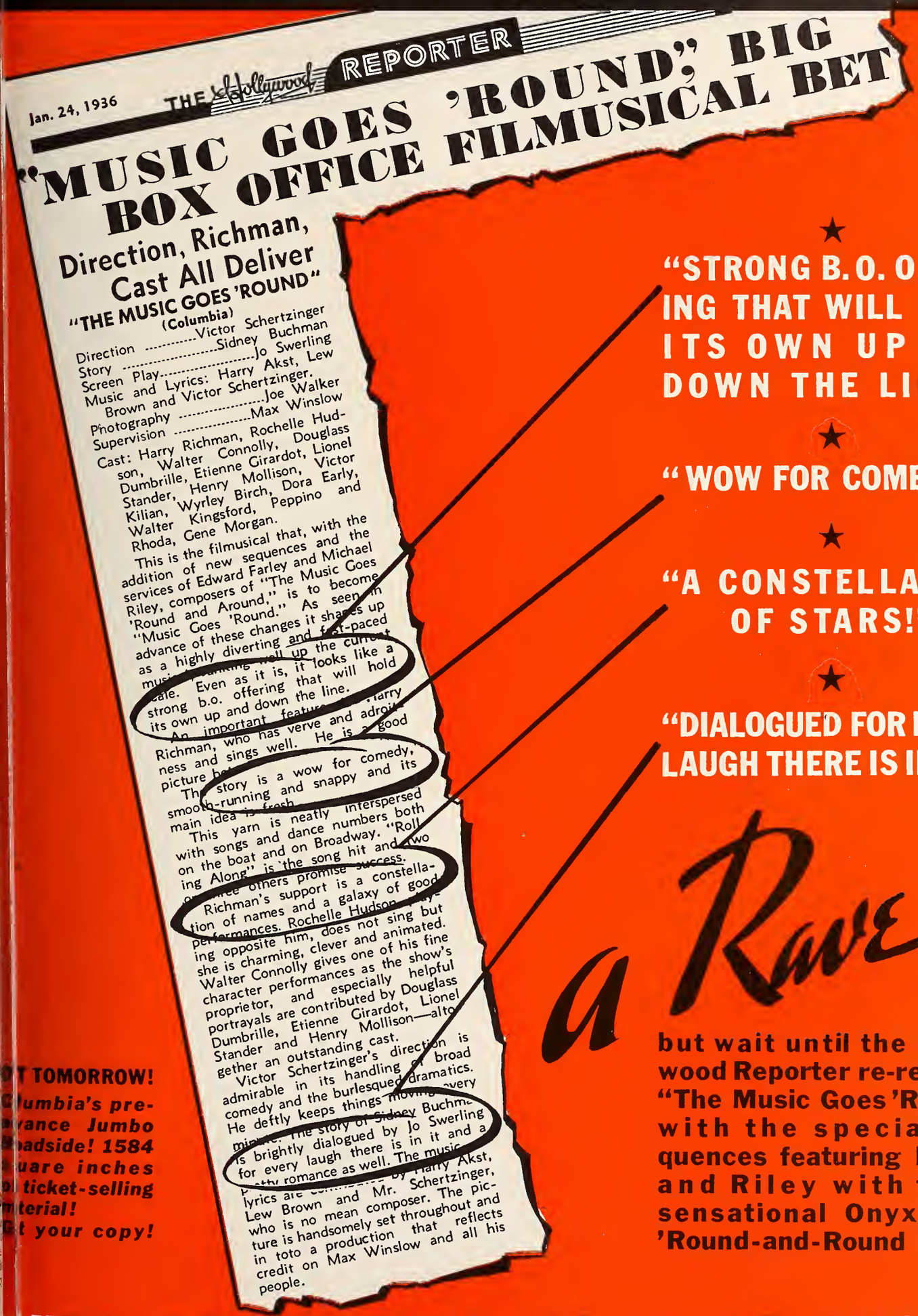
Travelogs Completed

Andre de La Varre, for many ye associated with Burton Holmes in making of travel subjects for M-G and Paramount, has just comple 12 new travelogs to be entitled "" Screen Traveler."

Carver Succeeds Kan

DETROIT, Jan. 28.—Lew Kane resigned as vaudeville booker for Jacob Schreiber circuit and has b succeeded by Sam Carver, who been operating a booking agency l for some time.

HOLLYWOOD FLASHES THE NEWS HEARD 'ROUND THE SHOW WORLD!



Jan. 24, 1936 THE Hollywood REPORTER

"MUSIC GOES 'ROUND" BIG BOX OFFICE FILMUSICAL BET

Direction, Richman, Cast All Deliver "THE MUSIC GOES 'ROUND"

(Columbia)

Direction ----------Victor Schertzinger
Story ----------Sidney Buchman
Screen Play----------Jo Swerling
Music and Lyrics: Harry Akst, Lew Brown and Victor Schertzinger.
Photography ----------Joe Walker
Supervision ----------Max Winslow
Cast: Harry Richman, Rochelle Hudson, Walter Connolly, Douglass Dumbrille, Etienne Girardot, Lionel Stander, Henry Mollison, Victor Kilian, Wyrley Birch, Dora Early, Walter Kingsford, Peppino and Rhoda, Gene Morgan.

This is the filmusical that, with the addition of new sequences and the services of Edward Farley and Michael Riley, composers of "The Music Goes 'Round and Around," is to become "Music Goes 'Round." As seen in advance of these changes it shapes up as a highly diverting and fast-paced musical [illegible] well up the current scale. Even as it is, it looks like a strong b.o. offering that will hold its own up and down the line.

An important feature [illegible] Harry Richman, who has verve and adroitness and sings well. He is a good picture bet.

The story is a wow for comedy, smooth-running and snappy and its main idea is fresh.

This yarn is neatly interspersed with songs and dance numbers both on the boat and on Broadway. "Roll Along" is the song hit and two others promise success.

Richman's support is a constellation of names and a galaxy of good performances. Rochelle Hudson playing opposite him, does not sing but she is charming, clever and animated. Walter Connolly gives one of his fine character performances as the show's proprietor, and especially helpful portrayals are contributed by Douglass Dumbrille, Etienne Girardot, Lionel Stander and Henry Mollison—altogether an outstanding cast.

Victor Schertzinger's direction is admirable in its handling of broad comedy and the burlesqued dramatics. He deftly keeps things moving every minute. The story of Sidney Buchman is brightly dialogued by Jo Swerling for every laugh there is in it and a hearty romance as well. The music [illegible] lyrics are [illegible] by Harry Akst, Lew Brown and Mr. Schertzinger, who is no mean composer. The picture is handsomely set throughout and in toto a production that reflects credit on Max Winslow and all his people.

★

"STRONG B.O. OFFERING THAT WILL HOLD ITS OWN UP AND DOWN THE LINE!"

★

"WOW FOR COMEDY!"

★

"A CONSTELLATION OF STARS!"

★

"DIALOGUED FOR EVERY LAUGH THERE IS IN IT!"

a Rave..

but wait until the Hollywood Reporter re-reviews "The Music Goes 'Round" with the special sequences featuring Farley and Riley with their sensational Onyx Club 'Round-and-Round Boys!

T TOMORROW! Columbia's pre-vance Jumbo adside! 1584 uare inches ticket-selling terial! t your copy!

IT'S COLUMBIA'S SHOW OF SHOWS!

Bitter Cold Wrecks Takes In Pittsburgh

PITTSBURGH, Jan. 28. — Business here last week was just what everybody expected from the coldest spell Pittsburgh has had since 1898. With the thermometer registering around 15 below zero and heavy snow delaying traffic, grosses skidded.

It was the Stanley which felt the blow worst of all. After a start with "I Dream Too Much" and Ben Lyon and Bebe Daniels on the stage that threatened to reach record-breaking proportions over the week-end, the storm hit town and dropped takings to almost nothing. Even so, the house managed to do around $17,000, which is remarkable in the face of existing conditions. The Alvin had "Magnificent Obsession" for a second week. It did only $4,000, but the management decided to hold it for an extra five days, figuring that it would get even more than that in the extended session with any kind of break from the elements.

"The Bride Comes Home" couldn't better $7,000 at the Penn, while both double-feature houses also took it on the chin, the Fulton at $3,000 with "Paddy O'Day" and "Whispering Smith Speaks" and the Warner at $3,800 with "The Perfect Gentleman" and "Fang and Claw."

Total first run grosses were $34,800. Average is $45,000.

Estimated takings for the week ending Jan. 23:

"MAGNIFICENT OBSESSION" (Univ.)
ALVIN—(2,600), 25c-40c, 7 days, 2nd week. **Gross:** $4,000. (Average, $5,500)

"PADDY O'DAY" (20th-Fox)
"WHISPERING SMITH SPEAKS" (20th-Fox)
FULTON—(1,700), 15c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)

"THE BRIDE COMES HOME" (Para.)
PENN—(3,300), 25c-40c, 7 days. **Gross:** $7,600. (Average, $12,000)

"I DREAM TOO MUCH" (Radio)
STANLEY—(3,600), 25c-55c, 7 days. Stage: Bebe Daniels, Ben Lyon, Toby Wing, Johnny Perkins, Ruth Petty, Park and Clifford, Geraldine and Joe. **Gross:** $17,000. (Average, $18,500)

"PERFECT GENTLEMAN" (M-G-M)
"FANG AND CLAW" (Radio)
WARNER—(2,000), 25c-40c, 7 days. **Gross:** $3,800. (Average, $5,000)

D. S. Lawler to Aid Fund

KANSAS CITY, Jan. 28.—D. S. "Senn" Lawler, division publicity manager for the Fox Miller Theatres, Wichita, Kan., has been named chairman of the publicity committee of the Community Chest there for 1936. This will be his third term in the post. Howard E. Jamevson, district manager for Fox at Wichita, is a member of the committee.

Devaneys on Vacation

TORONTO, Jan. 28.—Accompanied by his wife and son, Leo M. Devaney, general manager of Radio Pictures Corp. of Canada, has left for an extended vacation trip to Havana, Bermuda and Nassau. They will return to Toronto early in the spring.

Set Indianapolis Deal

INDIANAPOLIS, Jan. 28.—Chesterfield and Invincible have closed a deal with Lee Goldberg of Big Feature Rights Corp. for distribution of 12 of the current season features.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(Continued from page 8)

sinister character, highly reminiscent of Holbrook Blinn's "Bad Man." Motivated by the action, the romance, comedy and melodrama are well balanced.

Set in Mexico, Gertrude Michael, girl flyer, and George Murphy, reporter, are kidnapped by Sidney Blackmer and his mobsters. Stranded in the desert where the party has been led by Akim Tamiroff's minion, Julian Rivero, Blackmer gets the ransom from the girl's father, Samuel Hinds. Planning to kill Miss Michael, Murphy and Tamiroff, Blackmer is shown that such an act would be fatal to him as he would die in the desert. Consenting to split with Tamiroff, Blackmer's gang is led to a hut on the desert's edge which, to the tune of shrieking sirens, proves to be a Mexican calaboose. As the gangsters are turned over to the United States officers, Tamiroff reveals himself as "the best damn G man in all Mexico."

Tamiroff's work pleasantly dominates the show, though realistic performances are given by Blackmer, Ed Brophy and Bradley Page, with the youthful David Haines good in a bit as an amateur radio operator. The romantic contrast is capably handled by Miss Michael and Murphy.

Based on the original story by Charles Brackett, the screen play by Brian Marlow and Eugene Walter, with the direction by Harold Young, concentrates on letting the action and situations tell the story. Harold Hurley produced.

Production Code Seal No. 1,858. Running time, 60 minutes. "G."

Looking 'Em Over

"Road Gang"

(*Warners*)

Partaking somewhat of the nature of "I Am a Fugitive," but basically stemming from the activity of the late Senator Huey P. Long of Louisiana, this picture emerges as active, occasionally exciting, melodrama, with, however, a bit too much of prison farm brutality for the youngsters. The dictator, the unnamed southern state, the implied domination of the forces of law and order, all are of obvious origin. On the whole the film is lively entertainment, with pronounced exploitation possibilities.

Donald Woods writes an expose of the dictator and is offered a Chicago newspaper job. En route north with a friend, after taking leave of his fiancee, Kay Linaker, whose stepfather is connected with the dictator, Woods is arrested for speeding, framed in a local jail break and sentenced to a prison farm with his companion. There brutality is shown in all its phases. Woods is strung up by his hands and, when his companion tries a getaway to help him, the boy is electrocuted on the prison fence. Attempting to smuggle out a story of the prison, through Miss Linaker, Woods is sent to the dreaded prison mines.

When the Chicago managing editor, with Miss Linaker, seeks his release on a court writ, the warden attempts to hold him underground. The prisoners mutiny, hold their guards, find a way out and confront the warden. His records are taken, Woods is cleared, and with the fall of the prison system the distator's regime collapses. Although a grand jurv fails to indict him, he is assassinated and the romance of Woods and Miss Linaker completed.

Production Code Seal No. 1,752. Running time, 61 minutes. "A."

"Blazing Justice"

(*Spectrum*)

As usual with westerns there is the required quota of fights, shootings and hard riding that make for good juvenile fare. Adults will be entertained too.

The story has Bill Cody whooping it up with the boys in a saloon where he is drawn into a fight when a raiding sheriff is shot down by a rustler who escapes in the melee that follows. Cody subdues the rest of the gang and is given a reward. He starts out on a long desired vacation. An interesting plot weaves its course and he is picked up by Gertrude Messinger, who thinks he killed her father. Back in town he clears himself and has another fight with Gordon Griffith, who again gets away. A trap is set and with much riding, shooting and more fighting the film comes to its finish.

Miss Messenger gives able support, as does the rest of the cast, com-

(Continued on page 11)

"Wilderness," Washington, Gets $8,300

WASHINGTON, Jan. 28.—Holdover and return engagements prevailed las week, with "Ah, Wilderness" in th latter category at Loew's Columbia taking $6,500 on seven days, plu $1,800 on two more on a second week a total of $8,300 for nine days.

The second week of the return en gagement of "Captain Blood" at th Metropolitan, topped the first ru weekly average by $1,500 on a tota take of $5,800. The picture went tw days on the third week to bring th house back to Friday openings.

"Magnificent Obsession" at RKO Keith's for its second week agai topped the first week par by $30(taking $10,900. It went into a thir week.

Stage-screen houses were just a b better than average, the Earle wit "Dangerous" and Loew's Fox wit "Professional Soldier" both doing $1(over average, with takes, respectivel of $18,500 and $21,000.

Second week of "A Tale of Tw Cities" at Loew's Palace went to $11 700, which was increased to $15,0(with an additional two days, added bring the house to Friday openin again. First week average is $15,90(

Total first run business was $82,50 Average is $76,700.

Estimated takings, exclusive of ta

Week Ending Jan. 21:

"THREE KIDS AND A QUEEN" (Univ
BELASCO—(1,140), 25-65c, 7 days. **Gros** $3,000. (Average, $3,000)

Week Ending Jan. 23:

"DANGEROUS" (W. B.)
EARLE—(2,218), 25c-77c, 7 days. Stag Cross & Dunn, Twelve Aristocrats, Unio Walkmirs, Floyd Christie. **Gross:** $18,5 (Average, $18,400)

"PROFESSIONAL SOLDIER" (20th-Fo
LOEW'S FOX—(3,434), 25c-66c, 7 da Stage: Kazanova & Her Tziganes; Char Carlile, Frank Libuse, Maximo. **Gro** $21,000. (Average, $20,900)

"MAGNIFICENT OBSESSION" (Univ
RKO-KEITH'S—(1,836), 25c-55c, 7 da 2nd week. **Gross:** $10,900. (Average, fi week, $10,600)

Week Ending Jan. 23:

"AH, WILDERNESS" (M-G-M)
LOEW'S COLUMBIA—(1,264), 25c-40c days (return engagement). **Gross:** $8,((Average, first run, $3,600)

"A TALE OF TWO CITIES" (M-G-M
LOEW'S PALACE—(2,370), 35c-55c. days, second week, plus 2 days on th week. **Gross:** $15,000. (Average, first we $15,900)

"CAPTAIN BLOOD" (F. N.)
METROPOLITAN—(1,591), 25c-40c. days, return engagement. **Gross:** $5,((Average, first run, $4,300)

Acquires "Dark Victor"

HOLLYWOOD, Jan. 28.—David Selznick has acquired "Dark Victor" stage play by George Brewer, Jr., a Bertram Bloch, and will produce it stead of the Florence Nighting story he previously had announc Merle Oberon, who was slated to p Miss Nightingale, will have the le ing role.

Myers and Jarvis Add

HOLLYWOOD, Jan. 28.—Harry My comedian, and Sidney Jarvis, ch acter actor, both veterans of the ea days of the silent screen, have b added to the cast of "One Ra Afternoon," the forthcoming Pickfo Lasky production starring Fra Lederer and Ida Lupino.

lexico's Film Industry Had Biggest Year

(*Continued from page* 1)

r will again be freely distributed in e Mexican communities.

Patronage fell off about 50 per cent a result of the strike, since the pub- showed little interest in independ- : American product or foreign pic- es. It is generally agreed here that : better class American films com- tely dominate this market. Some exican producers declare that the s of American ace product is a arding influence on Mexico's grow- ; industry, since the domestic films, ough vastly improved, still cannot nd on their own feet. It is ad- tted the public will not attend the atre merely to see domestic prod- .

Tax Reduction Attempted

Mexican producers are making stic efforts to increase their out- : during 1936. The totals for 1935 re about 40 features and 22 shorts, ile it is estimated the 1936 total ll be 60 to 80 features and about shorts.

There is a movement afoot to bring out a reduction in Federal, state and nicipal taxes on the industry, the gument being that films are today exico's most popular amusement l should not be so burdened with es.

Cinematografica Latino Americano, A. (Clasa), most enterprising of exican producers, has just com- ted the largest studio in the Fed- l district. The company is headed Alberto Ricardo Pani, one of the ntry's leading capitalists. It plans features and 24 shorts this year. oduction costs are expected to set Mexican record on Clasa's first a, "Vamonos Con Pancho Villa" Let's Go with Pancho Villa").

nterprise Optical ecomes Motiograph

CHICAGO, Jan. 28.—The name of terprise Optical Mfg. Co. was nged today at the annual stock- ders' meeting to Motiograph, Inc., h Joseph B. Kleckner named as new president and general mana- . Kleckner, Francis E. Matthews Arthur T. Spring of Boston also re named directors.

Kleckner, formerly connected with Continental Illinois National nk, became identified with the com- ny through the purchase of O. F. ahr's stock. W. R. Hirschfield, merly general sales manager, has n made vice-president in charge of oduction.

Del Ruth Re-Signed

HOLLYWOOD, Jan. 28.—Roy Del th, who directed "Thanks a Mil- n" and "It Had to Happen" has n signed to a two-year renewal of contract by Darryl F. Zanuck.

"Cohen" for the Astor

oseph J. Plunkett, managing di- tor of the Astor, has booked "Mr. hen Takes a Walk" for Feb. 12.

Looking 'Em Over

(*Continued from page* 10)

posed of Milt Moranti, Bud Buster and Frank Yaconnelli. The photography is of the fast-moving variety, well suited for the story. Al Herman directed from a story by Zarah Tazil. A good western for Saturday morning juvenile trade.

Production Code Seal No. 1,854. Running time, 57 minutes. "G."

"Koenigsmark"

(Capitol Prod. of London)

LONDON, Jan. 15.—An English-language version of the boomed French production. Directed by Maurice Tourneur with Elissa Landi, Pierre Fresnay, John Lodge and Frank Vosper, it is a true version, not a dub. Accent and recording are satisfactory.

Where they like the background of one of those German principalities bordering Ruritania, plenty of uniforms and a melodramatic plot with a princess falling for a simple French civilian and helping him to put it across a murderer-duke, audiences may overlook the extremely slow tempo and weak dialogue. Pictorial values are decidedly good and a real mediaeval chateau makes a fine exterior background for scenes of military pageantry. Some of the court scenes also are photographically excellent.

Pierre Benoit's story turns on the discovery, by the French tutor of a German princeling, that his pupil's father killed his brother, the grand duke, and walled up his body in a tower, as in the original story of Koenigsmark. The Princess Aurore, widow of the grand duke, helps the tutor to search for proof of the crime, but the duke blows up the tower and takes advantage of the outbreak of the war to discredit the princess. She appeals to the Kaiser and the murderer shoots himself.

The greatest weakness here is the extremely slow pace, but this can be remedied to a large extent by cutting; the footage leaves plenty of opportunity for this. Even so, the entertainment values will be those of the Ruritanian melodrama so popular in silent days.

Running time, 100 minutes. "G."

ALLAN

"Professional Soldier," this morning's opener at the Center, was previewed by wire from Hollywood on Dec. 24.

"Rose Marie," previewed by wire from Hollywood on Jan. 10, *will open at the Capitol Friday morning.*

"King of the Damned," which will be previewed at the Roxy tomorrow night, was reviewed by cable from London on Jan. 18.

Zero Weather Bumps St. Louis Theatres

ST. LOUIS, Jan. 28.—Sub-zero weather, accompanied by almost six inches of snow, has played havoc with theatres. First runs have been from 30 to 40 per cent off, and on some nights subsequent runs have reported a 75 per cent drop.

Only on such nights as individual houses have Bank Night, or some other giveaway, has business been close to normal

Aside from unfavorable weather, there are many indications that theatre business should be good when the weather improves. General business is decidedly on the upgrade. Retail sales are running ahead of last year. Freight car loadings are running ahead, while motor truck lines report decided gains over the similar period in 1935. Private industries are putting on more workers, although the percentage of gain is rather slight. Other concerns have increased the hours of work for individuals and their payroll volume is up from five to 10 per cent.

Laemmle Extends Option

Carl Laemmle has announced an extension of six weeks on the option granted to Standard Capital Co. and Charles R. Rogers to allow them the necessary time to complete their investigation and examination of the company's affairs.

Goetz Arrives to Plan Production

M-G-M production plans for England will not be set definitely until Ben Goetz reaches Hollywood. Goetz arrived yesterday on the *Ile de France* after a stay of six weeks in England, during which time he made a survey of studios and talent. He will leave for the coast the end of this week to confer with Nicholas M. Schenck, Louis B. Mayer and other M-G-M executives. Goetz has selected no studio in England nor can he name the number of pictures he will make until after the Hollywood meetings.

Movie Folk on *"Ile"*

Arriving yesterday on the *Ile de France* were Hugo Bryk, Mme. Stavisky, Mrs. Hal Roach and daughter, and Jack Alicoate, publisher of *Film Daily*.

Hugo Bryk, European representative of Ascap, is known as an expert on international copyrights. He stated to a representative of MOTION PICTURE DAILY, "Europe is not concerned with what the Warners do about their music catalogs. European composers are protected for 50 years following death and have no copyright problem to bother them."

Mrs. Roach and daughter will leave for the coast immediately.

Jack Alicoate, who was away four weeks, said he was very glad to be back.

Phila. Duals Ruling Endangers Control

(*Continued from page* 1)

places an obstacle in the way of a distributor who wants to cooperate with the local exhibitors in such matters."

"However," the bulletin comments, "the court's opinion should have no immediate effect on the business. The distributors have almost uniformly declined to attempt to enforce the double feature clauses in their own contracts and such clauses have been generally disregarded in actual practice."

The bulletin notes that the court's decision holds the restriction of double features to be injurious to the interests of independent producers, but "ignores the fact that the spread of double features tends to destroy the market for short subjects. Have the short subjects producers no right to exist?" the bulletin asks.

Halperin Closes Deals

First Division has closed with Edward Halperin for distribution rights on "I Conquer the Sea" for Albany, Buffalo, Washington, Philadelphia, Atlanta, Charlotte and New Orleans. Halperin left for the coast yesterday after signing the deal.

Chicago Row Still On

CHICAGO, Jan. 28.—Arguments are still in progress over the new operators' contracts. Exhibitors insist they will not grant a 20 per cent raise. More meetings are scheduled for this week.

Beery to Be a Speaker

KANSAS CITY, Jan. 28.—Wallace Beery will speak Feb. 10 at the Kansas diamond jubilee party of the Kansas Commonwealth Club, Wichita.

Wall Street

Short Gains Mark Board Trading

	High	Low	Close	Net Change
Columbia	44¾	44	44	.....
Consolidated	6⅛	6	6	.....
Consolidated, pfd.	18¾	18⅝	18¾	+ ¼
Eastman Kodak	158	158	158	—2¼
Eastman, pfd	158	158	158	.....
Loew's, Inc.	52½	51½	52¼	— ⅛
Loew's, Inc., pfd.	107½	106¾	107½	+ ⅜
Paramount	11⅜	10½	11⅛	+ ⅝
Paramount 1 pfd.	86¼	83¾	85¼	+1½
Paramount 2 pfd.	12¾	12⅛	12½	+ ⅜
Pathe Film	8	7½	7⅞	+ ⅜
RKO	8¼	7⅝	7⅞	+ ⅜
20th Century-Fox.	26½	25⅛	26½	+1
20th Century, pfd.	35⅞	34⅛	35¼	+1¼
Universal, pfd	72	69¼	72	+5
Warner Bros.	12¼	11⅞	12	+ ¼
Warner, pfd.	54	53½	53½	— ½

Trans-Lux Up an ⅛ on Curb

	High	Low	Close	Net Change
Sentry Safety	⅞	¾	¾	— ⅛
Sonotone	2⅛	2	2⅛	.....
Technicolor	22⅞	22⅛	22⅝	.....
Trans-Lux	4	3⅞	4	+ ⅛

RKO Bonds Off 4½ Points

	High	Low	Close	Net Change
General Theatre 6s '40	24¼	23½	24⅛	+ ⅝
General Theatre 6s '40, ctf.	24⅜	23¾	24⅛	+ ⅝
Keith B. F. 6s '46	95	95	95	.....
Loew's 6s '41 ww deb rights	103¼	103⅛	103⅛	— ⅛
Paramount Pict. 6s '55	95¼	94⅝	95¼	+ ⅝
RKO 6s '41 pp.	75½	75½	75½	—4½
Warner Bros. 6s '39 wd	92¼	91¾	92	.....

(Quotations at close of Jan. 28)

VARIETY IN THE SHORT SUBJECTS THAT PUT THE BEST SPICE IN YOUR SHOW

Educational Pictures



FAST ACTION COMEDY

•

BUSTER KEATON

in

"THREE ON A LIMB"

"Fost all the way... Laughs came close together." *Variety*

MUSICAL COMEDY

•

NIELA GOODELLE

FRED LIGHTNER

NELL KELLY

in

"THANKS MR. CUPID"

Produced by Al Christie





CARTOONS • "THE 19th HOLE CLUB"

PAUL TERRY-TOONS

By Frank Moser and Paul Terry



SPORTS

•

"THE GAME OF JAI ALAI"

A TREASURE CHEST PRODUCTION

Story and Narration by Edward Thorgersen

Presented by
E.W. HAMMONS



Photo by
H.I.H. Grand Duchess Marie

DRAMA

•

"THE SEEING EYE"

The story of the almost human dogs that lead the blind

A TREASURE CHEST PRODUCTION

Story and Narration by Clintan Wunder

Educational Pictures
"THE SPICE OF THE PROGRAM"

Distributed in U. S. A. by
20th Century-Fox Film Corporation

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 25 NEW YORK, THURSDAY, JANUARY 30, 1936 TEN CENTS

EQUITY CASE DISMISSED; GOV'T PLANS NEW MOVES

Fight Brewing Upon Laws for Film Matrons

Additional Censorship Also Is Opposed

Violent opposition is predicted for any efforts to force the passage of a new law requiring exhibitors to have matrons for unattended children and to submit to a new form of censorship to be controlled by the city.

Since the recent police raids which have resulted in the arrest of about 300 managers and their staffs statements have been issued by Mayor LaGuardia and others to the effect that this was a move to get rid of an old unpopular law by enforcing it and then introducing a new one in the Legislature.

The new one, it turns out, holds a variety of disturbing possibilities that have stirred exhibitors' ire, as well as protests from the National Board of Review and other workers in behalf of

(*Continued on page 7*)

Three Bills Affect Bay State Theatres

BOSTON, Jan. 29.—Exhibitors are watching three bills now before the Massachusetts House.

One, sponsored by Robert Watson of the Lord's Day Alliance and before the Legal Affairs Committee, would bar Sunday vaudeville until 7 P. M. Programs now open at 1 P. M.

Another, introduced by Millard H. Stevens, and sent to the Committee on Mercantile Affairs, regulates resale of tickets.

The third, favored by Mayor Frederick W. Mansfield, provides for revision and codification of the Boston building laws. This also is before the Committee on Mercantile Affairs.

Grainger Talks '37 In Chicago Session

CHICAGO, Jan. 29.—James R. Grainger held a one-day sales convention of Universal men at the Hotel Blackstone today and told that he not only had reached an agreement with Carl Laemmle on the details of the remain-

(*Continued on page 7*)

At One Time

Hollywood, Jan. 29.—More M-G-M executives are here at one time than probably any other period in the company's history. The group from New York includes Nicholas M. Schenck, J. Robert Rubin, Al Lichtman, Felix F. Feist, E. M. Saunders and Howard Dietz.

Leopold Friedman is in from the east in connection with legal detail involving Loew's State, downtown Los Angeles.

ITOA to Seek Stay On Sales Tax Here

Applications for restraining orders to prevent both local exchanges and the city comptroller's office from collecting the two per cent city sales tax from local exhibitors until such time as the validity of the assessment has been passed upon by the courts will be filed in the Supreme Court of N.Y. county by the I. T. O. A. today, according to Weisman, Quinn, Allen and Spett, attorneys for the exhibitor organization.

Briefs attacking the validity of the sales tax levy on film rentals were submitted to the city comptroller's office early this week by I. T. O. A., Keith-Albee-Orpheum and Allied of New Jersey. The city now has before it the complete testimony of the local United Artists exchange attacking the validity of the city's assessment against its entire film revenue. The United Artists contest is regarded as a test case and will be carried to the appellate court if the city's decision, expected within a few days, is unfavorable to the exchange.

Congress Probe Into Music Costs Hinted

A Congressional investigation of the score charge and of music taxes paid both for recording in film and reproduction in theatres may be undertaken in connection with hearings on the Duffy copyright bill, which was tabled by the Senate late last week when called in the regular course of business, according to *Motion Picture Herald*.

It was also stated that the House

(*Continued on page 7*)

Defense Suggests Hardy Amend Complaint To Get a Decision, But He Talks of "Great Generic Conspiracy"

ST. LOUIS, Jan. 29.—The equity proceedings of the Government against Warners, Paramount and RKO came to an undecided, but quite abrupt termination at 10:20 A. M. here today, when Judge Joseph West Molyneaux, presiding, sustained the motion of the Government for permission to dismiss the case without prejudice. His action was indicated at yesterday's session, when Russell Hardy, special assistant attorney general, made the motion. The case began Jan. 6.

The dismissal without prejudice leaves the way open for the Government, if it so desires, to bring the same defendant corporations and various of their officials into court on the same issues anywhere that the Government decides it has a right to do so.

The case involved charges of conspiracy to interfere with the movement of interstate commerce in films for use at the Ambassador, Missouri and New Grand Central, operated by Fanchon & Marco. But, it is pointed out, that does not necessarily mean that the jurisdiction rests solely with the U. S. District Court here. Since conspiracy is alleged, the litigation may be brought in any place where a part of the alleged conspiracy took place, or even where any of the defendants do business.

While Hardy could not say here today what the next move of the Government will be, latest advices from the Capital indicate quite definitely that a move is already under way to institute another action. Hardy had also been in charge of the prosecution in the criminal action against the three companies and various of their officials, which ended in a jury vedict of not guilty on Nov. 11 last. Hardy and other Government attorneys expected to remain here for several days, and probably will confer with their superiors in Washington before any decision is made.

When court convened at 10 A.M. today, Frederick H. Wood of Warner counsel, on behalf of all the defendants, informed Judge Molyneaux that to meet the issues raised

(*Continued on page 9*)

New Strategy At St. Louis To Be Hurried

By BERTRAM F. LINZ

WASHINGTON, Jan. 29.—The Department of Justice here today planned immediate institution of a new equity action in St. Louis, naming many additional defendants. The planned action is seen as ending rumors that the dismissal of the case today without prejudice, on motion of Russell Hardy, chief Government counsel, was sought as a "graceful out." Department officials called it a technical move designed to overcome difficulties which arose as a result of a series of rulings Monday by Judge Joseph W. Molyneaux barring certain evidence.

Contrary to the situation prevailing at the conclusion of the earlier criminal action, when dissatisfaction was voiced over the attitude of the presiding judge, George H. Moore, there is no criticism of Judge Molyneaux, and it was indicated the new suit will be brought before him. Hardy will remain in St. Louis for a few days to handle the filing of the new case, it was said.

The naming of others as additional defendants is for the purpose of getting before the court by direct evidence the testimony which was barred, it is indicated.

Department officials expressed confidence in the case, and said there is no intention of abandoning any of the Government contentions. No estimate was made as to when the new case would be brought up, but it was indicated every possible step would be taken to expedite it.

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RKO Decision Reserved

Federal Judge William Bondy yesterday reserved decision on a petition by an independent RKO stockholders' protective committee for leave to intervene in the company's reorganization proceedings. The petition was not opposed. If granted, the committee will be entitled to receive notice of all legal proceedings in connection with the reorganization. None of the large RKO creditors have yet applied for leave to intervene.

"Marie" Opens at Miami

MIAMI BEACH, Jan. 29.—"Rose Marie" was given a double opening here last night at the Colony and Community theatres almost opposite each other on the same street. Big crowds of winter visitors turned out.

"Rose Marie" goes into the Capitol Friday.

20th-Fox Buys "Zorro"

HOLLYWOOD, Jan. 29.—"The Mark of Zorro" has been bought by Twentieth Century-Fox from Douglas Fairbanks. Darryl Zanuck will make it as an operetta with Lawrence Tibbett starred. Original music will be written here.

Fairbanks Planes Here

HOLLYWOOD, Jan. 29.—Douglas Fairbanks will leave for New York tomorrow by plane. He is scheduled for U. A. home office conferences and for a discussion with Robert Sherwood concerning dialogue for his forthcoming "Marco Polo."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Garden Murder Case"

(M-G-M)

HOLLYWOOD, Jan. 29.—This is a typical S. S. Van Dine murder mystery given many novel and intricate twists and nicely flavored with romance, comedy and contrasting drama. Edmund Lowe is featured as Philo Vance.

The plot moves quickly and logically, effectively establishing, but, at the same time, concealing clues that might lead to a possible easy solution of a series of killings in which many are suspected. The story blends dialogue, action and situations to build strong suspense. The atmosphere created is one of sophistication.

The unexplainable, seemingly accidental death of Douglas Walton leads to circumstances which result in the murder of Gene Lockhart. As Lowe is investigating the case, the police summon for questioning Benita Hume, with whom Lockhart had been having an affair. Before leaving, accompanied by Virginia Bruce, she talks with H. B. Warner. Later she is killed, apparently accidentally, and Miss Bruce, to whom Lowe has become attached, is arrested and charged with the crime.

Convinced of her innocence, Lowe goes to work to clear her. In the smoothest Vance manner he unearths clues proving that Warner has a hypnotic influence over both Walton and Miss Hume and that this influence caused their deaths. He also proves that Warner's wife, Frieda Inescort, who later was killed by him, had reason to, and did, slay Lockhart. The innocence of Miss Bruce having been established, the stage is set for her romantic fadeout with Lowe.

The players mentioned handle the romantic character of the story very nicely and are ably assisted by Nat Pendleton and Grant Mitchell in the dumb cop comedy parts. Intelligent direction by Edwin L. Marin packs plenty of realism into the Bertram Milhauser screen play.

Production Code Seal No. 1,956. Running time, 60 minutes. "G."

Looking 'Em Over

"Itto"

(Eureka Prod.)

This latest French importation is a superior travelogue of Morocco and contains a weak story upon which the direction of Jean Benoit-Levy and Marie Epstein is lost. The film may be acceptable for "little theatre" audiences with its high technical skill and photography which is a treat to the eye.

The story concerns a tragic tribal romance of Itto, a chief's daughter, and Miloud, her lover, whom she marries. Their love is hampered by their parents' differences in regard to hostilities against the French. Miloud is shot by Itto's brother and is saved by the skill of a French medical officer. He is grateful and joins up with them. Events bring him together again with Itto. A baby is born to them. The medical officer and his wife make up another part of the story with their baby. The wife is fed up with Africa and when her baby is ill with diphtheria, Itto comes to the rescue with serum and she becomes reconciled in a manner.

The thread of the story is entangled with the pageantry of life in the Moroccan Atlas and intermingling with a smattering of French colonial propaganda, is quite buried. However, the realism of the native language, the marvelous sound recording and the customs of the people make up in interest what is otherwise lost. It has the knack of taking the audience to the country.

No production code seal. Running time, 90 minutes. "A."

"Pasteur"

(Lenauer International)

This French production, interpreting the highlights of the life of Louis Pasteur, the great French scientist, and appearing almost coincidentally with the American film on the same man, is considerably more the delineation of the character of an individual in a character study, than an active, stirring story of a fight against disease.

The characterization of Pasteur is ably portrayed by Sascha Guitry, with a good supporting cast, but since the film is almost wholly composed of lengthy speeches by Pasteur and comparatively little action or

(Continued on page 7)

Purely Personal

TALLULAH BANKHEAD, GLORIA SWANSON, DICK HALLIDAY, RUSSELL HOLMAN, JOE MOSKOWITZ, BOB GOLDSTEIN, BILL SCULLY, SAM LYONS and hordes of others at the opening of "Call It a Day," new Theatre Guild show, at the Morosco Tuesday evening.

•

MRS. HAL ROACH, who arrived on the *Ile de France* last night with her daughter and sister, MRS. HENRIETTE NICHOLS, will leave for the coast today. She will stop off at Culver, Ind., to visit her son, HAL, JR., at the Culver Military Academy.

•

DICK WATTS leaves for Hollywood shortly for exactly one week. Threatening to travel in the same plane are GILBERT GABRIEL, PERCY HAMMOND and JOHN BYRAM. In April, WATTS continues world travel with a stay in China.

•

A. H. MCCAUSLAND, Irving Trust Co. representative at RKO, and O. C. DOERING, Jr., of counsel to the RKO trustee, are due back here Monday after several weeks at the RKO studio.

•

CRESSON E. SMITH, western and southern sales manager for RKO, left Tuesday on a tour of all the exchanges in his territory. First stop was Chicago.

•

JACK MEYER, who is leaving the RKO art department to become art director for Columbia under HY DAAB, will be honor guest at a luncheon at Jack Dempsey's Friday.

•

PETE MAYER is heading for an extended vacation in warm waters. Currently, the itinerary includes Haiti, Jamaica and other amiable places at this time of the year.

•

CHARLES L. GLETT, Audio production manager, has returned from the West Indies. He visited several locations to be used in planned Audio subjects.

•

JIM FINN, editor of *International Projectionist*, plans to head west this week end on a trip that will take him to Chicago, the coast and return via the south.

•

BOB COCHRANE resumed activities at his office yesterday, still wobbly after a severe attack of the flu. He is considering a short trip to Bermuda for sunshine and recuperation.

•

HARRY MOSKOWITZ, if the ice in the bay does not hamper the *Western World*, will arrive here some time today from Buenos Aires.

•

RICHARD DE ROCHEMONT, European manager of "March of Time," will return on the *Ile de France* today.

•

BARNEY PITKIN, New Haven manager for RKO, was in town yesterday.

•

C. W. BUNN, now in Hollywood, is due back the end of next week.

•

JOE STEIN is in Montreal. JACK STEIN was, but is back.



Meet **"THE WIDOW FROM MONTE CARLO"** in the person of lovely **DOLORES DEL RIO** who, with **WARREN WILLIAM**, Louise Fazenda, Colin Clive and Herbert Mundin, brings Warner Bros.' new comedy to the fore among this week's light entertainments. More beautiful than ever, Dolores, gone A.W.O.L., leads suitors and society a merry chase, all nicely straightened out, thank you, by the able work of Director Arthur Greville Collins. Released Feb. 1st.

"Riffraff" Is $11,500 Top In St. Louis

ST. LOUIS, Jan. 29.—"Riffraff" at Loew's was the best draw of the week with $11,500, about $2,500 over house average.

"King of Burlesque" at the Fox was close to average with $11,350 and was held over for another week. The opening week's take was very good considering that two days were the coldest in many years, sub-zero weather and blizzard conditions prevailing. "Rose of the Rancho" and "Two in the Dark" at the Orpheum also ran along with the house average.

There was no outstanding opposition for the week, only the customary winter sports attractions and music offerings at the Municipal Auditorium and Community Center.

Total first run business was $44,350. Average is $46,000.

Estimated takings for the week ending Jan. 23:

"CHARLIE CHAN'S SECRET" (20th-Fox)
"FIRST A GIRL" (G.B.)
AMBASSADOR—(3,018), 25c-35c-55c, 7 days. **Gross:** $8,000. Average, $10,000)
"KING OF BURLESQUE" (20th-Fox)
FOX—(5,038), 25c-35c-55c, 7 days. **Gross:** $11,350. (Average, $12,000)
"RIFFRAFF" (M-G-M)
LOEW'S—(3,162), 25c-35c-55c, 7 days. **Gross:** $11,500. (Average, $9,000)
"ROSE OF THE RANCHO" (Para.)
"TWO IN THE DARK" (Radio)
ORPHEUM—(2,950), 25c-35c-55c, 7 days. **Gross:** $8,500. (Average, $8,500)
"FANG AND CLAW" (Radio)
"FRESHMAN LOVE" (W.B.)
SHUBERT-RIALTO—(1,723), 25c-35c-55c, 7 days. **Gross:** $5,000. (Average, $6,500)

"Smith" on a Dual Fair in New Haven

NEW HAVEN, Jan. 29.—A snow storm over the week-end sent the mercury and the movie grosses way down the scale. It took the College nine days of a dual, plus the locally-filmed "It Happened in New Haven" to reach $2,900, or $100 over the normal seven-day gross.

"Riff Raff" and "The Calling of Dan Matthews" at the Poli, dipped $600 under the $7,000 par. The Paramount went under the $4,800 mark by $800 with "Her Master's Voice" and "The Great Impersonation," while the College dropped "The Invisible Ray" and "First a Girl" after six days and a take of $3,600.

Total first run business was $16,900. Average is $19,300.

Estimated takings for the week ending Jan. 24:

"THE LONE WOLF RETURNS" (Col.)
"WHISPERING SMITH SPEAKS" (20th-Fox)
COLLEGE—(1,400), 25c-35c, 9 days. **Gross:** $2,900. (Average, $2,800)
"HER MASTER'S VOICE" (Para.)
"THE GREAT IMPERSONATION" (Univ.)
PARAMOUNT—(2,400), 35c-50c, 7 days. **Gross:** $4,000. (Average, $4,800)
"RIFF RAFF" (M-G-M)
"THE CALLING OF DAN MATTHEWS" (Col.)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $6,400. (Average, $7,000)
"THE INVISIBLE RAY" (Univ.)
"FIRST A GIRL" (G. B.)
ROGER SHERMAN—(2,200), 6 days. **Gross:** $3,600. (Average, $4,700)

"Burlesque," Show, Smash Detroit Hit

DETROIT, Jan. 29.—"King of Burlesque," with Clyde Beatty and his animals on the stage, was a sensation at the Fox. The $26,300 take was $11,300 over par.

"Hitch Hike Lady," with Wayne King and his band, also proved a winning combination by getting $12,400 at the RKO Downtown. This was $2,400 to the good, "Riff Raff" was in the big money at the Michigan on a take of $25,600.

Total first run business was $83,600. Average is $65,000.

Estimated takings for the week ending Jan. 23:

"MAGNIFICENT OBSESSION" (Univ.)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $4,800. (Average, $5,000)
"KING OF BURLESQUE" (20th-Fox)
FOX—(5,100), 15c-65c, 7 days. Stage: Clyde Beatty and animals. **Gross:** $26,300. (Average, $15,000)
"RIFF RAFF" (M-G-M)
MICHIGAN—(4,100), 15c-65c, 7 days. Stage: Vaudeville. **Gross:** $25,600. (Average, $20,000)
"THE PERFECT GENTLEMAN" (M-G-M)
"MILLIONS IN THE AIR" (Para.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $4,300. (Average, $5,000)
"CAPTAIN BLOOD" (F.N.)
UNITED ARTISTS—(2,070), 15c-65c, 7 days, 2nd week. **Gross:** $10,200. (Average, $10,000)
"HITCH HIKE LADY" (Republic)
RKO DOWNTOWN—(2,950), 15c-65c, 7 days. Stage: Wayne King & band. **Gross:** $12,400. (Average, $10,000)

"Voice" and Show Top Indianapolis

INDIANAPOLIS, Jan. 29. — "Her Master's Voice" on the screen at the Indiana and Earl Carroll's Vanities on the stage hit the high spots here last week with a take of $12,000, up by $5,000, in spite of 15 degrees below zero weather which hit the city the middle of the week.

"Freshman Love" and a Major Bowes' unit at the Lyric was the only other combination to get into the profit column. They were up by $2,500 on a take of $9,500.

Total first run business was $30,000. Average is $26,500.

Estimated takings for the week ending Jan. 25:

"PROFESSIONAL SOLDIER" (20th-Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $3,000. (Average, $4,500)
"MAGNIFICENT OBSESSION" (Univ.)
CIRCLE—(2,800), 25c-40c. Held over from Indiana. **Gross:** $2,500. (Average, $4,000)
"HER MASTER'S VOICE" (Para.)
INDIANA—(3,300), 25c-35c. Stage: Earl Carroll's Vanities. **Gross:** $12,000. (Average, $7,000)
"APRIL BLOSSOM" (M-G-M)
"LONE WOLF" (Col.)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $3,000. (Average, $4,500)
"FRESHMAN LOVE" (W.B.)
LYRIC—(2,000), 25c-40c, 7 days. Stage: Major Bowes' Unit. **Gross:** $9,500. (Average, $7,000)

Re-sign Edna May Oliver

HOLLYWOOD, Jan. 29.—M-G-M has signed Edna May Oliver to a new term contract. The actress will play the leading role in "Tish" as soon as she finishes her current assignment in "Romeo and Juliet." Sam Wood will direct.

Montreal Dull Due To Death of King

MONTREAL, Jan. 29.—Local theatres in common with amusements throughout Canada, suffered a business blow in the death of King George, and box-office returns barely held to average. Real cold weather also had its effect.

A combination vaudeville-film bill headed by "Annie Oakley" was good for $11,000 at Loew's, this being slightly above the line. "A Night at the Opera," which might otherwise have had a big run, closed the week at the Palace with $11,000.

"I Found Stella Parish," top feature at the Capitol, was responsible for $9,000, while the Princess recorded $6,500 on a double headed by "Crime and Punishment."

Hockey games played to slim crowds. Practically all other functions were cancelled.

Total first run business was $41,500. Average is $41,500.

Estimated takings for the week ending Jan. 25:

"I FOUND STELLA PARISH" (F.N.)
"MISS PACIFIC FLEET" (W.B.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $9,000. (Average, $9,500)
"UNE NUIT SEULEMENT" (French)
"INVITATION TO THE WALTZ" (British)
IMPERIAL—(1,914), 20c-29c-34c, 7 days **Gross:** $4,000. (Average, $3,500)
"ANNIE OAKLEY" (Radio)
"NO RANSOM" (Independent)
LOEW'S—(3,115), 30c-34c-40c-50c-60c, 7 days. Stage: "The Music Goes 'Round" Revue. **Gross:** $11,000. (Average, $10,500)
"A NIGHT AT THE OPERA" (M-G-M)
PALACE — (2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $11,000. (Average, $11,000)
"CRIME AND PUNISHMENT" (Col.)
"SWEET SURRENDER" (Univ.)
PRINCESS—(2,272), 25c-30c-35c-50c-65c, 7 days. **Gross:** $6,500. (Average, $7,000)

"Obsession" Pulls $13,400, Houston

HOUSTON, Jan. 29. — "Magnificent Obsession" was the money-maker of the week. It had a take of $13,400 at the Majestic and was held over for a second week. This is $6,400 above par.

"Crime and Punishment" ran up to $3,750 in three days at the Kirby where the week end average is $3,000. "Bad Boy" drew $1,975 at the same theatre in midweek when $1,500 is par.

"Rose of the Rancho" at the Metropolitan and "Professional Soldier" at Loew's State both took the rap, falling off 20 per cent each. Each grossed $5,600 as against a $7,000 average.

"Little Big Shot" at the Kirby for one day only, pulled its average of $500, mostly in matinee trade, and Bank Night ran the figure to $1,500 for the day.

Total first run business was $31,465. Average is $26,000.

Estimated takings for the week ending Jan. 23:

"CRIME AND PUNISHMENT" (Col.)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $3,750. (Average, $3,000)
"LITTLE BIG SHOT" (W. B.)
KIRBY—(1,450), 15c-35c, 1 day. **Gross:** $1,500. (Average, $500)
"BAD BOY" (20th-Fox)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,975. (Average, $1,500)
"PROFESSIONAL SOLDIER" (20th-Fox)
LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $5,600. (Average, $7,000)
"MAGNIFICENT OBSESSION" (Univ.)
MAJESTIC—(2,250), 25c-50c, 7 days. **Gross:** $13,400. (Average, $7,000)
"ROSE OF THE RANCHO" (Para.)
METROPOLITAN—(2,600), 25c-50c, 7 days. **Gross:** $5,600. (Average, $7,000)

"Obsession" Frisco Lead In 2nd Week

SAN FRANCISCO, Jan. 29.—In a week of dull grosses in Frisco "Magnificent Obsession" was the only attraction to get into the profit column. It was $200 over normal on a take of $7,000 for its second week.

The Warfield, without a stage show and with reduced admissions and a dual bill, eked out $19,000.

Total first run business was $66,100. Average is $74,400.

Estimated takings:

Week Ending Jan. 21:
"AH, WILDERNESS" (M-G-M)
UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days, 4th week. **Gross:** $3,000. (Average, $5,600)
"ALIAS BULLDOG DRUMMOND" (G.B.)
"NEW ADVENTURES OF TARZAN" (Republic)
EMBASSY—(1,400), 15c-25c-35c, 7 days. **Gross:** $2,500. (Average, $3,600)
"WE'RE ONLY HUMAN" (Radio)
GOLDEN GATE—(2,850), 25c-35c-40c, 7 days. Stage, band. **Gross:** $12,000. (Average, $14,500)

Week Ending Jan. 22:
"MAGNIFICENT OBSESSION" (Univ.)
ORPHEUM—(2,440), 15c-30c-40c, 7 days, 2nd week. **Gross:** $7,000. (Average, $6,800)
"RIFFRAFF" (M-G-M)
"FIRST A GIRL" (G.B.)
PARAMOUNT—(2,740), 15c-30c-35c-40c, 7 days. **Gross:** $9,000. (Average, $11,500)

Week Ending Jan. 23:
"KING OF BURLESQUE" (20th-Fox)
"THREE LIVE GHOSTS" (M-G-M)
WARFIELD—(2,680), 30c-40c, 7 days. **Gross:** $19,000. (Average $19,000)
"CAPTAIN BLOOD" (F.N.)
ST. FRANCIS—(1,470), 15c-30c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)
"BORN FOR GLORY" (G.B.)
"MURDER OF DR. HARRIGAN" (F.N.)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $5,500. (Average, $6,000)

Week Ending Jan. 24:
"CRIME AND PUNISHMENT" (French)
CLAY—(400), 35c, 7 days, 2nd week. **Gross:** $1,100. (Average, $1,000)

Lincoln Slumps as Storm Sweeps City

LINCOLN, Jan. 29. — Heavy snow and extreme cold knocked the props out from under grosses, with only one house reaching par. This was the Orpheum, with "Forbidden Fruit" and a stage show headed by Rudy Bundy and his band for half the week and "Way Down East" for the other half. The take was $2,100.

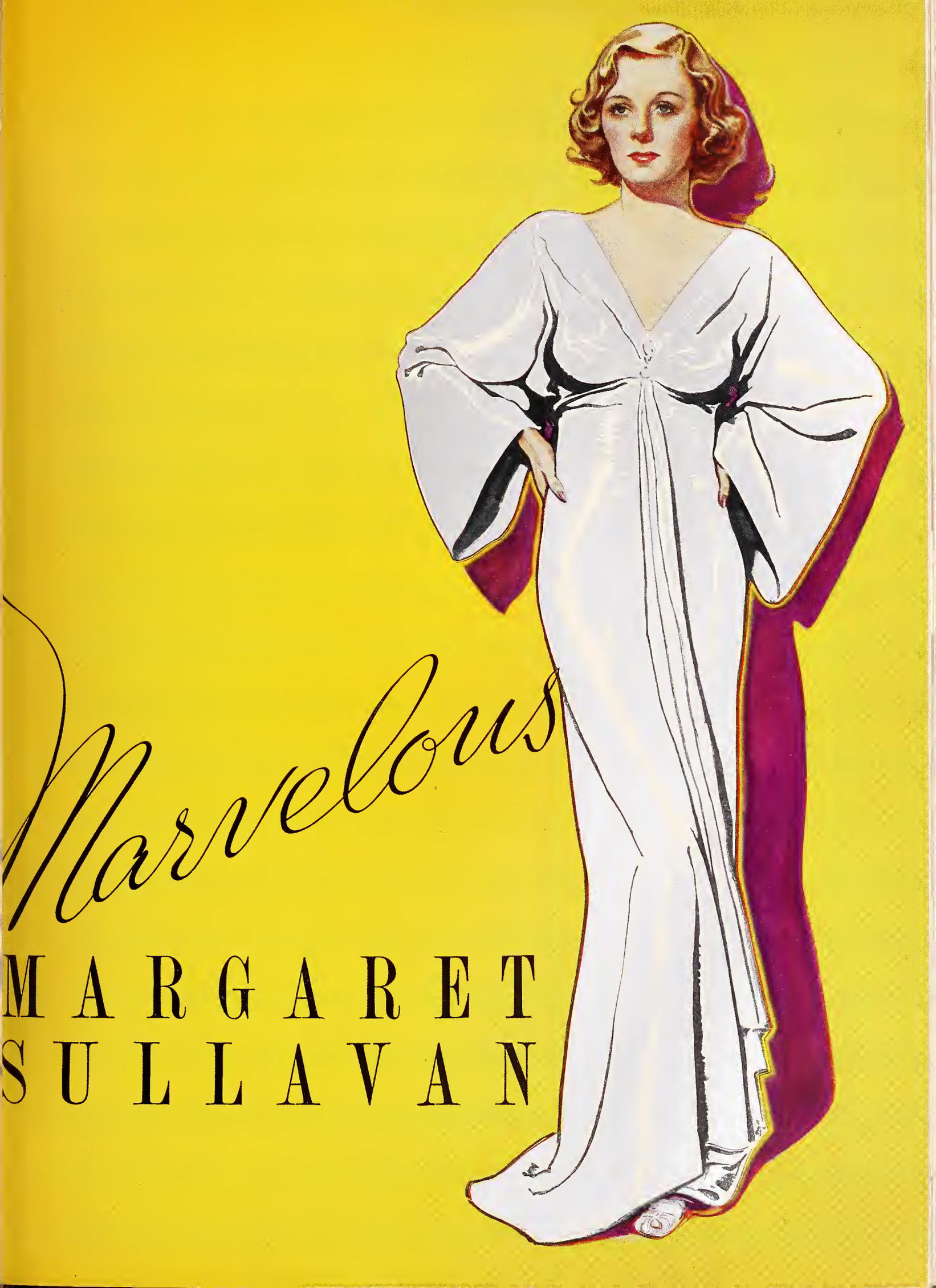
"Dark Angel" at the Stuart was $100 off with only $3,000; "Frisco Kid" at the Lincoln took it on the chin with $2,000, likewise $200 down.

Total first run business was $8,800. Average is $9,850.

Estimated takings:

Week Ending Jan. 22:
"RAINBOW'S END" (First Div.)
"THREE LIVE GHOSTS" (M-G-M)
COLONIAL—(550), 10c-15c, 7 days. **Gross:** $800. (Average, $850)
"DARK ANGEL" (U. A.)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $3,000. (Average, $3,100)

Week Ending Jan. 23:
"LONE WOLF RETURNS" (Col.)
VARSITY—(1,100), 10c-20c-25c, 7 days. **Gross:** $900. (Average, $1,300)
"FRISCO KID" (W. B.)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,000. (Average, $2,200)
"FORBIDDEN HEAVEN" (Republic)
"WAY DOWN EAST" (20th-Fox)
ORPHEUM—(1,350), 10c-15c-20c-25c, 7 days, the first three with vaudeville headlining Rudy Bundy and his band. **Gross:** $2,100. (Average, $2,100)


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Directed by EDWARD H. GRIFFITH

A UNIVERSAL PICTURE

Film Upturn Is Predicted In New Haven

NEW HAVEN, Jan. 29.—In general New Haven echoes the national feeling that the film business will definitely show an uptrend in 1936. Exhibitors generally concede an increase in grosses of from 10 per cent to 20 per cent, at the end of 1935.

"We are definitely on the way back so far as New England show business is concerned," states Harry Shaw, division manager for Loew's-Poli New England Theatres, and this optimism, contingent upon the continuation of better product, is voiced also by Dr. J. B. Fishman, Connecticut M. P. T. O. president, and by many other executives in the territory.

B. E. Hoffman, Warner Theatre executive, predicted only a slight improvement for 1936 over 1935, stating that he was more optimistic about business from the first of September through Thanksgiving than since.

George Cruzen, division manager of M. & P. Theatres, termed the outlook "most encouraging." He sees an apparent general uptrend in all business through the Connecticut and Massachusetts valleys, where for years he has "looked at silent factories, which are now turning their wheels with from one to three shifts a day." Mr. Cruzen said, "Our business through December was excellent and this is a period which we always fear. Evidence of the upswing is expressed definitely by the fact that our own grosses are 20 per cent above those for the same period last year, referring both to the past three months and currently."

2,000-Foot Reels For Houses on Coast

HOLLYWOOD, Jan. 29.—San Francisco fire laws will be revised to permit the use of the 2,000-foot reel, it was agreed upon today by the Board of Supervisors of that city. Laws now in force forbid the use of more than 1,000 feet at a time. Today's meeting was attended by Fire Marshal Frank Kelly and George Ballentine, manager of Twentieth Century-Fox Exchange, and Gordon S. Mitchell, manager of Academy Research Council.

This action, together with similar law revisions in Portland, removes all obstacles to the use of the new reel on the Pacific coast.

Dissolve Fordham Firm

ALBANY, Jan. 29.—A certificate has been filed in the office of the Secretary of State dissolving the Fordham Amusement Corp.

Report "U" Theatre Loss

A net loss of $9,951 for the period of Jan. 1 to Dec. 18, 1935 was reported by the receivers of Universal Chain Theatres Corp.

To Make "Deerslayer"

R. M. Savini will produce James Fenimore Cooper's story, "The Deerslayer," which will be released in June by Astor Pictures Corp.

Looking 'Em Over

(Continued from page 2)

dramatic movement, other than that inherent in the man's fight for recognition, it is likely that only those with a knowledge of French will find the picture especially appealing. There are, however, sufficient English subtitle translations to make for ready understanding of the story, and the film is interesting.

Highlighting the picture are Pasteur's defense of his work before the Academy of Medicine, his action in saving the life of a boy bitten by a dog through the use of his hydrophobia serum, and finally the honors which are heaped upon him by the country, in the person of the President of France, in the closing years of the scientist's life.

Reviewed without production code seal. Running time, 63 minutes. "G."

Grainger Talks '37 In Chicago Session

(Continued from page 1)

der of the current season's lineup, but had also induced him to add four serials for next season. Preliminary arrangements also have been discussed on the 1936-37 lineup.

Grainger's stop here was one of the closing features of a four-week trip to the coast and back. Among those at today's conferences were E. T. Gomersall, central division head, and H. M. Herbel, Chicago; Louis Patz, Des Moines; Morris Gottlieb, Detroit; Floyd Brown, Indianapolis; William Benjamin, Kansas City; Saul Resnick, Milwaukee; Frank Mantzke, Minneapolis; J. J. Spandau, Omaha, and J. E. Garrison, St. Louis.

Immediately after his arrival in New York Friday morning Grainger will go into conference with F. J. A. McCarthy, eastern division sales manager; Sig Wittman, eastern district manager; A. J. Herman, New England district manager; Harry Graham, southern district manager, and Claire Hague, Canadian general manager.

Fight Is Expected On "Matron" Laws

(Continued from page 1)

better films who think more can be accomplished by cooperation with the industry than legal and political bludgeoning from without.

Under the terms of the bill introduced by Assemblyman William T. Andrew, Democrat, of New York City, a matron would be required for each 200 unescorted children under 16. She would have to be certified by the board of health and also be approved by the Society for the Prevention of Cruelty to Children.

Censorship in addition to the state regulations already imposed would include appointment of a new censorship commission by the Mayor to decide what films were suitable for children.

Another bill by Assemblyman Breitbart would authorize the state censors to decide whether films are suitable for showing to children.

More bills are in prospect, it is said.

New Air Express Opens

Unified air express service, employing the facilities of 22 major airlines, becomes operative tomorrow throughout the country. Under the new operating system the air express division of the Railway Express Agency increases its mileage by approximately 80 per cent and adds 65 new airports to those previously served.

Congress Probe Into Music Costs Hinted

(Continued from page 1)

patents committee, to which the Duffy bill has been referred, plans an inquiry into copyrights involving every phase of the film industry.

Executives familiar with legislation affecting the industry, when questioned by MOTION PICTURE DAILY yesterday, expressed doubt as to the probability of the reported Congressional investigation of the score charge and music taxes. They advanced the opinion that these charges comprised so incidental a part of the objectives of the Duffy bill that they doubted whether a Congressional committee would make them the subject of an investigation.

Short Subjects

"Finer Points"

(*Paramount*)

Hunting dogs are featured in this "Sportlight" and as they go through their paces they give an entertaining few minutes. The film shows a pack of young dogs flushing quail and other game birds and excellent closeups achieve a fine quality in artistic photography. Of course, there is a human element interwoven and Ted Husing's narrative is fitting in its mixing of the serious with the humorous. Natural surroundings of the Carolinas form a perfect hunting setting. A good sporting, outdoor offering. Production Code Seal No. 0811. Running time, 10 mins. "G."

"Movie Milestones No. 2"

(*Paramount*)

The milestones in this effort are "The Ten Commandments," an old Beery-Hatton, "Behind the Front," and "The Way of All Flesh," an Emil Jannings drama. The sound has been dubbed and the narrative aptly covers the history of each episode. The parting of the Red Sea in "Ten Commandments" is again seen and retains its spectacular impact after all these years. The highlights of the others are shown and go to make an historical film study that should entertain. Production Code Seal, No. 0843. Running time, 11 mins. "G."

"Pirates" Date Set

HOLLYWOOD, Jan. 29.—Pioneer has designated April 17 as release date for Technicolor "Dancing Pirates."

AMPA TODAY

12:45

WILLIAM LYNN, star of "Three Men on a Horse"—CONSUELO MORENO, PILAR CALVODAR and LOUIS MARAVILLAS, members of Music Hall stage show, aided by musicians from El Chico—DOUGLAS MERTON, supervising editor of Fawcett Publications—PEGGY CALVERT, blues singer—HETTY GREY BAKER, 20th Century-Fox.

AT HOTEL ASTOR

. . . . NOTE THE CHANGE

Reopenings in Portland Area Stir New Hope

PORTLAND, Ore., Jan. 29. — Interviews obtained from representative film men of this trade area, show there is practically a unanimous opinion that business will continue on the upward turn, at least for the first six months of 1936. This optimism is reflected in the modernization of a score of houses, and the opening of several which had been closed for the past few years.

Conservative estimates indicate that business at both the downtown and suburban spots has shown an increase of from 20 to 40 per cent, and it is believed this will continue in 1936. Where last year at this time there were some 13 theatres closed, they have all been reopened and modernized, with a corresponding increase in the equipment business. There are now some 213 theatres operating in this area, which includes Oregon proper, the southern counties of Washington and a few in Northern California. Contracts have been let for another three houses in the outlying sections of Oregon which will be completed during the next three months.

The brightest spot just now is the great Inland Empire adjacent to and including Spokane, having three sources of income, both Ft. Peck and Coulee Dam, the returns from the wheat harvest and the rich mining sections.

Statistics in Ohio Reflect Heavy Gain

COLUMBUS, Jan. 29. — Improved statewide conditions are reflected in the tabulation just released by Samuel Squire, state superintendent of banks, based on reports made by 467 state-supervised institutions in answer to a call as of Dec. 31.

The compilation, prefaced by the statement: "Business generally has emerged from the shadows, and there is every good reason to believe that 1936 will bring still further improvement in economic conditions," the figures show that total resources were $1,305,023,327, an increase of $61,667,547 since the call of Sept. 30, 1935, and an increase of $147,435,861 since the call of September a year ago.

Total deposits at the end of 1935 were $1,139,516,792, an increase of $64,141,001 since September, and a gain of $149,673,192 over September of 1934.

Savings deposits totaled $551,669,181 on Dec. 31, 1935, which is $53,023,384 greater than the final report of 1934.

Form Graham Enterprise

DALLAS, Jan. 29.—Graham Enterprises, Inc., has been chartered to engage in the theatrical business. Incorporators are Mary Graham, M. D. McCloud and Artie P. Stephens.

Townsend Is a Father

DETROIT, Jan. 29. — Marvin Townsend, booker for the Butterfield circuit, is the father of an eight-pound boy.



The picture the whole wide world has been waiting for! . . .

Gets High Post



Francis L. Harley, new managing director of Twentieth Century-Fox in England, succeeding Walter J. Hutchinson, now general manager of all foreign sales. Harley will be transferred from Paris where his successor has not yet been named.

Urges Newsreel Theatre

ST. LOUIS, Jan. 29.—A local theatre to be devoted entirely to newsreels and films on current topics was advocated in a recent talk before the Better Films Council of Greater St. Louis by Dr. George T. Donovan, president of Webster College. He contended the current newsreels are too brief and tend too much toward the sensational.

Price Acts for Allied

BALTIMORE, Jan. 29.—Arthur B. Price, proprietor of the Aurora, is in charge of arrangements for the conference of eastern regional directors of Allied which will take place here Feb. 3.

Wall Street

Warner Issues Up on Board

	High	Low	Close	Net Change
Columbia, vtc	44	43¾	43⅝	— ⅜
Columbia, pfd	50⅝	50⅜	50½	— ⅛
Consolidated	6¼	6	6	.....
Consolidated, pfd	18¾	18½	18½	— ¼
Eastman Kodak	158	157½	157½	— ½
Eastman, pfd	158	158	158	.....
Loew's, Inc.	52½	52	52	— ¼
Loew's, Inc., pfd.	106½	106½	106½	+ ⅝
Paramount	11⅜	11¼	11¼	+ ⅛
Paramount 1 pfd.	86¾	85¾	86	+ ¾
Paramount 2 pfd.	12¾	12½	12¾	+ ¼
Pathe Film	7⅞	7½	7½	— ⅜
RKO	8⅛	7⅞	7⅞	.....
20th Century-Fox.	26⅛	25⅝	26⅛	— ⅜
20th Century, pfd.	35¼	34⅝	34⅝	— ⅝
Universal, pfd	71½	70	70	—2
Warner Bros.	12¼	12	12⅛	+ ⅛
Warner, pfd	54	53⅞	54	+ ½

Trans-Lux Gains ⅛ on Curb

	High	Low	Close	Net Change
Sentry Safety	¾	¾	¾	.....
Sonotone	2⅛	2⅛	2⅛	.....
Technicolor	22¾	21¾	22¾	+ ⅛
Trans-Lux	4⅛	3⅞	4⅛	+ ⅛

General Theatre Bonds Off

	High	Low	Close	Net Change
General Theatre 6s '40	23½	23	23	—1⅛
General Theatre 6s '40 ctf.	23½	23	23	—1⅛
Loew's 6s '41 ww deb rights	103¼	103⅛	103⅛	.....
Paramount B'way 3s '55	58⅝	58	58⅝	+1⅛
Paramount Pict. 6s '55	95¾	95	95¾	+ ½
RKO 6s '41 pp.	75½	75½	75½	.....
Warner Bros. 6s '39 wd	92½	92	92¼	+ ¼

(Quotations at close of Jan. 29)

338 English Firms Formed During 1935

By BRUCE ALLAN

LONDON, Jan. 20.—A total of 338 companies engaged in production, exhibition or other film work were formed during 1935 in Great Britain. The total capital registration was approximately $18,387,200. Of the new firms 12 were public companies and 326 private. Theatre companies totaled 162, with a total capital of approximately $2,937,325. There were 259 new companies registered in 1934.

The largest single flotations of the year were by National Provincial Cinemas, a Union Cinema subsidiary, which increased its capital from £100,000 to £750,000; Gaumont Super Cinemas, in taking over H. & G. theatres, £400,000,, and Technicolor, £160,000.

* * *

Worton Hall Studios, Ltd., with a nominal capital of $50,000, has been formed by A. S. Cunningham-Reid, Douglas Fairbanks, Jr., Paul Czinner and Marcel Hellman, directors, to acquire the Worton Hall studio at Isleworth. All but Czinner are directors of Criterion Prod., releasing through United Artists.

* * *

Denham Laboratories, Ltd., has been formed with a capital of $500,000 to erect a laboratory on a site adjacent to the new London Films studio at Denham. The directors of the new company are Sir Connop Guthrie, Alexander Korda, D. Oliver and S. Warburg. The plant will do general work as well as London's product. It will be ready in nine months.

Radio Signs Marshall

HOLLYWOOD, Jan. 29.—Herbert Marshall has signed an exclusive contract with Radio for five years. He will make three pictures a year. His first assignment under his new ticket has not yet been set. Marshall has been one of the outstanding free lance players, and heretofore has refused all offers for his exclusive services.

Technical Advisor Named

HOLLYWOOD, Jan. 29. — Louis Van Den Ecker has been signed by Pickford-Lasky as technical adviser on "One Rainy Afternoon." He will handle a Parisian courtroom scene. Van Den Ecker has been in both the French military and diplomatic services.

Selznick Signs Hoffman

HOLLYWOOD, Jan. 29. — David O. Selznick has signed Renaud Hoffman to act as his business assistant. Renaud's duties will not conflict with those of Phil L. Ryan, who also acts as a business assistant.

FWC Managers Shifted

LOS ANGELES, Jan. 29. — Harry Hunnsucker has replaced J. D. Graham as manager of the Fox, Watsonville, and Graham has taken Hunnsucker's place as manager of the El Rey, Salinas. Both are F.W.C. houses.

Equity Case Is Dismissed At St. Louis

(*Continued from page* 1)

by the Government's dismissal motion, the defendants were willing to allow the Government to amend its petition to join as defendants all the individuals who had been defendants in the earlier criminal trial, and to enter an immediate appearance of the additional defendants, "in order that this case may proceed as we think it should."

Hardy had said yesterday that, "in the absence of many of the important actors in the conspiracy the Government feels that it cannot proceed to a final determination of the case in view of the court's ruling of Monday eliminating conversations with some of these alleged conspirators."

Wood Guarantees Appearance

Wood continued:

"If the Government thinks others than these persons should be made party defendants, I am authorized to state we will be able to say promptly if it will be possible to enter their appearance. Of course it is for the Government to say whether this offer of ours will be accepted or not."

Wood pointed out the desirability of carrying the case through now, adding that the same defendants had been acquitted in the criminal action on the same issues, and that the equity case had apparently proceeded to a point where the Government was about to rest its case. He contended the naming of additional defendants could not change any material facts in the case, and it was in view of this that the defendants were making their offer to the Government.

Hardy declared he regretted the offer could not be accepted, since it did not meet the situation with which the Government was confronted.

The Government chief attorney thereupon launched into a bitter attack on the defendants, accusing them of being an oppressive combination that was crushing hundreds of small and medium-sized competitors, and that the local situation was "but a small segment of this great generic conspiracy." He charged that even during the hearing on the case they were extending their conspiracy "to every place in which the complaining witnesses do business."

Phillips Scores Hardy

Louis Phillips of Paramount counsel rose and sharply scored Hardy for rejecting Wood's offer, saying:

"Hardy closes this case as he started, by assuming a conspiracy without proving it." He accused Hardy of making "foul and villainous attacks on the defendants in the press. He has been clamoring for his day of justice," said Phillips, "but when the opportunity is afforded him he does not accept it, but continues his attacks."

Judge Molyneaux intervened then to say he would rather counsel would abstain from personal characterizations, adding that he realized it is possible for feelings to enter a case, but that it is possible to control those feelings.

William S. Leisure, of RKO counsel, declared he thought the trial had moved to a point where *res adjudicata* had been reached and asked for a dismissal of the Government's motion. The court then heard Wood on whether it had discretion to dismiss without prejudice. Wood declared that in view of the circumstances surrounding this case and the criminal action, there were grounds for denial of the motion, although he admitted expense or annoyance to the defense were not sufficient. He pointed out that in every similar case the dismissal was at the cost of the plaintiff, and that since the Government cannot be charged with the cost, the court should consider that point. He said further that the equity could not be completely divorced from the criminal case, which resulted in acquittal. "Despite that acquittal," said Wood, "we have been branded as criminals even today in this very court."

"Plaintiff's Right" Says Judge

Judge Molyneaux declared:

"I am of the opinion, not only from my personal knowledge of the law and previous court decisions, but also from the expressions of counsel in this case, that the court is without discretion. The plaintiff has the absolute right, if he chooses, to dismiss. This is the decision of law, not of this court. The court is only the instrumentality of the law. Therefore, I will sustain the motion to dismiss without prejudice."

After the court and counsel had exchanged the usual compliments, the defense attorneys took the customary legal exceptions to the court's ruling.

Judge Molyneaux returned to Minneapolis at 4 P. M.

61 Players Were in 19% of Film Roles

HOLLYWOOD, Jan. 29.—Figures compiled from the 430 domestic films released here in 1935 and eligible for the Academy's Eighth annual awards, indicate that 61 players, or six per cent of the 974 receiving major screen credit, played 19 per cent of 2201 roles listed. In 1934, 46 players, or five per cent, played 15 per cent of the major roles.

A total of 393 players receiving screen credit in 1934 were not in the 1935 listing. However, there were 408 players noted in the 1935 study who were not included in the previous year's list.

Names Operators' Board

NEWBURGH, Jan. 29.—Major James D. Tweed has named Fire Chief George W. M. Brown, City Inspector William H. Mabie, Newton J. Flemming, master electrician, and John M. Lamont and Frank R. Peacock, operators, as members of the new M. P. Operators' Board created by ordinance Jan. 7. The ordinance requires licenses for operators at $10 per license and $1 for renewals.

Kent Going Abroad

LONDON, Jan. 29.—S. R. Kent is coming over for a Twentieth Century-Fox sales convention on the Continent in April, according to Walter J. Hutchinson.

Equity Case Highlights

Jan. 6.—Defense counsel plead for dismissal of equity action.

Jan. 7.—Judge Joseph W. Molyneaux denies dismissal plea.

Jan. 9.—Russell Hardy, chief Government counsel, opens his case, and defense replies.

Jan. 10.—Thomas N. Dysart, first Government witness, takes the stand.

Jan. 13.—Warners score several points, as proceedings, entering the second week, are speeded.

Jan. 14.—Spyros Skouras, day's chief witness, discloses attempts to halt suits by Harry Koplar.

Jan. 16.—Government suffers setbacks as court refuses to admit in evidence five conversations allegedly bearing on the St. Louis case.

Jan. 17.—Marco Wolff, the "M" in F. & M., declared he asked Adolph Zukor for help in getting Paramount product.

Jan. 20.—Court tentatively rules out financial records of Warners' Shubert-Rialto and Orpheum and talk between Fanchon Simon, the "F" in F. & M., and Adolph Zukor, as case starts third week.

Jan. 22.—Irving Lesser testifies to difficulty in getting a Warner film for the Roxy in New York.

Jan. 23.—Milton Arthur, brother of Harry C., F. & M. executive, tells of his troubles in obtaining pictures for his western houses.

Jan. 24.—Charles D. Hilles, Paramount trustees, is surprise Government witness, defining Zukor's duties.

Jan. 27.—Defense wins vital points as conversations vital to Government case ruled out by Judge Molyneaux, and records of Shubert-Rialto and Orpheum are definitely eliminated.

Jan. 28.—Hardy, in surprise move, asks dismissal without prejudice.

Jan. 29.—Judge Molyneaux grants Hardy's motion, ending case.

Gypsy Music for Ampa

Ampa members, meeting today for lunch in the mezzanine of the Astor, will be entertained by a program of Gypsy flamenco music and singing to be offered by Consuelo Moreno, Pilar Calvodar and Luis Maravillas, the trio playing at the Music Hall in the stage show "Winter Cruise." They will be aided by musicians from El Chico.

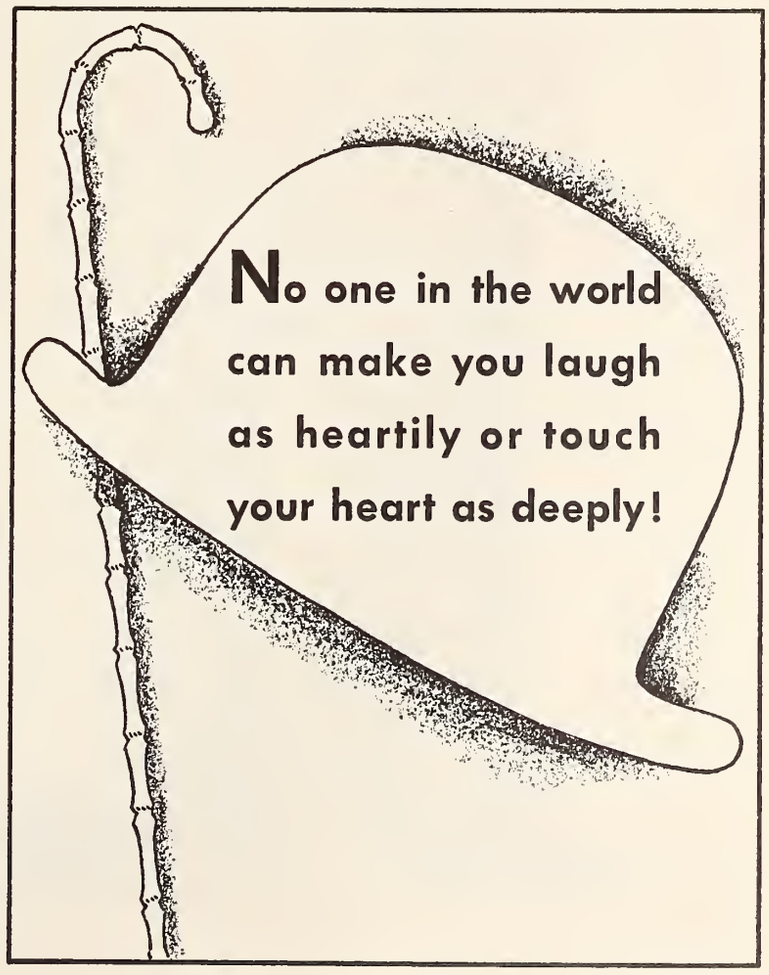
Others on the program are Peggy Calvert, Douglas Merton, supervising editor of the Fawcett publications; Hetty Grey Baker of Twentieth Century-Fox, and William Lynn, star of "Three Men on a Horse."

Britishers to See Chaplin

The British Commonwealth Club has taken 150 seats for the opening of Charlie Chaplin's "Modern Times" at the Rivoli Feb. 5. Opening night tickets went on sale yesterday, at $5.50 for orchestra and $2.20 for balcony seats. Thereafter a continuous run policy at regular prices will prevail.

"Preview" Retitled

HOLLYWOOD, Jan. 29.—Paramount has picked "The Preview Murder Case" as the release title of Garnett Weston's original, "Preview."





He stands alone as the greatest entertainer of Modern Times!

Charlie Chaplin

in

MODERN TIMES

written, directed and produced
by CHARLES CHAPLIN
Released thru UNITED ARTISTS

World Premiere Wednesday, Feb. 5th Rivoli Theatre, N.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 26 NEW YORK, FRIDAY, JANUARY 31, 1936 TEN CENTS

Exhibitors to Battle Motors' Film Caravan

Plan Is for 20,000-Mile Tour of Country

Exhibitor leaders yesterday prepared to protest vigorously the free film show caravan which General Motors Corp. plans to start on a 20,000-mile itinerary through the country early in the spring.

The motorized show, dubbed a "science-circus" of 28 motor vehicles by General Motors, will set up a tent accommodating several thousand in each stop on its itinerary. In the language of the motor company, it expects to reach "many millions of people" through the thousands of free shows which it plans to give in almost as many cities and towns. "Continuous motion picture performances from 9 in the morning until 10 at night" are planned, according to a statement from General Motors.

Programs will include dramatic, recorded film narratives featuring Ed-

(Continued on page 7)

Hanbury on Board of Radio Pictures, Ltd.

By BRUCE ALLAN

LONDON, Jan. 30.—Ralph Hanbury, general manager of Radio Pictures, Ltd., here, today was elected to the board of directors of the company at board meeting. Hanbury replaces Frederic Paul Culbert, managing director of RCA Photophone, Ltd., and European representative of RCA Manufacturing Co.

Hanbury had been branch manager and general manager of Stoll Film Co., general manager of Welsh Pearson Film Co., branch supervisor of M-G-M here, then general sales manager and later general manager of Radio Pictures, Ltd.

Directors Gain 19; Donovan Made Agent

HOLLYWOOD, Jan. 30. — Nineteen directors joined the new Directors' Guild last night when Major Joseph N. Donovan was named as executive secretary.

William K. Howard was put in charge of press releases.

A committee was named to make revisions in the by-laws which were called at Sacramento with the guild's incorporation papers. A spokesman explained that the directors were not considering affiliation with any other talent groups now or in the future.

Enjoins City From Levying 2% Sales Tax

Stay Effective Pending Injunction Hearing

A temporary stay enjoining the city from levying the two per cent sales tax on film rentals and enjoining distributors from collecting it was granted yesterday by Justice R. P. Leyden in the N. Y. Supreme Court to two exhibitor plaintiffs on the petition of Weisman, Quinn, Allen & Spett, attorneys for the I. T. O. A.

The stay is effective pending a hearing to be held Feb. 7 on the plaintiffs' motion for a temporary injunction, *pendente lite*. It enjoins Frank J. Taylor, city comptroller, from levying the tax against films prior to the hearing and restrains Columbia, Twentieth Century-Fox, M-G-M, Paramount, RKO, United Artists, Universal and Vitagraph from collecting it.

The action applies only to the two

(Continued on page 7)

RCA Directors to Pass on Revamping

A special meeting of the RCA board has been called for today to approve a plan of financial reorganization proposed a week ago by Joseph P. Kennedy, former SEC head and film executive, who was retained by RCA for that purpose.

The plan understood to be favored by RCA, which is one of several suggested by Kennedy, is understood to provide for the calling of the com-

(Continued on page 7)

Ruminating

Film lawyers in New York yesterday speculated over whether or not Judge George A. Welsh within his authority as a Federal judge in appointing Benjamin M. Golder special investigator to determine if anti-trust laws had been sufficiently violated in the Philadelphia area to warrant grand jury investigation.

Opinion was mixed and, while no one would submit to a quotation, the majority viewpoint was that he had not.

Double Bill Truce Urged By Laemmle

In an open letter to producers, especially those who own and operate theatres, Carl Laemmle yesterday suggested a truce on the double feature question. The Universal president admitted frankly in this open letter, which will be published as a Straight-from-the-Shoulder-Talk in *Universal Weekly* dated Feb. 1, that double features hurt Universal just exactly as much as they help.

"I quote a paragraph," says Laemmle, "from *Motion Picture Herald.*"

"The right of an independent exhibitor to show two pictures on a single program without contractual interference from the large destributors was upheld for the second time within a year by a decision of the United

(Continued on page 7)

Court Orders New Probe in Philadelphia

Picks Attorney in Dual Feature Litigation

PHILADELPHIA, Jan. 30.—Benjamin M. Golder, who represented the independents in the Perelman double feature case, in which the standard contract clause prohibiting dualing was called a violation of the Sherman Anti-Trust Law, today was appointed special investigator by Federal Judge George A. Welsh to determine whether there was sufficient evidence of trust law violations on the part of major companies to warrant a grand jury investigation.

Welsh was appointed *amicus curiae* (friend of the court) to study block booking and other trade practices. Golder will serve without pay and will have no power to subpoena witnesses. On the basis of his unofficial report, Welsh will decide whether a grand jury investigation is warranted.

The action of the court follows a visit yesterday by prominent independent exhibitors, who claimed that evidence of criminal conspiracy was obtainable. Welsh did not agree their evidence was strong enough to warrant an immediate grand jury study and named Golder.

Whether or not the Independent

(Continued on page 7)

Lawyers, Principals Back from St. Louis

Attorneys for Warners, Paramount and RKO and several principals who have been in St. Louis on the Government's equity suit against the three companies and which was dismissed Wednesday at the request of Russell Hardy returned yesterday from the Mound City.

Among those were Harry M. Warner, Herman Starr, Abel Carey Thomas, Miles Alben, Robert W. Perkins, I. Levinson, Frederick H. Wood,

(Continued on page 7)

Tally Suit Against FWC Delayed Again

HOLLYWOOD, Jan. 30.—The hearing of the suit by T. L. Tally and Corbar Corp. to have the Fox West Coast bankruptcy set aside has been postponed from Feb. 3 to Feb. 6, at which time Judge Alger Fee will have arrived here from Portland. Judge Fee will preside in place of Judge Cosgrove.

In filing an answer to the complaint

(Continued on page 7)

Kansas City ITO Suggests City-Wide Giveaway Ban

KANSAS CITY, Jan. 30.—About three-fourths of the members of the I.T.O. met this week and voted to eliminate all cash giveaways and premiums, providing other independent and circuit theatres in Kansas City, Mo., do likewise.

The vote resulted from an effort on the part of E. Rolsky, president, in the direction of complete giveaway elimination. Most of the independents are agreeable to the move, but agree it will be abortive unless elimination is 100 per cent.

The independents have word from Fox Midwest that Fox houses will go along with such a move, providing it is complete.

Hopes for the success of the movement are not high, as it is expected some of the independents will not go along. Rube Finklestein of the Belmont and William Parsons of the Aladdin have already indicated their unwillingness. Parsons is willing to eliminate cash giveaways but not premiums.

Rolsky will, however, continue his efforts and call a meeting next week to apprise I.T.O. members of the situation.

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Fifteen in Brooklyn Held for High Court

Fifteen of the 16 Brooklyn theatre employes arraigned yesterday before Magistrate Sylvester Sabbatino for admitting children without guardians were held for Special Sessions. Jack Stepansky, ticket taker at the Subway, Brooklyn, was paroled in the custody of the court when it was found evidence was lacking.

Previously, about a dozen members of the I. T. O. A. have been held for Special Sessions. None of the men arraigned yesterday are employed by theatres of the I. T. O. A. group.

Vogel Nearly Overcome

MEMPHIS, Jan. 30.—Cecil Vogel, manager of Loew's State here, his wife and four-year-old daughter had a narrow escape early yesterday when gas fumes filled their home. Vogel, awakened by the cries of the child, was barely able to open an outer door before he fell unconscious. The air revived him and he summoned aid. All three are recovering.

Greenstein President

Benjamin S. Greenstein is vice-president of Empire M. P. Operators and not Max Amreich as reported, according to the union. Amreich is treasurer, it was stated.

Yates in Hollywood

HOLLYWOOD, Jan. 30. — Herbert Yates arrived here today from New York.

Insiders' Outlook

By RED KANN

LESSON for those modest enough to learn: Editorial and word-of-mouth comment on "The Informer" will swell Radio's domestic distribution gross by $150,000 through repeat and new bookings and swing the picture from red to black in this market. Internationally, there never was any doubt about the final outcome; domestically, there was plenty. You may conclude from this that it is only the rare attraction capable of reviving itself when general distribution had virtually played itself out except in the smaller situations. . . .

▼

That's quite true, but not all the truth. It has long been an idea, not quite so screwy, we think, as some of our others, that the rapidity with which the release schedules of all majors move makes it impossible generally to give proper attention to adequate merchandising. Couple with this the unsound, but again general, practice of theatres at large changing program every seven days because it seems more the custom than anything else and you find a situation against which meritorious product successfully batters its head. There was the case of "Top Hat" which did not make a fourth week at the Music Hall because bookings prevented. And so it gave way for something else, despite a third week which finished somewhere in the neighborhood of $90,000. . . .

▼

It is our opinion that, in lesser degree probably but there to conjure with, the current case of "The Informer" can be duplicated if distributors put in the required effort. The question of whether or not the commercial usefulness of product is entirely exhausted once it passes through the routine machinery of distribution continues to be an open and an argumentative one. The piling up of one release after another to meet what the distributor views, or is told, or has come to imagine, is the demand of his theatre customers admittedly makes the time to ponder further possibilities fleeting and yet we believe the subject rates reflection since it may reflect better grosses. . . .

▼ ▼

MEMO TO MR. EDITOR:

Don't miss Harold Lloyd's "The Milky Way." Paramount will have to pass out pills to stop audiences from laughing after every showing.

Some of the women at a projection room showing yesterday were nearly hysterical, and some of the men—well, they were just limp.

There's no art—none of that balancing of pathos and comedy stuff; it's just a mass of gags that break down one's reserve and then trample on it. How they ever got so many of them into one feature only Lloyd and Leo McCarey can tell—and they probably won't.

M. E.

▼

MEMO TO
MR. MANAGING EDITOR:

That makes two raves for Harold. First was the Hollywood preview.

Circuit operators and some of the big boys in competitive companies must have seen the Lloyd comedy, or else they've had grapevine information from the coast. They all agree that this is something.

We're tickled. For the sake of the business. For the sake of theatre operators. For the sake of Paramount.

ED.

▼

So much has been said and written about Ray and Johnston and Republic, that this ought to be said:

Johnston holds a five year contract with the company.

He had it when the company monicker switched from Monogram.

He has had it since that time.

There has been no change in its status and so none in Johnston's.

This ought to bring loose conversation to an abrupt end. . . .

Kuykendall Guest Of Ampa Next Week

Ed Kuykendall, president of th M.P.T.O.A., will be the guest of hono at Ampa's meeting at the Astor nex Thursday, it was stated yesterday b Gordon White. "Pete" Woodhull, a ex-president of the M.P.T.O.A., wi be toastmaster. Other prominent the atre men also will grace the dais, was said.

Yesterday's meeting was diversifie Ben Collardo, proprietor of El Chic brought five entertainers who appeare at the Music Hall during the past tw weeks. They were Consuelo Moren singer; Pizar Calvo, dancer; Lu Maravillas, guitarist; Emilio de Torre pianist; and Jose Ortiz, saxophonist.

Hettie Gray Baker, censor offici at Twentieth Century-Fox, discusse censorship in Virginia, Illinois, Ohi New York, Maryland, Kansas an Pennsylvania, tempering her remark with a number of humorous incident she experienced in these states. Sh stated the New York board for th period July 1, 1934, to June 30, 193 looked at 9,000,000 feet of film con prising 1,749 features and shorts. C this number there were eight reje tions in toto and three subject to re vision.

Peggy Calvert sang with Georg Walsh accompanying at the pian William Lynn, who appears in "Thre Men on a Horse," told of his exper ences when the cast put on the sho at Sing Sing recently.

Ed NcNamee has been named chai man of the committee on the annu advertising, publicity and press boo awards.

Executive Changes Announced by Roac

HOLLYWOOD, Jan. 30.—At a dinn conference held here tonight by H Roach and his department heads, son major changes in the operation the company's affairs were consun mated. Several production jobs fo merly under the jurisdiction of Hen Ginsberg were placed in the hands other department executives.

Mat O'Brien, assistant secreta and treasurer of the studio, becom top man directly under Roach.

Laurel and Hardy will operate an independent unit under the supe vision of L. A. French, former general production manager of t studio.

Joe Rivkin will have charge of t directors and writers, as well as t casting department. Lawrence Tarv formerly casting director, will beco assistant to Roach. Casting, directo and writers in the past had been und Henry Ginsberg.

Schultz in Plane Crash

DENTON, Tex., Jan. 30.—John A. Schultz, of the Fanchon & Marco New York office, was among the passengers on a plane which crashed here today, in which the pilot was killed. Schultz and four other passengers suffered no injury. Schultz was driven to Dallas where he was to board another plane for the coast tomorrow.

Levy Going to Hawaii

Jules Levy, general sales manager of Radio Pictures, is on his way to Honolulu.





YOU SEE STARS *in* MENTONES

Nothing like them in the industry today. They're whole vaudeville shows—and better than big-time vaudeville ever was!... They're whole radio programs—only people come to your theatre to see them!..They're musical comedy—but on your screen instead of Broadway's stages!...

and

UNIVERSAL

releases them!

EVERY NIGHT WILL BE SATURDA

NIGHT WHEN YOU PLAY THI

The happiest, scrappiest family picture of the year! "homey" as your bedroom slippers! As hilarious as the f pair of long pants! As tragic as breaking your wife's b china! And how it hits HOME!



20th CENTURY FOX

THE KEYSTONE OF YOUR FUTU



20th Century-Fox presents

The Jones Family

in

EVERY SATURDAY NIGHT

with

ED PROUTY • SPRING BYINGTON
UNE LANG • FLORENCE ROBERTS
ENNETH HOWELL • GEORGE ERNEST
UNE CARLSON • WILLIAM MAHAN
nd Thomas Beck • Paul Stanton • Paxton
isters • Kay Hughes • Phyllis Fraser

ssociate Producer: Max Golden Directed by James Tinling
reen play by Edward Eliscu. Based on the play by Katharine Kavanaugh

A FOX PICTURE

EXTRA!

Preview reaction was so tremendous that 20th Century-Fox has decided to make an "Our American Family" *series!*... four a season. The same featured cast in all. Remember how Mr. & Mrs. Sidney Drew pictures packed in the crowds?

First Nominations In on Shorts Awards

HOLLYWOOD, Jan. 30.—First nominations for the Academy's eighth annual awards have been made in the short subjects division.

The cartoons nominated are: "The Calico Dragon," Harmon-Ising; "Three Orphan Kittens," Walt Disney, and "Who Killed Cock Robin?" Disney. The comedy nominations are: "How to Sleep," M-G-M; "Oh, My Nerves," Columbia, and "Tit for Tat," Hal Roach. Novelties are: "Audioscopiks," M-G-M; "Camera Thrills," Universal, and "Wings Over Mt. Everest," G. B.-Educational.

These nominations were made after the judges had viewed entries from all studios at showings at the Radio and Paramount studios. Final balloting, at which one picture in each classification will be chosen, will be held in a theatre. Winners will receive the regular Academy awards, at the presentation dinner March 5.

Ryan Withdraws As E. M. Loew Attorney

BOSTON, Jan. 30.—George S. Ryan has filed in Federal court here his withdrawal as attorney for E. M. Loew in his $5,000,000 anti-trust suit against Paramount and subsidiaries. The litigation started in 1931, with hearings before Elias Field, appointed by the court. An agreement was signed calling for a settlement. It was understood Loew increased his demands several times until at the peak he would have received $200,000.

It is understood Loew's refusal to accept a settlement was behind Ryan's withdrawal. The most recent ruling in the case was by Federal Judge Coxe in New York, who ordered that actual damages should be fixed and reserved the right to decide whether single or triple damages should be assessed.

Cantor Picture Does $59,000 at the Hall

"Strike Me Pink" at the Music Hall garnered $59,000 in its second and final week. For the first seven days, the Eddie Cantor film got $78,000. The Paramount with "Collegiate" and Hal Kemp and his orchestra ended the first week of the combination show with about $38,000. Isham Jones and band goes into the Paramount next Wednesday.

The Roxy, with "The Calling of Dan Mathews" and Ed Sullivan on the stage was weak at $22,000.

To Broadcast from Stage

Starting Feb. 4, WHN amateur broadcasts will be staged from Loew's Ziegfeld instead of the station's headquarters in the Loew Building. The broadcasts will be held every Tuesday night and sandwiched in between the dual film programs. Jay C. Flippen will continue as master of ceremonies.

Covington House Burns

COVINGTON, TENN., Jan. 30.—The Palace, operated by W. F. Ruffin, former Tri-State M.P.T.O. president, was destroyed by fire yesterday. The loss of $30,000 is partly covered by insurance. Ruffin said he will rebuild immediately.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Captain January"

(20th Century-Fox)

HOLLYWOOD, Jan. 30.—Another Shirley Temple vehicle and certain to rank very high in her list of successes. There is expert blending of warm and human drama with real humor, plus Shirley's accomplished singing and dancing. In a manner seldom achieved by a picture, the audience is given everything it looks for in the way of entertainment and the exhibitor offered all that he needs for salesmanship.

The story is treated in sane, sensible fashion, even to the introduction of the specialty interpolations. Its appeal is universal to any audience, anywhere, any time. Using Laura E. Richards' down east classic, the screen play of Sam Hellman, Gladys Lehman and Harry Tugend faithfully retains all the original comedy, drama, sentimentality and thrills in a manner which evokes plenty of laughs and occasional tears. Dave Butler's direction uses dialogue, situations and characters in a manner which preserves all of their fundamental values in transition to the screen.

Among the highlights of the picture are the scene in which Guy Kibbee, as Captain January, rescues Shirley from the sea, the sympathetic and sincere manner in which he shares her training with Slim Summerville and the rest of the fisher folk, the heart-rending situation in which Sarah Haden, truant officer, contrives to take the child from her protectors, the twist of pathos as Shirley's relatives, Nella Walker and George Irving are discovered, the vivid suggestion of tragedy as the waif is separated from Kibbee and Summerville, and the fairy story ending in which she finds them skipper and mate on the yacht which Miss Walker and Irving have provided for her.

Miss Temple's acting, talented as it is, is exceeded by the artistry of her singing and dancing performances. Her rendering of "Early Bird" and "At the Codfish Ball," among other musical numbers, and her spiral staircase dance with Buddy Ebsen, as well as her solo multiplication table tap dance, are features which place the picture among the few best she has done.

Previewed without code seal. Running time, 75 minutes. "G."

"Don't Get Personal"

(Universal)

HOLLYWOOD, Jan. 30.—A bright, resourceful little story filled with sparkling gags, this newest Sally Eilers-James Dunn comedy is a very good bet for any dual bill location.

College graduates James Dunn and Pinky Tomlin, being broke, resort to the public auction of their talents. Miss Eilers, also flat, bids spiritedly in order to jack up the price for the boys' benefit. She is horrified when she gets them herself with her last five dollars and demands that they drive her home.

The cross-country trek is enlivened by furious squabbling between Dunn and Miss Eilers, songs by Pinky, and a series of really comic mischances culminating with Dunn's kidnaping of Sally at the very altar of her spite marriage. The Dunn-Eilers combination is excellent, as usual. Pinky Tomlin is hitting his stride and makes an engaging comedy foil. George Cleveland and Lillian Harmer, as a farm couple, draw plenty of chuckles and the competent cast is rounded out by Spencer Charters, Doris Lloyd, Charles Coleman and George Meeker. William Nigh directed and Dave Diamond produced. The story, by William Thiele and Edmund Hartman, is slightly implausible but none the less funny. It is helped by a good script, the work of George Waggner, Clarence Marks and Houston Branch. The play angles are those of human auction and the comic adventures of love at first sight—or perhaps "fight."

Previewed without production code seal. Running time, 65 minutes. "G."

Lease Brooklyn Theatre

James Felt & Co., Inc., yesterday reported the leasing for the Trans-Lux Movies Corp., of the theatre recently completed at 561 Fulton St., Brooklyn, to interests represented by Little Carnegie Playhouse, Inc., of which Henry Siegel is president. The lease is for 10 years, with a minimum guarantee of $250,000 for the term against a percentage of gross.

Renaldo Is Pardoned

WASHINGTON, Jan. 30.—The Justice Department said today that Duncan Renaldo, actor accused of making false statements on his passport when he left this country with the "Trader Horn" company, has been pardoned by President Roosevelt. It was indicated, however, that this might not save him from deportation orders based on improperly entering the country originally.

Short Subjects

"Carnival Time"

(Mentone-Universal)

With Russ Brown as barker, a group of miscellaneous acts are introduced before the big tent at the carnival. On the whole the collection presents an entertaining short. Featured are Jean Sargent, vocalist; Jack Fulton, radio tenor; the Sue Hasting marionettes, the Washboard Seren aders, colored boys, and the Biltmor ettes, three girl acrobats. Production Code Seal No. 0801. Running time 21 mins. "G."

"You Can Be Had"

(Universal)

There is fair entertainment in this subject, featuring a group of monkeys and baboons in a takeoff on a Mae West picture. All credit to the producers and Sam Newfield, the director for the smooth performances of the "players." When the night club is raided, the "star" discovers the young "man" she thought she knew so well is actually a detective. Production Code Seal No. 1,796. Running time 15 mins. "G."

"Soft Ball Game"

(Universal)

Oswald's ball team, composed of small animals, plays an entertaining cartoon game with the Jungle Giants. The youngsters especially should find the subject enjoyable. Almost beaten Oswald uses a centipede as a pinch hitter, when the opposition switches to an octopus pitcher with the result that his team scores six runs at one time. Nonsense, but amusing. Production Code Seal No. 1,731. Running time 7 mins. "G."

"Signing Off"

(Mentone-Universal)

Ray Knight, as a passer of bad checks pursued by a detective, finds his way into a radio station where he changes clothes with a newly arrived announcer and substitutes for him. Some of his comments are amusing as he introduces a group of acts, including Lois Ravel, Mabel Pearl's Chansoneers, the Zeb Carver Troupe, the three Brodell Sisters, Joseph Wilton Harry Ackerman and Marshall Grant. The result is a lively group of turns which should do to fill a spot on most bills. Production Code Seal No. 085 Running time, 19 mins. "G."

"Alaska Sweepstakes"

(Universal)

Oswald, the animated hero, is entered in the big dog team race, which the walrus is the heavy favorite. Oswald's sole motive power is his dog, Pooch. The difficulties the pair encounter until they finally win by suddenly becoming a rolling and continuously growing snowball make up a cartoon subject of average quality, or a shade better. Production Code Seal No. 1,850. Running time 8 mins. "G."

Joan Bennett Returns

HOLLYWOOD, Jan. 30.—Joan Bennett who flew east early last week to visit her father who is ill, has returned and has resumed work in "Thirteen Hours by Air" for Paramount. Director Mitchell Leisen has arranged the shooting schedule to permit Miss Bennett to return east if necessary.

Double Bill Truce Urged By Laemmle

(Continued from page 1)

States Circuit Court of Appeals in Philadelphia late last week in the so-called Perelman case.

"In other words, the court upholds double features.

"Why quarrel about it? Why quibble about it? Why not be decent about it?

"Forget your hatred of certain exhibitor organizations and I mean even such organizations as are headed by men who make a fat living out of stirring up trouble between producers and exhibitors.

"Why not forget greedy men? Why not deal, for a change, with plain principle?

"Practically, you realize that there is no real argument against the use of double features. If fans want them, they are going to get them, no matter what any court says. If fans don't want them, they won't live, still regardless of court decrees.

"What Would *You* Do"?

"Just pretend that you own only one theatre. Pretend that your opposition gets the very best of the first run pictures. Pretend that you cannot get any of these first runs. In such a case, what would you do? The chances are a million to one that you would jump to double features to save your hide.

"And that would be a pretty smart thing to do.

"Now then, you have tried to lick the independent theatre by gobbling up all the first runs. He licked you with double features. Then you tried to lick him by running double features yourself. In many cases you amazed yourself with excellent results. In others you flopped. Then you tried to get help through the courts and you tried to outlaw double features.

"Why not admit that the other fellow has as much right to live as you have?

"Lick your competitor if you have brains enough, but don't rely on brawn. Play fair. In these days the courts won't stand for anything else. Don't lead with your chin. Be humble. Live and let live. Don't be too darned smart.

"Universal is hurt as much as it is helped by double-featuring; but it still feels that the exhibitor who wants to run double features has a right to do his damndest to exist."

Laemmle's 30th Anniversary Near

HOLLYWOOD, Jan. 30.—Feb. 24 has been decided upon as the date of a tribute to Carl Laemmle, Universal resident, on his thirtieth anniversary in the industry. The date is that on which Laemmle opened his White Front Theatre in Chicago.

The feature of the event will be a luncheon on the "Phantom of the Opera" set at the studio, to which 200 executives, stars and present and former employes of Laemmle have been invited. After the luncheon the guests will see special reels from "Show Boat" and "Sutter's Gold" and the first Laemmle film, "Hiawatha," made by the original Imp company.

RCA Directors to Pass on Revamping

(Continued from page 1)

pany's entire issue of 495,597 preferred A shares at $55 a share and taking care of more than $16,000,000 of accumulated dividends on 767,275 shares of preferred B. A cash payment on the B shares and the issuance of new common to shareholders is expected to be ratified by way of clearing up the B dividends. The present B preferred, it is said, may be converted into a new preferred issue of $4 interest instead of $5, as at present.

If this plan is approved today the cash outlay would approximate $35,000,000. RCA is understood to have the necessary cash on hand at this time.

Court Orders New Philadelphia Probe

(Continued from page 1)

Exhibitors' Protective Ass'n is behind the move was not apparent today, although it was rumored. Golder goes to Florida the end of the week on a month's vacation and is slated to launch the probe upon his return. The understanding is he is to meet all expenses incurred.

I.E.P.A. adherents imply the Department of Justice in Washington is familiar with the development; that it may lend its cooperation and that it may have prompted the action in the first instance.

Lawyers, Principals Back from St. Louis

(Continued from page 1)

Louis Phillips and Irving Cohen, George S. Leisure, Gordon E. Youngman, Jack Fowler, John Howley, Eugene Ford, Thomas Cook, Morris Ruffman and Russell Door.

Ernest Wilkinson, Washington attorney for F. & M., has been in town several days. He will leave for the Capital the end of the week. Harry C. Arthur and Mike Marco are due from St. Louis either Saturday or Monday.

Talley Suits Against FWC Delayed Again

(Continued from page 1)

yesterday F.W.C. entered a general denial of all charges and asked the court for an allotment of counsel fees in addition to the ordinary costs of the suit. The answer described the complaint as "defamatory, scandalous and in contempt of court." The defendants are represented by John B. Bertero and Charles A. Buckley Col. William H. Neblett represents the plaintiffs.

Enjoins City from Levying Sales Tax

(Continued from page 1)

plaintiffs, Harlou, Inc., and Quinral, Inc., both of which are said to be theatre holding companies of the Harry Brandt enterprises. However, the action is in the nature of a test and if it results in an injunction being granted similar stays could be obtained by other theatre companies.

Exhibitors to Battle Motors' Film Caravan

(Continued from page 1)

win C. Hill, commentator for Hearst Metrotone News; Lowell Thomas, commentator for Fox Movietone News; John S. Young and John B. Kennedy, radio commentators, the motor company's announcement says. In addition, there will be a feature length picture which, the company says, "will depict General Motors scientific research achievements," and considerable footage made and developed locally with "hometown crowds" in each city on the itinerary. The company also promises "various thrilling films of the motor world" for its free programs.

Screen on "Theatre" Truck

The motor show caravan will include a specially constructed truck for sound and camera equipment, projection and sound reproduction equipment and developing equipment. A feature of the tour will be the filming and screening of pictures made in each stopover. The silver screen will be dropped from the stage of a specially constructed "theatre" truck within the show tent.

Another truck, leading what the company says will be a "two-mile-long procession," will be equipped with a public address system to broadcast music and announcements. The motorized theatre will spend several days in each city on its itinerary and as much as a week in some.

Exhibitor representatives, acquainted with the G. M. plan, were quick to characterize it as "unfair competition" with every established commercial theatre and made plans at once for organized protestations. The M.P.T.O.A. undoubtedly will take the initiative in the move, representatives of the organization said, recalling how it was successful, last year in having the free shows sponsored by Standard Oil and featuring Guy Lombardo discontinued, and its further work against free entertainment sponsored by Goodrich Rubber Co. and others.

Representatives of Hearst Metrotone and Fox Movietone were unable when questioned yesterday to explain the parts in the "motor circus" to be played by Hill and Thomas. It was their belief, however, that the General Motors material in which the two appear must have been made several years ago as contracts between the newsreels and the commentators specify their exclusive services in short film material.

Boston Men Head South

BOSTON, Jan. 30.—The film district is heading southward. E. M. Loew, circuit head; E. Harold Stoneman, Allied executive and circuit operator; Joseph Cifre, theatrical company head; and Maurice N. Wolf, M-G-M manager, have gone to Florida. Nathan Yamins, circuit operator and Allied head, has been there for some days.

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Bank Night Is Ruled Lottery in Cleveland

CLEVELAND, Jan. 30.—Bank Night was ruled a lottery in this city yesterday by Chief Police Prosecutor Perry A. Frey, and 27 local exhibitors were ordered to appear at his office Monday, when they will be told to cease the practice or be prosecuted. Frey took similar action against six suburban houses, although he was not certain of his jurisdiction there.

Orders Giveaways Stopped

MILWAUKEE, Jan. 30.—City attorney Max Raskin has ordered exhibitors to discontinue giveaways of various sorts within a week or face prosecution. Local newspapers have refused to accept so-called lottery notices. The city recently failed to win its case against the Grace Theatre, charged with conducting a lottery in the form of a "manufacturers' ad show."

Start Auction Nights

CINCINNATI, Jan. 30.—The Hollywood, suburban, is inaugurating a series of Auction Nights, in which the audience is given an opportunity to bid on various articles put up for auction, the sale going to the highest bidder.

Bank Night Legal in Iowa

DES MOINES, Jan. 30.—The state of Iowa has waived the right to petition for a rehearing of the recent Bank Night case in Newton, Ia., in which the Supreme Court declared Bank Night not a lottery. The action results in the giveaway immediately becoming legal. The waiver, filed in Supreme Court, also waived the 30-day period usual before court opinions become effective.

Jersey Allied Unit In Camden Session

CAMDEN, Jan. 30.—The Southern Jersey group of Allied of New Jersey held a special meeting here today with Sidney Samuelson, president of the national organization, present. Lee Newbury, head of the unit, is on a vacation and did not attend.

General organization topics were discussed. The eastern regional of Allied units will be held in Baltimore on Feb. 3 and on the following two days directors of the national organization will convene in Washington.

Three Firms Chartered

ALBANY, Jan. 30.—New incorporations here include:

Congress Cinema Corp., chartered by William Macy, Catherine M. Bowe and Sarah Benson; Daly Cinema Corp., by William Macy, Catherine M. Bowe and Sarah Benson and Metro Cinema Corp., by William Macy, Catherine M. Bowe and Sarah Benson.

Albany Firms Incorporated

ALBANY, Jan. 30.—Two new incorporations here are the Piedmont-American Film Exchange, formed by Fannie Schechter, Doris Feinsilver and Charles Segal, and Symphony Theatre, Inc., by Creta L. Stratman, Gertrude M. Conroy and Homer Lee.

Form Graham Enterprise

DALLAS, Jan. 30.—Graham Enterprises, Inc., has been chartered by Mary Graham, M. D. McCloud and Artie P. Stephens.

Purely Personal

ED KUYKENDALL, M.P.T.O.A. president, is delaying his scheduled departure for New York in order to attend a hearing at Jackson, Miss., next Monday and Tuesday on repeal of the state admission tax. He is now expected here about Feb. 6.

•

ROMOLA NIJINSKY left yesterday on the *Ile de France* for England and conferences with ALEXANDER KORDA on the planned London Films production on the life of Nijinsky, famous dancer and her husband.

•

GINGER ROGERS, S. BARRETT MCCORMICK and RUTGERS NEILSON journeyed to Washington yesterday to attend the President's birthday ball there.

•

KING VIDOR has been awarded the Southern Cross of Honor by the United Daughters of the Confederacy for his work in directing "So Red the Rose."

•

JAMES GREER, assistant at the RKO Capitol, has been transferred to a similar post at the RKO Albee, replacing EDWARD MARSHALL, who has returned to New York.

•

HARRY MOSKOWITZ, head of the Loew theatre construction department, will arrive today on the *Western World*. Due to bad weather, the boat has been delayed a day.

•

HUGO BRYK, European representative of Ascap, will return to Paris in two weeks. He plans to visit here again in March when he will bring FRANZ LEHAR with him.

•

BARRY BENEFIELD'S book, "Valiant Is the Word for Carrie," has been bought by Paramount. Wesley Ruggles will direct the film.

•

WALTER J. HUTCHINSON, head of the foreign department of Twentieth Century-Fox, is due to arrive from London about March 6 or 7.

•

RUDOLPH SIEBER, husband of MARLENE DIETRICH, leaves tonight on the *Europa* after a visit to his wife in Hollywood.

•

AD SCHULBERG has opened a London office, returning to the agency business in partnership with her brother, SAM JAFFEE.

•

VICTOR MOORE leaves the cast of "Anything Goes" in Detroit tomorrow night and hies himself west for FRED ASTAIRE'S new picture.

•

CYRUS STEWART, former Columbia salesman, has joined the United Artists sales force, covering Kentucky and West Virginia.

•

LOUIS PHILLIPS and IRVING COHEN of the Paramount legal force returned from St. Louis yesterday.

•

EMANUEL SILVERSTONE left for Boston last night to attend the opening of "The Ghost Goes West" at Keith's.

•

I. E. LAMBERT, K-A-O counsel, returned yesterday from a one week visit at Topeka, Kas.

•

JOHN C. FLINN has returned from the coast.

RAY MILLAND, who came in from the coast the other day, did not wait for the premiere of "Next Time We Love," as he had planned. He hurried on to Europe on the *Manhattan* because of the illness of his mother.

•

WILFRED LAWSON, British actor in "Libel," Broadway play, has been signed by Twentieth Century-Fox. He will visit London before reporting to the coast studio. The deal was arranged by the William Morris office.

•

FRANCES ARMS, comedienne, will return from Hollywood next week to open a vaudeville tour at the Baltimore Hippodrome Feb. 7.

•

EDWARD G. ROBINSON returns to the coast in a couple of weeks by rail, but his wife may go by boat.

•

. . . Baltimore

CHARLES MCCLEARY, manager of Loew's Parkway, has returned to Sinai Hospital for treatment of stomach trouble. MAURICE DRUKER, assistant manager at Loew's Century, is pinch hitting for him.

JACK WHITTLE of the Avenue has been laid up by neuritis.

HARRY REDDISH of the Durkee interests is in Florida with MRS. REDDISH. They will be joined soon by FRANK H. DURKEE and MRS. DURKEE, CHARLES E. NOLTE and MRS. NOLTE and WALTER PACY and MRS. PACY.

•

. . . Cincinnati

JOE GOETZ, assistant division manager for RKO, is now minus his tonsils, and scheduled for another operation in the near future.

BILL LUBEL, assistant to PHIL CHAKERES, at Springfield, O., has resigned and has assumed duties as city auditor to which office he recently was elected.

•

. . . Denver

FRANK CULP, Isis manager, is back at work following an illness.

BEN B. PERLMAN has been appointed as sales representative for Fotofilms, Inc.

HARRY NOLAN, who recently underwent an operation at a local hospital, is back on the job now. NOLAN is a well known theatre supply and film man.

O. A. DICK has opened the new 160-seat Lyons at Lyons, Colo.

HUGH BRALY, division manager of the Salt Lake and Denver branches for Paramount, has just completed a 2,000-mile trip through the southern Denver territory.

•

. . . San Francisco

HARRY H. THOMAS, president of First Division Pictures, Inc., is here on a short visit from Hollywood, visiting old friends.

GROVER PARSONS, head of the M-G-M exchange, was on a sick list for a few days.

AARON GOLDBERG is preparing to open up his newest theatre, the Pompeii, early in February.

GEORGE MANN is on another round-the-world trip, accompanied by MRS. MANN and baby.

BOB HARVEY is doing free lance publicity work, making tentative headquarters with GERALD KARSKI of M. P. Service Co.

Bill in Mississippi Would Eliminate Tax

JACKSON, MISS., Jan. 30.—A bil repealing Mississippi's 10 per cen amusement tax was introduced in th state legislature here yesterday b Representative Homer Williams c Grenada County. The measure is sai to have the approval of Ed Kuyken dall, president of the M.P.T.O.A. an the Mississippi M.P.T.O.

Governor White having pledged re peal of the amusement tax, the Wil liams measure is expected to pas easily with the Governor's suppor If the bill becomes law, theatres sti will be subject to the two per cen general sales tax.

Italy's "Hollywood" Started by Premie

ROME, Jan. 30.—Premier Mussolin yesterday officiated at the beginnin of work on "Cinematographic City, which, it is hoped by its promoter will become the Hollywood of Ital Ready for production in a year, th plant is said to represent Italy's bi for European supremacy in the in dustry.

Included in the project will be 4 buildings, with stages, warehouse offices, hotels, projection rooms and fire station in the center of a 15(acre location about five miles sout of this city. It is the plan of the pr moters to make it the most complete equipped and modern studio in Europ

McCarthy Heading Eas

HOLLYWOOD, Jan. 30.—Charles J McCarthy entrained for New Yo today following two weeks of co terences here with 20th Century-Fo heads.

Wall Street

Eastman Pfd. Best Gain on Boa

	High	Low	Close	Net Chan
Columbia, vtc	44½	43	43½	— ½
Columbia, pfd	50⅝	50	50	— ⅝
Consolidated	6¼	6⅛	6⅛	+ ⅛
Consolidated, pfd.	18⅝	18¼	18¼	— ⅜
Eastman Kodak....	158	157½	158	+ ½
Eastman, pfd	160	160	160	+2
Loew's, Inc.	52¼	51¼	51¼	— ¾
Paramount	11⅝	11⅛	11¼	....
Paramount 1 pfd.	86⅜	84¼	85½	— 1
Paramount 2 pfd.	12¾	12¼	12¼	— ½
Pathe Film	7⅞	7½	7½	....
RKO	8¼	7¾	7⅞	....
20th Century-Fox.	26⅛	25¼	25¼	— ¾
20th Century, pfd.	35¼	34⅜	34⅜	— ⅞
Universal, pfd....	70	70	70	....
Warner Bros.	13	12¼	12½	+ ⅜
Warner, pfd	54¼	53½	54¼	+ ½

Trans-Lux Up on Curb

	High	Low	Close	Ne Chan
Sentry Safety	¾	¾	¾	....
Sonotone	2⅛	2	2⅛	....
Technicolor	22⅝	22	22	— ⅜
Trans-Lux	4⅝	4⅛	4½	+ ⅜

Fractional Changes on Bonds

	High	Low	Close	Ne Chan
General Theatre 6s '40	23¼	22¾	22¾	— ⅛
General Theatre 6s '40, ctf.....	23¼	22½	23¼	+ ⅛
Keith B. F. 6s '46	95	94⅞	95	....
Loew's 6s '41 ww deb rights	103¼	103⅛	103⅛	....
Paramount B'way 3s '55	58	58	58	— ⅝
Paramount Pict. 6s '55	96	95¾	96	+ ⅛
Warner Bros. 6s '39 wd	92⅝	92	92⅝	+ ⅛

(Quotations at close of Jan. 30)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 27 NEW YORK, SATURDAY, FEBRUARY 1, 1936 TEN CENTS

Comeback to 1929 Is Seen In Pittsburgh

Sunday Films Called an Important Factor

PITTSBURGH, Jan. 31.—In Pittsburgh the film men see for 1936 a prosperity second to none since the boom days of 1929. It's a spirit that's reflected in the theatres, in the executive offices and in the exchanges.

There are at least three reasons for the optimism. The first is the legalization of Sunday films, a factor that theatre men confidently feel will pull them out of the red for the first time in several years. So far, the seven-day week has meant little, but with managers introducing more showmanship in their Sunday ideas, and with the public getting used to the idea, Sundays are expected to be important.

They point to the good years when there didn't appear to be the remotest possibility that Pittsburgh would get Sunday pictures. Even without Sunday, some executives have said, 1936 would show a profit.

The second reason is the pickup in industry. At Christmas a dozen firms

(*Continued on page 4*)

Friedl Here to Talk Moves in Northwest

John J. Friedl, operating executive of the Minnesota Amusement Co., Paramount theatre subsidiary in the Northwest, arrived in New York from Minneapolis yesterday to confer generally on the program of expansion announced by his company recently.

He explained Minnesota Amusement had no set objective, but would expand and acquire additional houses as circumstances and conditions warranted. The plan itself, he added, had been approved by Paramount some time back.

Warners File Three Suits Against WHN

Three suits for damages totaling $5,000 were filed against Loew's radio station, WHN, yesterday, by Warner music subsidiaries. The complaints, filed in the Supreme Court, allege the station broadcast Warner owned music without permission. Wattenberg & Wattenberg represented Warners.

In one of the suits, Harms against the Marcus Loew Booking Agency (WHN), damages of $40,000 are

(*Continued on page 4*)

Blow to Film Music Seen In Pending Copyright Bill

By CLARENCE LINZ

WASHINGTON, Jan. 31.—Hearings on the new copyright legislation will be held during the coming month by the copyright sub-committee of the House Patents Committee, it was indicated here today. A stiff copyright measure is expected to be introduced by Representative Daly of Pennsylvania, who, it is believed, will head the sub-committee. While this bill deals chiefly with copyright problems involved in broadcasting, it also affects the film industry in that it differentiates between the right to produce and the right to exhibit. This opens the possibility of royalty demands from exhibitors. Further, the bill provides copyright protection for the performer and specifically authorizes the copyrighting of interpretations.

Newsreel producers would be affected by the bill, which provides that even the innocent or incidental inclusion of copyrighted music shall be considered an infringement.

In the penalty provisions of the measure the $250 minimum is retained, but no injunction clauses are included.

Hearings on Federal Licensing Scheduled

WASHINGTON, Jan. 31.—Federal licensing of all corporations engaged in interstate commerce will be considered at hearings to be held during February by the Senate Interstate Commerce Committee on a bill introduced last year by Senator O'Mahoney of Wyoming. This bill calls for the creation of a national corporation system controlling interstate commerce and providing for the issuance of charters and licenses, the protection of labor and collective bargaining, hour and wage restrictions and prohibition against child labor. While the bill would give the Government full control over corporations, its proponents maintain that it would end bureaucracy and "confine the Government to its proper sphere."

Bank Night Battling Widens in Bay State

BOSTON, Jan. 31.—The Bank Night battlefront is widening in this state. The giveaway has just been banned in Lowell, Reading and Stoneham. It is already out of Boston and Medford, while appeals are pending from Superior Court convictions on a lottery charge in these municipalities.

In an infringement suit brought by Bank Night against Parlay Cash Night here the judge told both sides neither had any standing in court, but reconsidered when Attorney George S. Ryan told the court that participants did not have to buy theatre tickets to win.

Estimate RCA '35 Net Is $5,100,000

RCA and subsidiaries yesterday reported an estimated net income for the calendar year 1935 of $5,100,000, an increase of $850,736 over 1934, when the net was $4,249,264. Total

(*Continued on page 4*)

Cowdin Goes Abroad On Financial Talks

J. Cheever Cowdin, head of Standard Capital Co., sailed on the *Europa* last night for a hurried trip to London, to be gone about three weeks in all. It was reported that the trip is for the purpose of conferring with British financial interests on a participation in Standard's option to acquire control of Universal.

Colonel William Freiday, partner in the firm of J. Robinson-Duff, stock brokers, yesterday was elected a director of Standard Capital Co. It is expected that he will become associated with Universal in the event that the Standard option is exercised.

"Whipsaw" Is Weak Capitol Attraction

"Whipsaw" at the Capitol tallied a mild gross of $25,400. "King of Burlesque" at the Center garnered approximately $18,000 in its second week, a nice take. The Rialto with "Dangerous Waters" ended in the neighborhood of $7,000, while the Palace with a dual feature program consisting of "Captain Blood" and "Freshman Love" took in about $8,500. Cold weather and slippery streets were a drawback to Broadway box-offices.

"Ceiling Zero" in its second week at the Strand held to a $28,000 take. The second stanza of "The Ghost Goes West" at the Rivoli ended with around $20,000.

Spingold Continues In Job at Columbia

Nate Spingold stays on with Columbia with no change in his duties. Continuation of his former arrangement was effected yesterday with Jack Cohn.

It is understood Spingold was given a new contract to run one year.

Majors Avoid Quiz Fight in Philadelphia

Question Court's Move, But Take No Action

Major company attorneys indicated yesterday that despite their belief that Federal Judge George A. Welsh of Philadelphia may have exceeded his authority in designating Benjaman A. Golder a special investigator to determine whether there is sufficient evidence of anti-trust law violations in the use of exhibition contract clauses designed to restrict double featuring to warrant a grand jury investigation, no action to contest the appointment of Golder will be taken.

Golder was attorney for the exhibitor plaintiffs in the Perelman case which resulted in a decision by Judge Welsh holding the clauses to be illegal. The decision was upheld recently by the U. S. Circuit Court of Appeals at Philadelphia, but an application for leave to reargue the case will be made by the defendant distributors in the near future. If it is

(*Continued on page 2*)

New Indie MPTO to Expand Activities

PHILADELPHIA, Jan. 31.—The Independent Exhibitors' Protective Ass'n today voted to extend its scope and to charter its expanded activities as the Independent M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware. Decision was made at a meeting of the board of managers.

A $12,000 budget was set as a requirement for its first year's operations along the new front. This is to be raised by an assessment on members of 10 cents per seat. A general meeting also was called for the Broadwood Hotel here on Feb. 11.

Reagan Breaks Arm; Is in Indianapolis

Charles Reagan, western division manager for Paramount, is in St. Vincent's Hospital, Indianapolis, where he is resting after having broken his right arm in a fall earlier in the week.

Reagan was making a tour of exchanges under his supervision when the accident occurred. He is due in New York Tuesday. Neil F. Agnew, general sales manager, who planned to make a checkup on branches, will delay his departure about a week because of the Reagan incident.

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Grainger Confers Today

James R. Grainger will go over contracts, dates and other accumulated business today with a group of his sales force. Sessions will get started at 10:30. Among those who will attend will be: F. J. A. McCarthy, Eastern division manager; Sig Wittman, Eastern district manager; A. J. Herman, New England district manager; Harry Graham, Southern district manager, and Claire Hague, Canadian general manager.

Babbitt Heads Sonotone

The directors of Sonotone Corp. have elected Charles P. Franchot as chairman of the board and Dean Babbitt, formerly general sales manager, as president, in the place of the late Dr. Hugo Leiber.

"Gang" Gets Theme Song

All new "Our Gang" shorts in the future will have a theme song. The title will be "Our Gang." Robbins Music Co. is publishing the number.

Schaefer to Miami

BOCA GRANDE, FLA., Jan. 31.—George J. Schaefer, who has been vacationing here, left for Miami today. Later he goes to Palm Beach.

Manheim on Way Back

LONDON, Jan. 31.—N. L. Manheim, foreign sales manager of Universal, is aboard the *Majestic* which is due in New York Tuesday.

Purely Personal

CHARLES L. O'REILLY, BILL POWERS, ABE SCHNEIDER, ED SCHNITZER, NAT COHN, TRUMAN TALLEY, LAURENCE STALLINGS, LEW LEHR, ED THORGESON, BUDD ROGERS, MONROE GREENTHAL, GREGORY DICKSON, A. J. VAN BEUREN, KEN O'BRIEN, HERB JAEDEKER, IRVING WORMSER, HARRY SHIFFMAN, BOB WOLFF, GEORGE GERHARD and DOROTHY GISH at the Tavern yesterday.

•

DOUGLAS FAIRBANKS returned to New York yesterday by plane. He will stay here for the opening of Chaplin's "Modern Times," before leaving for Europe. Some of the scenes of "Marco Polo" are to be made in Italy and China.

•

FRANK SPICKER, resigning head of the Columbia art department, was tendered a luncheon yesterday in the College Room of the Edison Hotel. He is leaving for New Mexico in about a month with his family.

•

E. L. ALPERSON is slated to leave for Miami next week. From there he will go to the coast to attend the National Theatres divisional managers' meeting in Los Angeles.

•

BOB WOLFF, manager of the New York RKO exchange, has declared a moratorium on writing letters since his secretary, ANN LEVY, went to Miami the other day.

•

HENRY BROWN of the Isle circuit is the father of an eight-pound, nine-ounce baby girl. MRS. BROWN and the baby are doing nicely at the Women's Hospital.

•

BILL DANZIGER will leave today for the south. He recently resigned from the M-G-M advertising and publicity department.

•

FRED SCHWARTZ, son of A. H., will marry SHIRLEY WILKINS Feb. 17. Many film people will attend the ceremony.

•

JAMES R. GRAINGER left MRS. GRAINGER in California. She will remain there for the remainder of the winter.

•

CARL LEVI, Loew district manager for downtown New York and the State theatre, will leave shortly on a cruise.

•

GENE MEYERS, district manager for Loew's in Washington Heights and the Bronx, left yesterday for Miami beach.

•

OSCAR DOOB, Loew publicity head, leaves next Friday for a two week rest in Miami.

•

BILLY ROSE left for Indianapolis yesterday in connection with "Jumbo."

•

CHARLES E. MCCARTHY is due to arrive from Hollywood on Monday.

•

S. R. KENT will arrive from the coast the latter part of next week.

•

MEL HEYMANN has returned from a 10-day trip to Havana.

•

JOHN D. CLARK will return from Miami on Monday.

"MOM" MOSKOWITZ headed the committee composed of her sons—CHARLES C., JOE, ARTHUR, MARTIN, et al—which gave a welcome home party for Son and Brother HARRY at the Moskowitz manse in Kew Gardens last night. Having been on a grand tour of South America supervising detail for new Loew theatres in various capitals, Señor HARRY, sometimes known as the Argentine globe-trotter, arrived yesterday on the *Western World,* one day late.

•

CONSTANCE BENNETT, recently signed by G.B. for "Everything Is Thunder" and "The Hawk," will sail for England Wednesday on the *Majestic.*

•

LUCIEN BARNES, vice-president of the National Carbon Co., Buenos Aires, leaves at noon today on the *American Legion.*

•

GINGER ROGERS returned from Washington yesterday. She was official guest of honor at the President's birthday parties.

•

GEORGE R. BATCHELLER and MAURY COHEN of Chester and Invincible are due from the coast around the middle of February.

•

BONITO DEL VILLAR of the Paramount office in Chile sails today with his family on the *Santa Lucia* after a visit here.

•

EDWARD BRYMER, Universal costume designer, gets in today from the coast. He will look over designs and materials.

•

GWENN WALTERS, fashion editor of *Movie Mirror,* has joined the Columbia studio publicity department.

•

JACK SHEA of Feiber & Shea has just returned from a survey of New England houses in the circuit.

•

GENE RAYMOND will arrive Monday from the coast on a combination personal appearance and vacation trip.

•

J. J. UNGER, Paramount division head, is making a round of southern exchanges.

•

FRED QUIMBY, short subject sales manager of M-G-M, is on the coast.

•

WILSON COLLISON's novel, "Save a Lady," has been acquired by Radio.

•

MORT SPRING will return from a Miami vacation on Monday.

•

TED TODDY is in town from Hollywood on a production deal.

•

WILLIAM F. RODGERS returned yesterday from Miami.

•

OSCAR HANSON is in New York from Toronto.

•

MORT SHEA is basking under a Miami sun.

•

. . . Dallas

FREDDIE MCFADDEN, publicity director at the Palace, is back on the job after having been laid up because of an automobile accident.

HAROLD HEVIE has resumed as manager of the Village after having spent a month in a hospital.

Majors Not Fighting Philadelphia Quiz

(*Continued from page 1*)

denied the defendants plan to take the case to the U. S. Supreme Court.

Distributor attorneys yesterday pointed out that any move for a grand jury investigation properly should come from the Federal district attorney.

Pizor Says MPTO Will Aid

PHILADELPHIA, Jan. 31.—Lewer Pizor, president of the M.P.T.O. o Eastern Pennsylvania, Southern New Jersey and Delaware, today voiced a spirit of cooperation regarding any investigation into alleged unfair trade practices on the part of major companies.

"Any inquiry which is for the best interests of everyone is to be welcomed. We never have and never will cooperate with any movement which are instituted for selfish reasons," Pizor said. "We believe Federal Judge Welsh is sincere in his efforts to get at the truth of any charges. While conditions are no perfect here or anywhere else, we have always found that most film men are reasonable and are ready to work out their problems through an arbitration method. Any sincere effort being made to help the industry will naturally help our members. Any impartial investigator will find us ready to cooperate."

Industry Figures to See Chaplin Opening

United Artists has set out to get more notables to the square inch for the opening of Charlie Chaplin's "Modern Times" than have appeared at any opening for a long time.

Douglas Fairbanks, pere and fil will be on hand, according to the latest list, and others will be Herbert Bayard Swope, John E. Otterson, Adolph Zukor, Sidney R. Kent Harry M. Warner, Lee Shubert Alexander Woollcott, Nathan Burkan Marvin Schenck, Sam Katz, Harry M. Goetz, Arthur W. Kelly, Harry D. Buckley and Lillian Hellman.

Talent will be represented by: Edward G. Robinson, Tilly Losch, Gloria Swanson, Evelyn Laye, Corinne Griffith, Ginger Rogers, Eddie Cantor, Burns and Allen and Parkyarkus.

Reservations have been received from Canada, Mexico, England and Venezuela, according to U.A.

Museum Showing

The Museum of Modern Art Film Library will hold its second showing of old pictures Tuesday and Wednesday evenings. Under the general title, "The Rise of the American Film," the screening will include "The New York Hat," 1912 D. W. Griffith film; "The Fugitive," directed by Thomas H. Ince in 1916; "The Clever Dummy," Mack Sennett comedy of 1917, and "A Fool There Was," with Theda Bara, produced in 1914.

Whitney to Do "Jumbo"

John Hay Whitney of Pioneer will produce "Jumbo," which he financed at the New York Hippodrome, in color, it is understood. The film may be released by RKO Radio.

The circus show will end its New York run next May, opening in Los Angeles shortly thereafter.

STAR PERFORMER

SUPER X delivers unparalleled photographic quality to the screen. That is why it continues to hold its position as star performer among negative motion picture films. That is why it plays a part in most of the feature pictures released in the world's leading movie-producing country. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Distributors, Fort Lee, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

Comeback to 1929 Seen in Pittsburgh

(Continued from page 1)

voted sizable bonuses to their employes. In some cases pay cuts were restored. Steel orders have been growing, the beer can demand has placed at least two important local firms back on their feet and other allied factories have shown similar signs of new life.

The third reason is the increase in available WPA money here. For some time differences have existed over relief money between the city authorities and the state and Federal, but these have been straightened out and several millions have been made available for the unemployed. Theatremen feel that some of this money will go to entertainment.

There are several other purely local indices of a boom in 1936. There is some theatre construction under way again, and architects and builders claim they haven't had any inquiries along these lines for years. Another optimistic sign is the ease with which test price lifts have been made in certain territories.

This would seem to indicate that 1936 will find some scale-tilting in the downtown sector, particularly since downtown Pittsburgh has the lowest first-run price in the country. Then, too, double features aren't so prevalent, another healthy sign, and houses that have been dark for years are set for reopening.

Estimate RCA '35 Net Is $5,100,000

(Continued from page 1)

gross income for the year was estimated at $89,146,147, compared with $78,756,994 the previous year. Net income for 1935, before interest, depreciation, amortization of patents and Federal income taxes, totaled $10,254,267, compared with $9,490,455 in 1934.

Kennedy Plan Approved

A plan of financial reorganization for RCA proposed by Joseph P. Kennedy, former SEC head and film executive, was approved yesterday by the RCA board and will be submitted to a meeting of stockholders for ratification in the near future.

The plan provides for the calling of the entire issue of 495,597 preferred A shares at $55 per share, plus accrued dividends, and the conversion of 767,275 shares of preferred B into new preferred and common. The cash requirements of the plan are estimated to be approximately $27,000,000. While RCA has sufficient cash on hand to meet this outlay it would borrow $10,000,000 at 2½ per cent, payable within five years, in order to maintain a comfortable cash balance, the Kennedy plan proposes.

The conversion of the B shares involves an exchange of 1 1/5 shares of new $3.50 cumulative first preferred, entitled to dividends from April 1, 1936, and callable at $100 par and one share of common, for each share of the present B stock.

Mae Clarke Engaged

HOLLYWOOD, Jan. 31.—Mae Clarke is engaged to Dr. Frank G. Nolan, local physician. The wedding will be held at an early date, when Miss Clarke completes "The House of a Thousand Candles" for Republic.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Desire"

(Paramount)

HOLLYWOOD, Jan. 31.—For half its length this Lubitsch production is a laugh-packed comedy full of bubbling gayety. It is lively fun as the glamorous Miss Dietrich ludicrously outwits Ernest Cossart, merchant, and Alan Mowbray, doctor, to steal a string of pearls.

It's funnier when she makes a sap out of romantically inclined Gary Cooper, to smuggle her loot across the French-Spanish border. It's still funnier when she and her confederate, John Halliday, work a fake magic trick on Cooper to recover the swag. In the midsection when Miss Dietrich falls in love with Cooper, it seethes to torrid sex.

The quality is vividly evident in the dialogue, action and situation when both succumb to the spell of moonlight and isolation in an idyllic mountain retreat. From sex it turns to ponderous drama as Miss Dietrich, breaking with Halliday and her fence, Zeffie Tilbury, decides to go straight and make a full confession to the now wise Cooper. It turns funny again in the climax when Cooper outsmarts the desperate Halliday. Cossart gets his pearls back and, by an illusion, Miss Dietrich is cleared of the crime charges to go to America as Cooper's bride.

Miss Dietrich and Cooper are expertly comic when the story calls for them to be so and expertly sexy when the yarn demands it. The Cossart-Mowbray sequence is a howl of laughs. Halliday is determinedly suave. Practically all of Zeffie Tilbury's work is irrelevant. Akim Tamiroff and William Frawley have bits.

Based on a story by Hans Szekely and R. A. Stemmle, the Edwin Justus Mayer-Waldemar Young-Samuel Hoffenstien screen play mingles the qualities mentioned. Frank Borzage's direction concentrates on fun, sex and drama in turn.

Production Code Seal No. 1,831. Running time, in present shape, 95 minutes. "A."

"Love on a Bet"

(Radio)

HOLLYWOOD, Jan. 31.—This romantic farce, loaded with situation and dialogue laughs, rates as splendid family entertainment. Smoothly acted by a cast headed by Gene Raymond, Wendy Barrie and Helen Broderick, the picture will serve to increase the prestige of these players.

Raymond bets his uncle, William Collier, Sr., that he can leave New York clad only in his underwear and arrive in Los Angeles 10 days later with a new suit, a sweetheart and $100 in cash. After this premise is planted the action picks up rapidly as the adventures of the cross country trek begin. Raymond first meets Miss Barrie motoring with her aunt, Miss Broderick. Suspense is added when the travelers encounter Eddie Gribbon and Morgan Wallace, escaped convicts. One by one the conditions of the wager are fulfilled, but as Raymond is also racing time there is no letdown until the final surprise twist when a decision by Miss Barrie indicates that both Raymond and Collier are winners.

Credit for the picture's excellence can be shared with the cast by P. J. Wolfson and Philip Epstein, who adapted the original story by Kenneth Earl, and Leigh Jason, whose direction drew every laugh from the script. Lee Marcus also rates praise for the topnotch production, while Robert De Grasse can take bows for the good photography.

The picture should be sure-fire in all but de luxe houses.

Production Code Seal No. 1,864. Running time, 79 minutes. "G."

Para. Fees Allowed

Federal Judge Alfred C. Coxe yesterday allowed Chase National Bank $5,000 and Milbank & Tweed, attorneys for the bank, $10,000, for services rendered as trustee under a Paramount indenture prior to the latter's bankruptcy. The allowances are in addition to fees paid Chase and its lawyers for services in the Paramount reorganization.

Kalmar & Ruby Signed

HOLLYWOOD, Jan. 31.—Bert Kalmar and Harry Ruby, songwriters, have been signed by Radio to do the screen play and songs for "Counte Pete."

Schnitzer Dinner Guest

Edward M. Schnitzer, who leaves the local Columbia exchange next week, was given a farewell testimonial dinner last night by 43 employes of the branch. The affair was held at the Park Central.

A successor will be appointed upon the return of Abe Montague, general sales manager, from the coast next Thursday.

Paramount Adds 50

HOLLYWOOD, Jan. 31.—Paramount has added almost 50 writers, directors and players to its talent roster during the past year.

Warners in Three Suits Against WH

(Continued from page 1)

sought, the plaintiff charging "Nc Bad" was used eight times. Th dates set forth are Jan. 2, 3, 6, 7, 8, 10 and 13. In another action Wit mark contends the same station broac cast "I Like Mountain Music" o Jan. 4 and "A Shanty in Old Shant Town" on Jan. 14. The third com plaint was by Remick for the use c "Put on Your Old Grey Bonnet" o Jan. 13.

Suit also was filed yesterday b Remick against Bamberger Broac casting Service, WOR, for use c "I Wanna Bounce Around Wit You" on Jan. 24.

Action will be taken next week, was stated by Wattenberg & Watten berg, against KMOX, St. Louis KMTR, Hollywood; WWL, Ne Orleans. The attorneys are awaitin arrival of affidavits from these point before taking legal procedures.

Ronald Colman Injured

HOLLYWOOD, Jan. 31.—Ronald Co man is recovering from the impac of a knife which was thrown at hi by Steve Clemente during the takin of a scene for "Under Two Flags. He was treated on the Twentiet Century-Fox lot. Physicians said th injury was not serious.

Renew Baldwin Contrac

HOLLYWOOD, Jan. 31.—The contrac of Carl Baldwin, associate produce for Warners, was renewed today fo an additional year. He will produc as the first feature on the new ticke "Gold Diggers of 1937" and "Gilt Edged Blonde."

Producers to Meet

HOLLYWOOD, Jan. 31.—The Prc ducer's Ass'n will meet here Sunda Will H. Hays will preside.

Wall Street

Trading Irregular on Board

	High	Low	Close	Net Chang
Columbia, vtc	43½	42	42⅜	—1⅛
Columbia, pfd	49¾	49½	49¾	+ ⅜
Consolidated	6⅛	6	6	— ⅛
Consolidated, pfd.	18¼	18½	18⅜	+ ⅛
Eastman Kodak	157¾	157	157¾	— ½
Loew's, Inc.	52	51	52	+ ⅜
Loew's, Inc., pfd.	105½	105½	105½	— ½
Paramount	11½	11¼	11⅜	+ ⅛
Paramount 1 pfd.	86	85½	86	+ ½
Paramount 2 pfd.	12½	12¼	12¼	....
Pathe Film	7⅜	7½	7⅝	+ ⅛
RKO	8⅛	7¾	7⅞	....
20th Century-Fox.	26⅜	25½	26¼	+1
20th Century, pfd.	35¼	33¾	33¾	— ⅝
Universal, pfd ...	69½	69	69½	— ½
Warner Bros.	13⅛	12½	12¾	+ ⅛

Trans-Lux Up a Point

	High	Low	Close	Net Chang
Sentry Safety	¾	¾	¾	....
Sonotone	2⅛	2	2	— ⅛
Technicolor	22	21¼	22	....
Trans-Lux	5½	4½	5½	+1

RKO Gains 2 Points

	High	Low	Close	Net Chang
General Theatre 6s '40	22¾	22¼	22¼	— ½
General Theatre 6s '40 ctf	23	22¾	23	....
Loew's 6s '41 ww deb rights	103⅛	103⅛	103⅛	....
Paramount B'way 3s '55	59	59	59	+1
Paramount Pict. 6s '55	96¾	96	96½	+ ¼
RKO 6s '41 pp..	77½	75¼	77½	+2
Warner Bros. 6s '39 wd	93	92½	92¾	+ ½

(Quotations at close of Jan. 31)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 28 NEW YORK, MONDAY, FEBRUARY 3, 1936 TEN CENTS

Golder Takes Data Along on Southern Trip

Philadelphian Is Already Busy on Trust Probe

PHILADELPHIA, Feb. 2.—Benjamin M. Golder is taking to Florida a mass of data which he will submit to study and from which he will draw conclusions as to whether or not, in his opinion, there are grounds for anti-trust action against major distributors.

Announced as a vacation solely, MOTION PICTURE DAILY learns this is the plan of the attorney who was appointed *amicus curiae* (friend of the court) by Federal Judge George A. Welsh on Thursday to determine if anti-trust laws had been sufficiently violated in this area to warrant a grand jury investigation.

The origin of the court's action continues to be clouded in doubt. One angle insists the Independent Exhibitors' Protective Ass'n. which on Friday voted to drop its old name for the Independent M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware is not behind the move. It appears to be definite that Judge Welsh made the Golder appointment following the submission by a group of independent exhibitors of correspondence from various major exchanges. Whether or not those unnamed exhibitors are members or sympathizers with the aims of the I. E. A. is not conclusively known.

Sabath Will Resume Hearings on Coast

West Coast hearings on film and theatre company reorganizations will be resumed late this week by the Sabath Congressional committee for the investigation of real estate bond reorganizations, it was learned on Saturday with the departure for Los Angeles of Murray W. Garsson, attorney for the committee.

The west coast hearings which included studies of the Paramount Prop-

(Continued on page 11)

FCC to Start Quiz Of A. T. & T. Soon

By BERTRAM F. LINZ

WASHINGTON, Feb. 2.—The Federal Communications Commission is completing plans for the investigation of A. T. & T., and it is expected the taking of testimony will begin sometime this month. The hearings will be held here and in the field. Testimony is to be taken in New York first, it is said,

(Continued on page 11)

Seals Issued On 104 Films In 2 Months

Production Code Also Okays 74 Shorts

HOLLYWOOD, Feb. 2.—Renewed activity on the part of the Production Code Administration marked December and January. From Nov. 26 to Jan. 26 the Producers' Ass'n. okayed and issued code numbers on 104 features and 74 shorts. These figures include both current films and reissued pictures.

The two-month total was somewhat lower than the high marks chalked up during the first few months of the code administration's work.

Since July 15, 1934, 1,102 features and 705 shorts have been okayed for distribution.

The titles and releasing companies for films passed during the two months are as follows:

AUDIO
(Short)
"Les Preluds."
WILLIAM BERKE
(Feature)
"The Pecos Kid."

(Continued on page 11)

Kennedy's RCA Work Ends; He Goes South

Joseph P. Kennedy, former SEC head and film executive, ended his association with RCA on Saturday with the approval of his plan of financial reorganization for the company by its board of directors on the preceding day. Kennedy left by plane Saturday for an indefinite stay at his winter home in Florida.

His reorganization plan, outlined in MOTION PICTURE DAILY earlier, will be submitted to a meeting of stockholders April 7 for ratification. The effect of the plan is to eliminate all of the RCA preferred issues and ultimately to place control of the company with the common shareholders.

New Exchange Union Strikes at Republic

Six employes in the film room of the local Republic exchange walked out on strike Saturday, following which Herman Gluckman called an emergency crew into service.

Picketing the Film Center in which the exchange is located, the men allege on placards that the strike has been called for union recognition. The men are affiliated with the Film Exchange Employes Union, a unit of

(Continued on page 11)

This Is Why

Harms, through Wattenberg & Wattenberg, has filed suit against WTEL, Philadelphia, for broadcasting without permission "Where Am I?," "Night and Day" and "You Took Advantage of Me."

Purchase of Chase FWC Stock Delayed

LOS ANGELES, Feb. 2.—Completion of a deal whereby Twentieth Century-Fox will purchase from Chase National Bank the stock in National Theatres has been delayed until a suit by T. L. Tally and Cobar Corp. to have the bankruptcy of Fox West Coast set aside is disposed of by the Federal Court.

Hearing on the Tally-Cobar action is slated before Judge Fee of Portland on Feb. 6.

Before F. W. C. went into bankruptcy, Fox Film owned the controlling stock. As the largest outstanding creditor, Chase National assumed control when the bankruptcy proceedings were cleared by the Federal Court.

Spyros and Charles Skouras will continue in control of operations under the new setup, it is understood, the brothers holding 10-year contracts dated Jan. 1, 1935.

Appeal Allowed on Lotteries Decision

Leave to file an appeal with the Court of Appeals from a decision of the Appellate Division of the Brooklyn Supreme Court in connection with lotteries was granted Weisman, Quinn, Allen & Spett on Saturday by Chief Judge Crane.

The case which is being appealed has to do with a Farmer Miller game at the Winthrop, Brooklyn. On Jan. 20, the Appellate Division of the Brooklyn Supreme Court held that prizes awarded as the result of spinning a wheel in a theatre are in violation of the lottery law.

No date for the Albany hearing has been set.

Federal Tax Moves Face Congress Row

WASHINGTON, Feb. 2.—A sharp rift in Congress as to whether the Soldiers' bonus and financing of farm relief shall be accomplished from taxation or inflation today made impossible any determination of the extent to which the film industry will be affected.

So far, no indication has been given

(Continued on page 2)

Kuykendall to Make a Study Of G. M. Show

Motor Caravan Effects To Guide Action

A thorough study of the film and stage program to be offered by the General Motors "science-circus" without an admission charge during a 20,000-mile tour of the country will be made by Ed Kuykendall, M.P.T.O.A. president, on his arrival here on Thursday, it was learned over the week-end.

National exhibitor representatives are already investigating the free show project with a view to protesting to its sponsors in the event it is revealed to be unfair competition with established theatres. Indications are, however, that organized exhibitor action will be held in abeyance until the effects of the free performances on theatre attendance have been observed.

The motor caravan opens with its first free tent show Feb. 17, in Miami. The 28-car unit, carrying complete facilities for making and exhibiting sound pictures, left Detroit late last week and was in Nashville over the week-end. It is booked for one, three and four-day stands in more than 20 Florida cities following its Miami opening. From Florida it will work northward through Georgia, South Carolina, North Carolina and Virginia on the first five months of its itinerary, which will bring it to Washington on June 15. The balance of the itinerary has not been completed yet, but will probably call for continuation of the show through the east.

(Continued on page 2)

Arthur Loew to Get Share in the Profit

Arthur M. Loew, now in South Africa, will share in a percentage of the profits from the sale of M-G-M product abroad, plus a salary, under the reported terms of a new 10-year contract signed before he left for Cape Town about a month ago. He is there in connection with a trial involving the Metro franchise for the South African territory.

Paramount to Have 70 for Next Season

Paramount will have 70 features on its 1936-37 season. Of this number there will be six Hop-a-Long Cassidy Westerns produced by Harry Sher-

(Continued on page 5)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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Bill in Mass. Would Prohibit Giveaways

BOSTON, Feb. 2.—A bill has been introduced in the Senate here by William F. McCarthy prohibiting "that practice of theatres and other places of amusement of awarding bank accounts, cash or other prizes to its patrons in the form of a lottery." A public hearing is expected to be held by the Committee on Mercantile Affairs, to which the bill has been referred.

It is pointed out that if such practices are determined to be lotteries, they would automatically be prohibited under the present anti-lottery laws of the state.

J. Fred Lovett Dies

PROVIDENCE, Feb. 2.—J. Fred Lovett, veteran theatre man of Rhode Island, is dead at his home here. He had been ill since Christmas. He had been manager of the local Olympia for four years.

Huffman Cuts Scales

DENVER, Feb. 2.—Harry Huffman has lowered prices at the Aladdin. The new high is 50 cents instead of 60 cents. The Aladdin is an uptown house.

Schultzes on Vacation

KANSAS CITY, Feb. 2.—Clarence Schultz, head of Commonwealth Amusement Corp., and Mrs. Schultz, left here Saturday for a two or three weeks' trip to Mexico City.

Purely Personal

CLAYTON BOND, R. H. HAINES and FRANK CAHILL of Warners made that trip to St. Louis last week for nothing. JACK BROWER, Warner coast district manager, and CARROLL PEACOCK, Paramount district sales head in the West, were about to make the trip when the equity hearings abruptly terminated.

•

EDDIE SCHNITZER, who leaves this week as manager of the local Columbia exchange, will be tendered a testimonial Thursday night at the Astor by the Monday Nighters. Plenty of fun is promised as well as a number of surprises.

•

REG WILSON, special home office representative in the field, has been given a special assignment covering eastern states by GEORGE W. WEEKS, G. B. general sales manager. The appointment starts Feb. 10.

•

JOE VOGEL, who at the moment is up to his neck in work and unable to leave the office, is another Loew executive who hits the trail for Miami in about three weeks. He plans to stop off at Atlanta to visit ED SCHILLER.

•

IKE BLUMENTHAL, one of the best known film men on the Continent and for years with Paramount, has been further honored by the French Government. He has been named a chevalier of the Legion of Honor.

•

FLOYD B. ODLUM, Paramount director, and EDWIN WEISL, his personal attorney, are due back here late today from a month's visit on the coast which included look-sees at the Paramount studio.

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A. H. MCCAUSLAND, representative of Irving Trust Co., RKO trustee, and O. C. DOERING, JR., of counsel to the trustee, returned Saturday from a two weeks' stay at the RKO studios.

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MARVIN SCHENCK is torn between two decisions. He hasn't as yet been able to dope out whether he will winter vacation at Hot Springs or Miami.

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EDDIE ALPERSON shakes the Manhattan dust for Miami on Thursday. From there he will go to Los Angeles and will return the latter part of the month.

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CHARLES REAGAN'S return from Indianapolis will be delayed until Wednesday. His right arm, broken in a fall and now in a cast, is healing nicely.

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BEN and MRS. GOETZ left for the coast yesterday and are slated to return in about a month, en route to England again.

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MRS. OSCAR DOOB already is in Florida. That's why OSCAR leaves shortly.

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ABE MONTAGUE, Columbia sales manager, is due from the coast on Thursday.

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HARRY C. ARTHUR has returned from St. Louis.

Wilmington Theatres Fight New City Code

WILMINGTON, Feb. 2. — Theatre men are putting up a stiff battle against proposed new building regulations now before the City Council for second reading. Some of the independents claim they wouldn't be able to stay in business.

One of the drastic features of the new code is that seats shall not be less than 20 inches wide. Several theatres have seats measuring 17, 18 and 19 inches. Under the proposed code every aisle shall lead to an exit door, or to a cross aisle, an aisle running parallel with the seat rows and leading to an exit door.

New fireproof curtains would be required with a rigid framework of steel, covered with asbestos on both sides and in no case with a thickness of less than four inches. Rewinding of film would have to be done in a room separate from the projection booth and film storage vaults could not communicate with the booth.

The new code would effect new theatres and theatres rebuilding or remodeling.

Federal Tax Moves Face Congress Row

(Continued from page 1)

by the President that he will propose any "new" taxes, but he has stressed that funds must be raised to finance both the new farm program and the bonus payment. The former, it is expected, will be dealt with by seeking reimposition of the processing taxes; the latter is up in the air.

Any move to impose new taxes will be strongly fought by powerful interests in Congress, particularly by members of the House, who will seek reelection next fall.

At the same time, the President's distinction between new taxes and "substitute" taxes is seen as an effort to take the tax question out of the coming campaign. In view of the anxiety of the Administration not to have taxes made an issue, it is anticipated no move will be made which would disturb the present tax structure of the film industry.

Kuykendall to Make Study of G.M. Show

(Continued from page 1)

New England, central and middle west during the summer and fall and heading southwestward about Oct. 15.

The show was planned by the G. M. home office advertising department, which is being assisted by the Arthur Kudner advertising agency. General Motors states that the film program, except for pictures of local residents to be made in each stand, is solely commercial and scientific. It includes a two-reel Audio subject with narration by Edwin C. Hill of Hearst Metrotone, Lowell Thomas of Fox Movietone, John B. Kennedy and John S. Young, radio commentators.

To Distribute Series

Guaranteed Pictures Co., has acquired world distribution rights to "Just My Luck," first of a series planned by Corona Pictures. Guaranteed will distribute the series through States Rights.

Studio Activity Has Slight Drop

HOLLYWOOD, Feb. 2.—Studio activity, which had jumped impressively during the previous week, dropped slightly in the past seven-day period. There were 32 features and two shorts before the cameras last week, as compared with 38 features and five shorts for the previous week. Cutting rooms were busy with 55 features and 12 shorts.

Columbia had six features in work, four in preparation and four being edited. Fox had four, one and nine; Goldwyn, zero, zero and one; M-G-M, three, zero and 13; Paramount, six, four and 11; Radio, one, two and five; Roach, one, one and zero; Universal, one, one and two; Warners, eight, one and eight; independents, two, three and two.

In the shorts group, Columbia had none in work, two preparing and two cutting. M-G-M had two, four and three; Radio, zero, zero and three; Roach, zero, one and two; independents, zero, two and two.

Revamping of Film Center Is Aimed At

A reorganization of Film Center, Inc., lessee of the building which houses most of the local film exchanges, is being sought by bondholders under the New York state reorganization laws, following the institution of foreclosure proceedings by Central Hanover Bank & Trust Co., trustee under a first mortgage on the property.

The Film Center is in arrears on a semi-annual interest payment, due last Oct. 1, on the $1,900,000 first mortgage. On the due date two per cent of the Oct. 1 installment was paid. Semi-annual interest on the first mortgage is six per cent. A plan of reorganization sponsored by the bondholders will be submitted in the near future to Referee David L. Weil, who was appointed for that purpose by State Supreme Court Justice Church on Saturday.

Cleveland Battles New Bank Night Ban

CLEVELAND, Feb. 2.—Theatre owners using Bank Night will fight the recent order of Police Prosecutor Perry A. Frey to end its operation. William E. Minshall of the law firm of Minshall and Mozier, who successfully defended Bank Night in a previous court action seeking a permanent injunction to stop it, will again oppose the charges of lottery.

Twenty-seven theatre owners and managers will appear before Police Prosecutor Frey today.

Officials of East Cleveland and Lakewood, suburban sections, state they will take no action against Bank Night unless it is ruled a lottery by the courts.

Skouras Seeks Majestic

George Skouras is understood to be negotiating for the Majestic, Jersey City, closed last week after an unsuccessful venture by Elias Mayer and Lou Katzman.

The proposed deal with the owners of the property calls for keeping the theatre dark to protect Skouras' Capitol.

All America Is Going To Celebrate The

REUNION OF THE "CLASS" OF 1934



Personally Arranged and Supervised by Warner Bros.

LESLIE HOWARD and BETTE DAVIS

The Stars of Of Human Bondage, the CLASS of 1934 Shows, REUNITED For the First Time in

"The Petrified Forest"

From the "exciting success" in which Leslie Howard starred for six months on Broadway!

With Genevieve Tobin • Dick Foran • Humphrey Bogart • Joseph Sawyer

Eddie Acuff • Directed by Archie L. Mayo



Opening RADIO CITY MUSIC HALL FEB. 6th

Kansas City Uptown Drops Double Bills

KANSAS CITY, Jan. 27.—After double billing three months—from Oct. 25 to Jan. 25—the first run Fox Uptown has returned to single bills and has reduced admissions from 25c-40c. to a straight 25c.

A trial of the new policy will determine its permanency.

The policy is not expected to have any effect on other first runs. The Uptown is viewed as non-competitive with downtown first runs because of the distance between their locations.

With the announcement of the 25-cent single bill policy, the Uptown introduced a free dancing school for children under direction of a dancing master. Though free, a "registration fee" will be required—purchase of a $5 book of admissions, good any time but only at the Uptown. The 12 lessons in any sort of dancing will cover three months, at the end of which time a recital will be given on the Uptown stage, and the classes will change.

Fox Midwest has used the idea in other spots and is now using it at the Granada, Kansas City, Kan.

Duals at K. C. Apollo

KANSAS CITY, Feb. 2.—The Fox Apollo, special run house, introduced double bills for the first time this week with "The Man Who Broke the Bank at Monte Carlo" and "Little America," two pictures doubled on first run some weeks ago at the Fox Uptown.

This may indicate what other Fox houses will do with pictures that have played double at the Uptown during the past three months, although the Plaza is singling "Littlest Rebel," a double at the first run theatre. Other exhibitors are expected to double except in the case of outstanding hits.

Buy "Unguarded Hour"

HOLLYWOOD, Feb. 2.—M-G-M has acquired screen rights to "The Unguarded Hour," a play by Bernard Merrivale. Loretta Young, who has a commitment for one picture, will play the leading role. Horace Jackson and Howard Emmett Rogers are now working on the screen play. Sam Wood will direct under the supervision of Lawrence Weingarten.

To Film "Suicide Club"

HOLLYWOOD, Feb. 2.—M-G-M will make a screen version of the "Suicide Club" stories by Robert Louis Stevenson. Rosalind Russell, recently signed to a new term contract will play the feminine lead, and Robert Montgomery will play opposite. Louis D. Lighton will produce.

Pick Grace Moore Title

HOLLYWOOD, Feb. 2.—Columbia has definitely set "The King Steps Out" as the title for the new Grace Moore picture. It was known while in work as "Cissy." Josef von Sternberg directed.

Howard Film Premieres

ST. LOUIS, Feb. 2.—"The Petrified Forest," starring Leslie Howard, had a gala premiere at the Orpheum Friday night with a line a block long weathering sub-zero weather.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Voice of Bugle Ann"

(M-G-M)

HOLLYWOOD, Feb. 2.—This film is exceptional in many ways, not the least of which is the opportunity to bring to the theatre the large number who seldom patronize films, by playing up the remarkable shots of hunting dogs.

Lionel Barrymore is a backwoods Minnesota farmer, whose chief diversion is the raising of a pack of hunters. His love is lavished on one dog in particular because she has a voice which earns her the title, Bugle Ann. Dudley Digges, a sour and spiteful neighbor, puts up a woven wire fence around his sheep pastures over the reasonable protests of neighbors who fear their dogs may be strangled when hot in chase of foxes at night. Digges not only insists upon erecting the fence but threatens to kill any dog seen on his property. Things come to a showdown when a faint yip of pain is heard from Digges' farm and Bugle Ann disappears. In a grim group the neighbors demand an explanation. In the following quarrel Barrymore shoots Digges and, although 71 years old, is sentenced to serve 20 years.

The value of this film lies not so much in the story as in the appealing characters and the convincing portrait of rural sportsmanship. Barrymore will have a large appeal for dog lovers in the heavily accented portrayal which will linger in the memory. Maureen O'Sullivan and Eric Linden are excellent as the young lovers parted by the feud, but joined in an unexpected climax.

Telling and sympathetic direction by Richard Thorpe gives Spring Byington, Charles Grapewin, Henry Wadsworth, William Newell, James Macklin, Jonathan Hale and Frederick Burton opportunities to shine brightly in the acting of the supporting parts. The screenplay by Harvey Gates and Samuel Hoffenstein, from the book by Mackinlay Kantor, has a number of thin spots, but is none the less interesting in its character drawing. The photography by Ernest Haller is exceptional. John Considine produced.

Play up the angle of an old man's unwavering love for the greatest dog of his pack, the remarkable hunting scenes and the early portrait of sport loving farmers.

Production Code Seal No. 1,988. Running time, 70 minutes. "G."

"Here Comes Trouble"

(Twentieth Century-Fox)

HOLLYWOOD, Feb. 2.—With a capable cast and an interesting story of international jewel thieves, this production should please in the subsequent runs for which it is aimed.

The action is concentrated aboard a liner plying between New York and Havana. Rival crooks, one pair consisting of Halliwell Hobbes and Mona Barrie, the other of Andrew Tombes and Edward Brophy, are after a gem carried by Gregory Ratoff. Paul Kelly, the ship's engineer, becomes involved in the plot when Miss Barrie uses him to carry the stone, stolen from the ship's safe, through the customs. At the finish, Sammy Cohen, Kelly' buddy, leads the rescuers to the crooks' hangout in time to save all the situations. Interwoven in the main theme are counterplots which carry the story into the stokeroom of the ship, include a near boiler explosion and other elements which are nicely woven in by the clever direction of Lewis Seiler. The love plot is also well handled by Arline Judge playing opposite Kelly.

In the supporting cast Ernie Alexander gives a standard performance of the inevitable drunk and Granville Bates does well as a ship captain.

The screenplay is by Robert Ellis, Helen Logan and Barry Trivers from John Bright's and Robert Trasker's original. The production by John Stone reflects intelligent preparation.

There is enough action probably to recompense for the shortage of marquee names.

Production Code Seal No. 1,910. Running time, 64 minutes. "G."

Briskin to Start Six

HOLLYWOOD, Feb. 2.—Sam Briskin, in charge of production at Radio, plans to start six new pictures during February. They are: "Witness Chair," Ann Harding, Feb. 6; "Fugitive Gold," Richard Dix, Feb. 10; "Mary of Scotland," Katharine Hepburn, and "One to Two," William Powell, Feb. 15; "I Won't Dance," next Astaire-Rogers, Feb. 16, and "Volcano," Feb. 18.

"Dream" in 57 Spots

"A Midsummer Night's Dream" will open in 57 new situations this week, all the dates being limited road-show engagements.

Jud Spiegel Married

PITTSBURGH, Feb. 2.—Jud Spiegel, of the local Paramount exchange, was married to Marjorie Rosen here yesterday.

Paramount to Have 70 for Next Season

(Continued from page 1)

man. The same number of single reelers, 100, will be listed.

Para.-Skouras Close Deal

After weeks of negotiations Paramount late last week signed a two-year product deal with the Skouras circuit. The arrangement calls for 100 per cent of the distributor's output for the balance of the current and all of next season.

This is the second two-year deal closed by Paramount in this territory within the past few weeks. The first was the Century circuit. The reason for the two-year pacts is due to the Loew franchise which has another year to run after the current season. The two circuits follow Loew.

Neil F. Agnew and Milt Kusell acted for Paramount and E. L. Alperson represented Skouras in the latest deal. The only independent circuit which has not purchased Paramount this season in the local area is Prudential. No negotiations have been started as yet.

Expect More Delay On RKO Allowances

Further postponement of the Federal court hearing of the RKO trustee's exceptions to the allowance of the Rockefeller Center claim against RKO at $8,207,000 was granted on Saturday by Judge William Bondy. The hearing, which was scheduled to be held tomorrow, was postponed to Feb. 18.

Indications are that additional postponements will be sought by both Irving Trust Co., trustee of RKO and Rockefeller Center, pending efforts to work out a compromise or settlement of the claim either in part or in its entirety. The settlement negotiations are reported being held in abeyance until a plan of reorganization for RKO, now in only the formative stages, is further advanced.

Wall Street

Eastman Pfd. Up a Point

	High	Low	Close	Net Change
Columbia, vtc.....	42½	42⅜	42½	+ ⅛
Columbia, pfd.....	50¼	49½	49½	— ¼
Consolidated Film.	6⅛	6	6	.....
Consolidated, pfd..	18½	18½	18½	+ ⅛
Eastman Kodak...	157	157	157	— ¾
Eastman, pfd.....	161	161	161	+1
Loew's, Inc.....	52¾	52⅛	52¾	+ ¾
Loew's, Inc., pfd..	105½	105¼	105¼	.....
Paramount Publix	11½	11¼	11¼	— ⅛
Paramount 1 pfd..	85½	84¾	84¾	—1¼
Paramount 2 pfd..	12½	12¼	12¼	.....
Pathe Film.....	7⅝	7⅝	7⅝	.....
RKO	7⅞	7½	7⅝	— ¼
20th Century-Fox.	26⅛	26	26	— ¼
20th Century, pfd.	34⅜	34¼	34⅜	+ ⅝
Warner Bros.....	13	12⅜	12½	— ¼

Sonotone Gains ⅛ on Curb

	High	Low	Close	Net Change
Sonotone	2⅛	2⅛	2⅛	+ ⅛
Technicolor	22⅛	22	22	.....
Trans Lux.....	5½	4¼	5⅜	— ⅛

Little Bond Activity

	High	Low	Close	Net Change
General Theatre Equip. 6s '40.....	23	22½	23	+ ¾
Loew's 6s '41 ww deb rights.....	103⅛	103⅛	103⅛	.....
Paramount Pictures 6s '55.....	97	96⅝	97	+ ½
Warner Bros. 6s '39 wd.....	93	92¾	93	+ ¼

Quotations at close of Feb. 1.)

ACTUAL BOX OFFICE
THAT IN A PERIOD O
4,800,000 PERSONS
SEE "MAGNIFICENT

BY DIRECT WIRE FROM

WESTERN UNION

1721-S

CLASS OF SERVICE

This is a full-rate Telegram or Cable-gram unless its de-ferred character is in-dicated by a suitable symbol above or pre-ceding the address.

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LC = Deferred Cable
NLT = Cable Night Letter
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The time time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination.

GB24 29 NL=PITTSBURG PENN JAN 12 1936
J R GRAINGER=
ROCKEFELLER CENTER NEWYORK NY=
OBSESSION OPENED ALVIN TODAY TO BIGGEST SUNDAY SINCE ADVENT OF SUNDAY SHOWS STOP LINES A BLOCK LONG AN HOUR BEFORE OPENING STOP POSITIVE HOLD OVER FOR SECOND WEEK REGARDS=
A BARNETT.

●

NA15 31=B OMAHA NEBR 227P JAN 23 1936
J R GRAINGER, UNIV PICTURES CORP=
ROCKEFELLER CENTER NY=
WITH WEATHER TEN BELOW OPENING MAGNIFICENT OBSESSION TODAY TERRIFIC LOOKS LIKE RECORD DAY STOP SENDING PHOTOGRAPH CROWDS JAMMING THEATRE FOR PREMIER EIGHT OCLOCK LAST NIGHT WHILE THERMOMETER REGISTERED SIXTEEN BELOW ZERO=
TED EMERSON OMAHA THEATRE.
352P

●

N6 21=FB CLEVELAND OHIO 1130A JAN 14 1936
FRANK MCCARTHY=
UNIVERSAL FILM EXCHGS
WITH IT AT THE RIVOLI THIS WEEK IT IS MAGNIFICENT WITH IT ELSEWHERE IN TOLEDO IT WOULD SURELY BE AN OBSESSION=
WM N SKIRBALL.
1156A

●

NH30 23 DL=CK PITTSBURG PENN JAN 14 153P .
J R GRAINGER, UNIVERSAL FILM EXC=
MAGNIFICENT OBSESSION OPENED HARRIS ALVIN SUNDAY TO TREMENDOUS BUSINESS STOP DOUBLED ANY PREVIOUS SUNDAY STOP CONTINUING EACH DAY TREMENDOUS GROSSES CONGRATULATIONS AND REGARDS=
JOHN H HARRIS
304P

●

N12 95 DL COUNT QNS=W BALTIMORE MD 1236P JAN 8 1936
J R GRAINGER=
UNIVERSAL PICTURES=
WHEN I ARRIVED AT THEATRE LAST NIGHT FOR THE OPENING OF "MAGNIFICENT OBSESSION" I HAD TO USE THE STAGE ENTRANCE AS I COULD NOT GET THROUGH THE LOBBY ON ACCOUNT OF THE CROWD STOP QUITE A FEW REFUNDS WERE MADE TO THE OVERFLOW STOP RECORD BUSINESS SHOULD BE ENJOYED THANKS
J L SCHANBERGER.
118P

Jan. 23, 1936 THE Hollywood Reporter

BEST 'U' GRO
FOR 'MAGNIFI

Topping Previous Highs 20 Percent

New York.—"Magnificent Obsession" is doing the biggest business throughout the country of any Universal picture in four years.

The film has played two weeks or is in a second week in these cities: St. Louis, Los Angeles (two houses), Richmond (two houses), Chicago, San Francisco, Minneapolis, Boston, Washington, Cleveland, Kansas City, Salt Lake City, Hartford, Indianapolis, Detroit, Baltimore, Atlanta, Philadelphia, Louisville, Pittsburgh, New Orleans, Toledo and St. Paul.

In Minneapolis the picture registered nearly four times the business of "Imitation of Life," previous high grosser. In Houston, Grand Rapids, Cleveland, Seattle, Syracuse and Rochester, "Obsession" did better in three days than "Imitation of Life" or "Diamond Jim" did in a week.

In every one of nearly [illegible] holdaydates to date "Obsession" [illegible]ed any previous Univ[illegible] picture by at lea[illegible]

B. & K. Hold "Obsession"

CHICAGO, Jan. 26.—"Magnificent Obsession," which ran two weeks at the Palace to heavy business, was rushed into the Garrick on a moment's notice by B. & K. for a third Loop week. The picture had been doing such good business the B. & K. executives thought this the wise thing to do. Previous bookings prohibited the Palace from holding the picture over another week.

MOTION PICTURE DAILY

Obsession" Lead

Providence Ta

PROVIDENCE, Jan. 26.—Heavy storms cut into first run rece week, but "Magnificent Ob made a good showing by g $7,800, up by $800, at the The only other downtow tion to get into the profit co a dual consisting of "P

EPORTS SHOW
ONLY 3 WEEKS
IAVE PAID TO
OBSESSION"!

PORTER

ES IN 4 YRS
T OBSESSION'

"Obsession" $5,500 Draw In St. Paul

MINNEAPOLIS, Jan. 27.—"Magnificent Obsession" was in the money in a big way in St. Paul where it garnered $5,500 at the Orpheum, passing par by $1,500. At the World here it took average $3,000.

MOTION PICTURE DAILY

"Obsession" Frisco Lead In 2nd Week

SAN FRANCISCO, Jan. 29.—In a week of dull grosses in Frisco "Magnificent Obsession" was the only attraction to get into the profit column. It was $200 over normal on a take of $7,000 for its second week.

The Warfield, without a stage show and with reduced admissions and a dual bill, eked out $19,000.

Total first run business was $66,100. Average is $74,400.

Estimated takings:

MOTION PICTURE DAILY

"Obsession" Again Louisville's High

LOUISVILLE, Jan. 27.—In its second week at the Strand "Magnificent Obsession" did the best business [illegible] grossing $5,500.

MOTION PICTURE DAILY

"Obsession" Breaks Records in Denve

DENVER, Jan. 24.—"Magnificent Ob[illegible] session," at the Denver, broke all house records for the past three years, topping everything since Harry Huffman has had the house. A total of 6,402 saw the picture the first day, and the evening standouts were out to the street. Huffman is planning to keep the picture three weeks, taking it to the Aladdin next week and back down town to the Broadway the third.

Last week's picture. "King of Burlesque" is remaining for a second week at the Broadway, following seven days at the Denver.

Did $11,765 in Twin City

"Magnificent Obsession" gross at the Orpheum, Minneapolis was $11,765 and not $6,500 as reported by MOTION PICTURE DAILY. The picture then moved to the World where it is doing capacity business despite thermometers recording 36 below zero.

"Obsession" Pulls $13,400, Houston

HOUSTON, Jan. 29. — "Magnificent Obsession" was the money-maker of the week. It had a take of $13,400 at the Majestic and was held over for a second week. This is $6,400 above par.



held over

ALTOONA, 3rd wk.
BOSTON, 2nd wk.
BROOKLYN, 2nd wk.
BUFFALO, 3rd wk.
CHICAGO, 2nd wk.
HARTFORD, 4th wk.
HOUSTON, 2nd wk.
KANSAS CITY, 2nd wk.
LOS ANGELES, 2nd wk.
LOUISVILLE, 2nd wk.
MEMPHIS, 2nd wk.
NEWARK, 2nd wk.
NEW ORLEANS, 2nd wk.
NORFOLK, 2nd wk.
PHILADELPHIA, 2nd wk.
PITTSBURGH, 3rd wk.
PORTLAND, Ore., 2nd wk.
PORTLAND, Me., 2nd wk.
RICHMOND, 2nd wk.
ROANOKE, 2nd wk.
SACRAMENTO, 2nd wk.
SAN DIEGO, 2nd wk.
ST LOUIS, 2nd wk.
SAN FRANCISCO, 3rd wk.
SEATTLE, 2nd wk.
TORONTO, 3rd wk.
WASHINGTON, D.C., 2nd wk.
WINNIPEG, 2nd wk.

•

ext. runs

AKRON
ALBANY
ATLANTA
CHICAGO
(after holdover)
CINCINNATI
CLEVELAND
COLUMBUS
DENVER
DULUTH
DETROIT
DAYTON
EVANSVILLE
FT. WAYNE
FT. WORTH
INDIANAPOLIS
LANCASTER
LONG BEACH
MADISON
MILWAUKEE
MINNEAPOLIS
MONTREAL
NEW ORLEANS
PHILADELPHIA
PROVIDENCE
READING
SALT LAKE CITY
SAN ANTONIO
SAN FRANCISCO
(after holdover)
SEATTLE
SYRACUSE
SIOUX FALLS
TERRA HAUTE
TROY
TOLEDO
WILMINGTON
UTICA

"Opera" Gets Big $19,000 On the Loop

CHICAGO, Feb. 2.—In spite of three days with the mercury 15 degrees below zero there were some good grosses on the Loop. "A Night at the Opera" ran $8,000 over normal for a take of $19,000 at the Roosevelt.

The second week of "The Bride Comes Home" at the Chicago with Veloz and Yolanda and a revue on the stage took $40,500, up by $8,500.

"Magnificent Obsession," in its second week at the Palace, was still $3,200 to the good on a take of $22,200. "It's in the Air" was $2,400 up with $17,400 at the Oriental, and "Mr. Hobo" was nearly 100 per cent over par at $8,200 in the Apollo. "If You Could Only Cook" was good for $6,500 at the Garrick.

Total first run business was $139,200. Average is $117,000.

Estimated takings:

Week Ending Jan. 21:

"CAPTAIN BLOOD" (W. B.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days, 2nd week. **Gross:** $14,400. (Average, $17,000)

"A NIGHT AT THE OPERA" (M-G-M)
ROOSEVELT—(1,597), 30c-40c-60c, 7 days. **Gross:** $19,000. (Average, $11,000)

Week Ending Jan. 23

"MAGNIFICENT OBSESSION" (Univ.)
PALACE—(2,509), 25c-35c-50c, 7 days. 2nd week. Stage: Jane Frohman and revue. **Gross:** $22,200. (Average, $19,600)

"THE BRIDE COMES HOME" (Para.)
CHICAGO—(4,000), 35c-50c-68c, 7 days, 2nd week. Stage: Veloz and Yolando, Red Hodgson and revue. **Gross:** $40,500. (Average, $32,000)

"IT'S IN THE AIR" (M-G-M)
ORIENTAL—(3,490), 25c-40c, 7 days. Stage: Three Stooges and vaudevile revue. **Gross:** $17,400. (Average, $15,000)

Week Ending Jan. 24:

"MR. HOBO" (G. B.)
APOLLO—(1,400), 25c-35c-50c, 9 days. **Gross:** $8,200. (Average, $4,500)

"IF YOU COULD ONLY COOK" (Col.)
GARRICK—(900), 25c-35c-50c, 8 days. **Gross:** $6,500. (Average, $5,500)

"ESCAPE FROM DEVIL'S ISLAND" (Col.)
STATE-LAKE—(2,776), 20c-30c-35c, 7 days. Stage: "Miami Nights," Verne Buck's "Tropical Revue." **Gross:** $11,000. (Average, $13,000)

"Fleet" on a Dual Only Buffalo Draw

BUFFALO, Feb. 2.—The icy hand of winter put the damper on box-offices here. Only the Century's dual, "Miss Pacific Fleet" and "Man of Iron," passed par. The take was $7,700, above average by $1,900.

At the Erlanger, George M. Cohan's "Dear Old Darling" played to moderate houses.

Total first run business was $37,400. Average is $42,000.

Estimated takings for the week ending Jan. 25:

"CAPTAIN BLOOD" (W. B.)
BUFFALO—(3,000), 30c-50c, 7 days. **Gross:** $10,000. (Average, $12,000)

"SPLENDOR" (U. A.)
HIPPODROME—(2,500), 30c-50c, 7 days. **Gross:** $5,300. (Average, $7,300)

"DANGEROUS" (W. B.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $7,200. (Average, $7,300)

"MISS PACIFIC FLEET" (W. B.)
"MAN OF IRON" (W. B.)
CENTURY—(3,000), 25c-7 days. **Gross:** $7,700. (Average, $5,800)

"MAGNIFICENT OBSESSION" (Univ.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $4,200. (Average, $6,000)

"LOVER DIVINE" (G. B.)
GAYETY—(1,600), 15c-25c-35c, 7 days. **Gross:** $3,400. (Average, $3,600)

Cantor Film Is Sensation On the Coast

LOS ANGELES, Feb. 2.—"Strike Me Pink" flirted with records by hitting $12,500 at the Hillstreet, over normal by $4,500, and $12,000 at the Pantages. This latter was $8,800 above par.

The only other spot to show any signs of activity was the Paramount, which had "Anything Goes" on the screen and a stage show which included an F. & M. revue and Billy and Beverly Bemis, with Al Lyons and his orchestra.

The weather was moderately warm.

Total first run business was $81,450. Average is $70,850.

Estimated takings for the week ending Jan. 29:

"SHOW THEM NO MERCY" (20th-Fox)
CHINESE—(2,500), 30c-55c, 5 days. **Gross:** $6,000. (Average, $12,500)

"FIRST A GIRL" (G.B.)
4 STAR—(900), 30c-55c, 6 days. 3rd week. **Gross:** $2,500. (Average, $3,250)

"THE DANCING DUCHESS" (Foreign)
GRAND INTERNAT'L—(750), 35c-40c, 7 days. 2nd week. **Gross:** $1,250. (Average, $1,200)

"STRIKE ME PINK" (U.A.)
HILLSTREET—(2,700), 25c-40c, 7 days. **Gross:** $12,500. (Average, $8,000)

"SHOW THEM NO MERCY" (20th-Fox)
LOEW'S STATE—(2,500), 30c-55c, 5 days. **Gross:** $8,000. (Average. $14,000)

"STRIKE ME PINK" (U.A.)
PANTAGES — (3,000), 25c-40c, 7 days. **Gross:** $12,000. (Average, $3,200)

"ANYTHING GOES" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, Billy & Beverly Bemis, Al Lyons and orchestra. **Gross:** $22,100. (Average, $3,200)

"BROADWAY HOSTESS" (F.N.)
"THE MURDER OF DR. HARRIGAN" (F.N.)
WARNER BROS. (HOLLYWOOD) — (3,000), 25c-40c, 7 days. **Gross:** $9,000. (Average, $14,000)

"BROADWAY HOSTESS" (F.N.)
"THE MURDER OF DR. HARRIGAN" (F.N.)
WARNER BROS. (DOWNTOWN) — (3,400), 25c-40c, 7 days. **Gross:** $8,100. (Average, $12,000)

"Burlesque" Leads At Cincy, $15,500

CINCINNATI, Feb. 2. — Despite heavy snows and sub-zero weather, business held up remarkably well, with "The King of Burlesque" heading the list at the RKO Albee with a take of $15,500, a plus figure of $3,500. It moved to the RKO Lyric.

"Three Live Ghosts" at the RKO Shubert, where Jackie Coogan and Betty Crable headed "Hollywood Secrets" on the stage, took in $14,000. Average is $12,000. "A Tale of Two Cities," in its third downtown week at the RKO Grand, did $3,200, which is $450 to the good.

"A Midsummer Night's Dream," roadshown at the RKO Capitol, registered $15,000, a satisfactory, although not an outstanding gross.

Total first run business was $69,200. Average is $60,200. Estimated takings:

Week Ending Jan. 21:

"SKY DEVILS" (U.A.)
STRAND—(1,300), 15c-25c, 7 days. **Gross:** $1,350. (Average, $1,500)

Week Ending Jan. 23:

"KING OF BURLESQUE" (20th-Fox)
RKO ALBEE—(3,300), 35c-42c, 7 days. **Gross:** $15,500. (Average, $12,000). Moved to RKO Lyric.

"ROSE OF THE RANCHO" (Para.)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $9,250. (Average, $10,000)

(*Continued on page* 11)

Seeks Free Shows

Dallas, Feb. 2.—The Dallas Park Board has under consideration a proposition offered by Orrill O'Riley for operation of free film shows in parks throughout the city. O'Riley, who operates similar projects in other cities, offered the city one-third of the net receipts of such shows. Advertisements from national concerns furnish the revenue, he said.

"Obsession" Defies Cold Wave in K.C.

KANSAS CITY, Feb. 2.—In the face of extreme cold and snow which sent every other first run into a tailspin, "Magnificent Obsession" at the Tower in its second week held up to $9,800, over the first week average by $2,800.

Only one other house, the Mainstreet, succeeded in reaching par.

Total first run business was $36,300. Average is $38,000.

Estimated takings:

Week Ending Jan. 22:

"DANGEROUS" (W.B.)
NEWMAN—(1,900) 25c-40c, 7 days. **Gross.** $6,800. (Average, $7,000)

Week Ending Jan. 23:

"MAGNIFICENT OBSESSION" (Univ.)
TOWER—(2,200), 25c-35c, 7 days, 2nd week. Stage, Clarence Stroud, Beth Dodge, Meyer & St. John, and the Canastrellys. **Gross:** $9,800. (Average, $7,000)

"PERSONAL MAID'S SECRET" (W.B.)
MAINSTREET — (3,100), 25c-35c-50c, 7 days. Stage: Major Bowes' Amateurs, Oklahoma Mustang Wranglers, Marie Julio, Stauffer Twins, Marshall Haley, Ralph Lawrence, Ann Palmer, Ray Souders, Sid Raymond, Thomas Brothers, Julio Vitola, Bob Oakley. **Gross:** $9,000. (Average, combination bills, $9,000)

"PROFESSIONAL SOLDIER" (20th-Fox)
MIDLAND—(4,000), 25c-40c, 7 days. **Gross:** $7,400. (Average, $11,500)

Week Ending Jan. 24:

"MR. HOBO" (G.B.)
"$1,000 A MINUTE" (Republic)
UPTOWN—(2,600), 25c-40c, 7 days. **Gross:** $3,300. (Average, $3,500)

"Pink" Is $15,000 Hit in Providence

PROVIDENCE, Feb. 2.—"Strike Me Pink" came into the big money for the week, catching $15,000 at Loew's State, which is $3,000 to the good.

"Chatterbox" and Joe Cook in person at the RKO Albee had a par week, catching $7,000, and the Strand was $100 over the average take of $6,500 with "Millions in the Air" and "Lone Wolf Returns." "Dangerous" and "Miss Pacific Fleet" at the Majestic were under at $6,500.

"Magnificent Obsession," which moved from the Majestic to Fay's for a second week, and a stage show, caught $6,400. The average take for this house is $7,000.

Snow-clogged roads kept the suburban trade away, but city folk found theatres a good place to go to escape the zero weather.

Total first run business was $41,500. Average is $39,500.

(*Continued on page* 11)

Cantor Film Seattle Wow; Gets $10,400

SEATTLE, Feb. 2. — "Strike Me Pink" was a gold mine at the Liberty last week. It jammed 'em in from start to finish and ran the take up to $10,400, which was more than double normal. It was held over.

"Captain Blood" opened with a rush, but tapered off for the last three days and finished with $7,100, up by $100, at the Fifth Avenue. "Magnificent Obsession" was excellent in its second week at the Music Box, holding up to $4,250.

Total first run business was $39,900. Average is $33,500.

Estimated takings for the week ending Jan. 31:

"AH WILDERNESS" (M-G-M)
"NAVY WIFE" (20th-Fox)
BLUE MOUSE—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Orpheum. **Gross:** $3,650. (Average, $4,000)

"CAPTAIN BLOOD" (F. N.)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $7,100. (Average, $7,000)

"STRIKE ME PINK" (U. A.)
LIBERTY—(1,800), 15c-25c-35c-50c, 7 days. **Gross:** $10,400. (Average, $4,000)

"MAGNIFICENT OBSESSION" (Univ.)
MUSIC BOX—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Fifth Avenue. with "Paddy O'Day" eliminated on dual bill. **Gross:** $4,250. (Average, $4,000)

"DANGEROUS" (W. B.)
"FIRST A GIRL" (G-B)
ORPHEUM—(2,450), 25c-30c-40c, 7 days. **Gross:** $5,900. (Average, $6,000)

"FANG AND CLAW" (Radio)
"FRESHMAN LOVE" (W. B.)
PARAMOUNT—(3,050), 20c-25c-30c, 7 days. **Gross:** $4,850. (Average, $5,000)

"TO BEAT THE BAND" (Radio)
REX—(1,500), 15c-25c, 7 days. Stage: "Varieties of 1936." **Gross:** $3,750. (Average, $3,500)

"Rose" $5,000 Hit In Charlotte Run

CHARLOTTE, Jan. 28.—"So Red the Rose," helped by a big opening attended by Randolph Scott, went over strongly at the Carolina during a four-day run. The take was $5,000. Normal for the period is about $2,666.

"Rose of the Rancho," which went in for the last two days of the week failed to make an impression, getting only $500.

The weather was exceptionally cold but in spite of this, "Dangerous" was strong at $5,500, over par by $1,500 in six days at the Broadway.

"Splendor" beat par by $1,000 at the Imperial in a four-day run with $3,000. Average for four days is $2,000.

Total first run business was $15,000. Average is $11,000.

Estimated takings for the week ending Jan. 25:

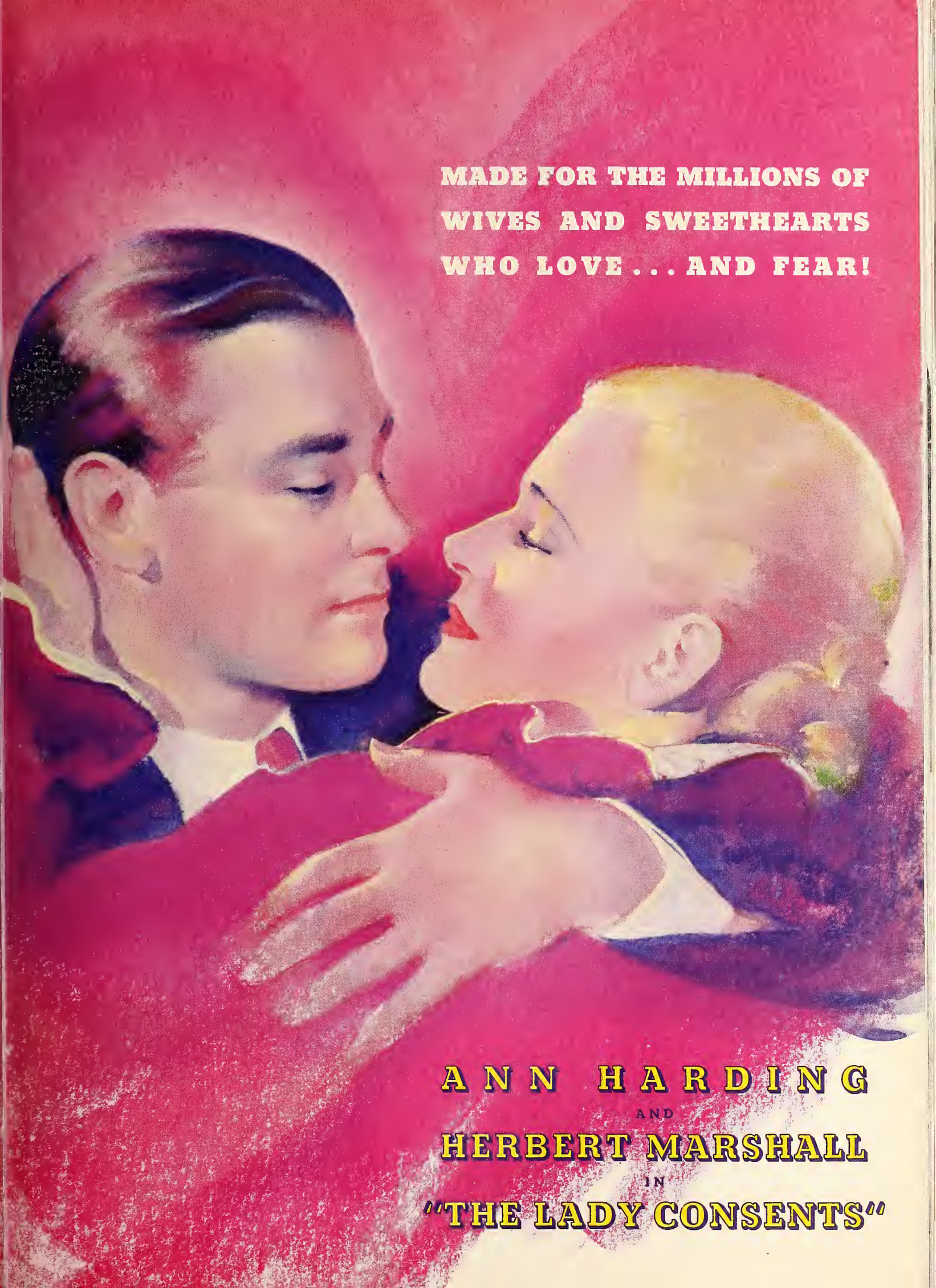
"DANGEROUS" (W.B.)
BROADWAY—(1,114), 25c-40c, 6 days. **Gross:** $5,500. (Average, $4,000)

"SO RED THE ROSE" (Para.)
CAROLINA — (1,400), 25c-40c, 4 days. **Gross:** $5,000. (Average for 3 days, $2,000)

"ROSE OF THE RANCHO" (Para.)
CAROLINA — (1,400), 25c-40c, 2 days. **Gross:** $500. (Average for 3 days, $2,000)

"SPLENDOR" (U.A.)
IMPERIAL—(949), 25c-30c, 4 days. **Gross:** $3,000. (Average for 4 days, $2,000)

"HIS NIGHT OUT" (Univ.)
IMPERIAL—(949), 25c-30c, 2 days. Stage: "Capers of Mirth." **Gross:** $1,000. (Average, $1,000)


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HERBERT MARSHALL
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with

MARGARET LINDSAY

WALTER ABEL . . EDWARD ELLIS

HOBART CAVANAUGH . . ILKA CHASE

DIRECTED BY

STEPHEN ROBERTS

"Obsession" Doubles Par In Cleveland

CLEVELAND, Feb. 2.—In spite of sub-zero weather the last half of the week, "Magnificent Obsession" doubled the average take at Warners' Hippodrome, going to a gross of $16,000.

"Crime and Punishment" at the Allen took second place with $5,250 on the week, which is $2,250 better than par.

"Riff Raff" went $1,000 over average at Loew's State with a total of $13,000. "Two In The Dark" with an elaborate stage show at the RKO Palace lacked $2,000 of the $15,000 house average. "The Melody Lingers On," at Loew's Stillman was $1,000 under the usual $4,000 take.

Total first run business was $50,250. Average is $42,000.

Estimated takings for the week ending Jan. 24:

"CRIME AND PUNISHMENT" (Col.)
ALLEN—(3,300), 30c-35c-42c, 7 days. **Gross:** $5,250. (Average, $3,000)
"RIFF RAFF" (M-G-M)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $13,000. (Average, $12,000)
"THE MELODY LINGERS ON" (U. A.)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $3,000. (Average, $4,000)
"TWO IN THE DARK" (Radio)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: "Mayfair Casino" Revue. **Gross:** $13,000. (Average, $15,000)
"THE MAGNIFICENT OBSESSION" (Univ.)
WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $16,000. (Average, $8,000)

"Dream" Rolls Up $12,000, Portland

PORTLAND, Feb. 2.—"A Midsummer Night's Dream," playing at $1.85 top in the Mayfair and exploited heavily in advance, rolled up $12,000 for the first seven days. This is $9,000 over the average take at regular admission prices.

"Mr. Hobo" and "Annie Oakley" on a dual at the Paramount were also in the money in a big way at $8,000, over average by $3,000.

In its first week at the Broadway "Magnificent Obsession" registered $6,000, over par by $1,000, and was held for a second.

Other houses were average and above. The weather clear and cold.

Total first run business was $39,700, the best week for a year. Average is $24,700.

Estimated takings for the week ending Jan. 25:

"MAGNIFICENT OBSESSION" (Univ.)
BROADWAY—(1,912), 30c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)
"SHE MARRIED HER BOSS" (Col.)
"TWO FOR TONIGHT" (Para.)
(2nd Run)
BLUE MOUSE—(1,700), 20c-25c, 7 days. **Gross:** $1,700. (Average, $1,700)
"A MIDSUMMER NIGHT'S DREAM" (W. B.) (Roadshow)
MAYFAIR—(1,700), 55c-$1.85, 7 days. **Gross:** $12,000. (Average, $3,000)
"SYLVIA SCARLETT" (Radio)
"CORONADO" (Para.)
ORPHEUM—(1,700), 30c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)
"MR. HOBO" (G. B.)
"ANNIE OAKLEY" (Radio)
PARAMOUNT—(3,008), 30c-35c-40c, 7 days. **Gross:** $8,000. (Average $5,000)
"STRIKE ME PINK" (U. A.)
UNITED ARTISTS—(945), 30c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"Burlesque" Leads At Cincy $15,500

(*Continued from page 8*)

"THREE LIVE GHOSTS" (M-G-M)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: "Hollywood Secrets" with Jackie Coogan and Betty Grable. **Gross:** $14,000. (Average, $12,000)
"A MIDSUMMER NIGHT'S DREAM" (W.B.) (Roadshow)
RKO CAPITOL—(2,000), 55c-$1.65, inc. tax. 7 days. **Gross:** $15,000. (Average at 35c-42c, $6,500)
"COLLEGIATE" (Para.)
RKO LYRIC—(1,400), 35c-42c, 7 days, 2nd downtown week. **Gross:** $4,500. (Average, $6,500)
"A TALE OF TWO CITIES" (M-G-M)
RKO GRAND—(1,200), 25c-40c, 7 days, 3rd downtown week. **Gross:** $3,200. (Average, $2,750)
"NEVADA" (Para.)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,300. (Average, $1,250)
"TO TOUGH TO KILL" (Col.)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,100. (Average, $1,200)
"MURDER OF DR. HARRIGAN" (F.N.)
KEITH'S—(1,500), 30c-40c, 7 days. **Gross:** $4,000. (Average, $6,500)

"Pink" Is $15,000 Hit in Providence

(*Continued from page 8*)

Estimated takings for the week ending Jan. 30:

"MILLIONS IN THE AIR" (Para.)
"THE LONE WOLF RETURNS" (Col.)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $6,600. (Average, $6,500)
"DANGEROUS" (W. B.)
"MISS PACIFIC FLEET" (W. B.)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $6,500. (Average, $7,000)
"MAGNIFICENT OBSESSION" (Univ.)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "Jockey Club Revue." **Gross:** $6,400. (Average, $7,000)
"CHATTERBOX" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: Joe Cook in "Tipsy Turvy." **Gross:** $7,000. (Average, $7,000)
"STRIKE ME PINK" (U. A.)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $15,000. (Average, $12,000)

New Exchange Union Strikes at Republic

(*Continued from page 1*)

the A. F. of L., which was recently organized in this territory.

Questioned about the walkout Saturday, Gluckman explained that he was called on the phone at his home by Bob Murray, president of the union, at 11:45 Friday night and advised the strike would be called unless he (Gluckman) immediately came to his office and signed a contract.

Gluckman refused, he said.

The local Republic exchange head said he could not understand why he was the target of the union, since this is the first open move on its part. Gluckman denied he had ever refused to recognize the union.

Strike Halts Greenwich Work

Construction on the new Greenwich in Greenwich Village was abruptly halted last week when unions affiliated with the A. F. of L. walked out. The house, scheduled to open on Lincoln's Birthday, will not be ready for several weeks, as a result.

Although Ben Knoble, who is erecting the theatre, is not at odds with the building trades' group, the root of the trouble is said to be his refusal to sign a contract with Local 306. Delegates from the operators' local are understood to have insisted on the contract before the house opens.

Local 306 is affiliated with the I.A.T.S.E., a unit of the A. F. of L.

Seals Issued On 104 Films In 2 Months

(*Continued from page 1*)

CAMEO
(*Feature*)
"Rich Relations."
CATHAY
(*Feature*)
"Sun Hun."
CELEBRITY
(*Short*)
"Humpty Dumpty."
COLUMBIA
(*Features*)
"Abdul, the Damned," "You May Be Next," "Dangerous Intrigue," "The Lone Wolf Returns," "The Mysterious Avenger," "Lady of Secrets," "Stop, Look and Listen," "The Cattle Thief."
(*Shorts*)
Screen Snapsbots No. 5, 6; "Patch Mah Britches," "Kannibal Kapers," "I Don't Remember," "Unrelated Relations," "Scrappy's Boy Scouts," "Just Speeding," "Doctor Bluebeard," "Ants in the Pantry," "Bird Stuffer."
COMMODORE
(*Features*)
"Aces Wild," "Ghost Town."
EMPIRE FILM DISTRIBUTORS
(*Feature*)
"Crime Patrol."
EXCELSIOR
(*Feature*)
"Crasbing Through Danger."
FIRST DIVISION
(*Features*)
"Dark Hour," "Lucky Terror."
INVINCIBLE
(*Features*)
"Tango," "Bridge of Sighs."
MALCOLM LABORATORIES
(*Feature*)
"St. Louis Woman."
M-G-M
(*Features*)
"Tale of Two Cities," "Riffraff," "Kind Lady," "Whipsaw," "Three Live Ghosts," "Exclusive Story," "Rose Marie," "The Guardsman," "Tough Guy," "Bohemian Girl." (Reissue) "Trader Horn."
(*Shorts*)
"Crew Racing," "Divot Diggers," "The Count Takes the Count," "Primitive Pitcairn," "West Point of the South," "All-American Toothache." "A Thrill for Thelma," "Pinch Singer," "Important News," "Let's Dance," "Run, Sheep, Run," "Vamp Till Ready."
PARAMOUNT
(*Features*)
"The Milky Way," "Finn and Hattie," "Bar 20 Rides Again," "Drift Fence," "It's a Great Life," "Anything Goes," "Desire," "Klondike Lou," "Call of the Prairie," "Timothy's Quest," "Woman Trap," "Give Us This Night."
(*Short*)
"Lucky Starlets."
PURITAN
(*Features*)
"Bulldog Courage," "Roarin' Guns," "I'll Name the Murderers."
RADIO
(*Features*)
"We're Only Human," "Sylvia Scarlett," "Two in the Dark," "Chatterbox," "The Lady Consents," "Mother Lode," "Follow the Fleet," "Muss 'Em Up."
(*Shorts*)
Headliner series No. 4, 6; "Will Power," "All Business," "Framing Father," "Radio Barred," "Winged Pageantry."
REGAL
(*Feature*)
"The Rest Cure" (Span.).
REPUBLIC
(*Features*)
"Frisco Waterfront," "Forced Landing," "Hitch Hike Lady," "The Leavenworth Case," "Dancing Feet," "Return of Jimmy Valentine."
SPECTRUM
(*Feature*)
"Blazing Justice."
STAGE AND SCREEN PROD.
(*Shorts*)
"Custer's Last Stand"—serial, episodes one to 12 inclusive.
STATE RIGHTS
(*Features*)
"The Courageous Avenger," "Branded a Coward," "Timber War," "Trail of Terror," "Desert Guns,"
(*Shorts*)
"Popular Science" No. 5, "Find the Man."
SUPREME
(*Feature*)
"Valley of the Lawless."
TWENTIETH CENTURY-FOX
(*Features*)
Reissues: "The Last Trail," "Gentle Julia," "Worst Woman in Paris," "Olsen's Big Moment," "Hold That Girl," "Devil Tiger," "They Had to See Paris," "Young As You Feel," "Ambassador Bill," "Connecticut Yankee," "So This is London." (New) "King of Burlesque," "Whispering Smith," "Professional Soldier," "Song and Dance Man," "Every Saturday Night," "Here Comes Trouble."
(*Shorts*)
"Love in September," "Grand Slam Opera," "Three on a Limb," "Manhattan Tapestry."
UNITED ARTISTS
(*Features*)
"Strike Me Pink," "Modern Times."
(*Shorts*)
"Broken Toys," "Mickey's Polo Team," "Orphans' Picnic."
UNIVERSAL
(*Features*)
"Silver Spurs," "Magnificent Obsession," "Invisible Ray," "Dangerous Waters," "Next Time We Love."
(*Shorts*)
"Adventures of Frank Merriwell"—serial (Episodes two to 10 inclusive), "Skits and Sketches," "Soft Ball Game," "Alaska Sweepstakes."
WARNERS
(*Features*)
"Captain Blood," "Miss Pacific Fleet," "Freshman Love," "Prison Farm," "Man Hunt," "Boulder Dam," "Colleen," "Brides Are Like That," "Men on Her Mind," "Snowed Under," "The Walking Dead."
(*Shorts*)
"Plane Dippy," "Alpine Antics," "Slide, Nellie, Slide," "I Wanna Play House," "A Dream Comes True," "The Cat Came Back," "Romance in the Air," "Phantom Ship."

FCC to Start Quiz Of A. T. & T. Soon

(*Continued from page 1*)

with the hearings here to follow the field work.

The inquiry is expected to take considerable time, since every phase of the company's activity is to be studied. One of the major phases of the investigation will be A. T. & T.'s operations in connection with the film industry.

Files Cable Suggestions

WASHINGTON, Feb. 2.—A. T. & T. has placed before the Federal Communications Commission details of the protection it demands for its television secrets and patents before proceeding with construction of the coaxial cable between New York and Philadelphia.

The company submitted a lengthy list of "suggestions" for amendments to the Commission's order authorizing construction of the cable. Work has been held in abeyance on the experimental cable because of restrictions placed on the installation by the F. C. C. The company's suggestions will be considered at a Commission meeting on Wednesday.

Sabath Will Resume Hearings on Coast

(*Continued from page 1*)

erties and Fox West Coast reorganizations, among others, were discontinued about a month ago in order to examine witnesses at closed hearings here. Garsson is expected back from the coast by the end of the month and shortly thereafter open hearings on film company reorganizations will be resumed before the full Congressional committee in Washington, he said. The committee's study of reorganizations in the east included those of Paramount, General Theatres Equipment, Fox and numerous theatre companies.



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PREVIEW REPORT!

(from Hollywood Reporter)

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VOL. 39. NO. 29 NEW YORK, TUESDAY, FEBRUARY 4, 1936 TEN CENTS

City Sales Tax Is Applied to All Contracts

Exchanges Preparing to Contest the Ruling

The city comptroller's office yesterday made known its formal decision holding local film rentals to be subject to the city's two per cent sales tax, including even the rentals derived from theatres located outside the city or state if serviced by the local exchanges.

The decision related only to the assessment which had been made against the United Artists exchange, which, however, is recognized as a test case and was opposed at formal hearings before representatives of the city comptroller's office. The exchange, through United Artists' attorneys, O'Brien, Driscoll & Raftery, will take an appeal from the decision to the appellate division of the state court. The city's decision was not unexpected and the United Artists' attorneys are prepared to move today

(*Continued on page* 11)

Sound Suit Motions Off Until March 12

Preliminary motions in the recovery actions brought against A. T. & T., Western Electric and Erpi by a score of local theatre operating companies and sound equipment manufacturers which were scheduled for hearing in Federal court here yesterday were postponed to March 13.

The actions allege that provisions of the Erpi contracts made it necessary for the theatre operators to pay more for replacements and servicing of their sound equipment than was necessary and seek recovery of the alleged surplus charges. The bulk of the exhibitor plaintiffs are represented by Weisman, Quinn, Allen and Spett, which is also counsel to the I.T.O.A.

Hardy and His Staff Go Back to Capital

WASHINGTON, Feb. 3.—Russell Hardy, chief Government attorney in the civil suit against Warners, Paramount and RKO in St. Louis, returned here over the week-end from the Mound City. With him was his legal staff comprising Harold L. Schilz, William Benham and John Claggett.

Future plans of the Government in connection with the St. Louis and other anti-trust suits are being held

(*Continued on page* 5)

Loew Erpi Pact Calls for $100,000 Yearly Minimum

WASHINGTON, Feb. 3.—The contract which Loew's, Inc., parent company of M-G-M, has with Erpi, runs for 15 years and calls for a minimum royalty of $100,000 a year, it was revealed here today when Loew's filed with the SEC a registration statement in connection with a debenture issue.

The contract with Erpi, the first agreement for the use of sound to be made public by the SEC, provides for charges of $500 per 1,000-foot reel or fraction thereof of the negative production of features, with a provision that the charge shall apply to all reels in excess of 5,000 feet only if the additional footage exceeds 200. On newsreels a charge of $100 per 1,000 feet is provided. The charge is to apply whether all or part is made with sound. On master records made independent of specified pictures a charge of $500 for each 10 minutes of playing time is made.

The contract also provides that Loew cannot make sound records for radio, although it may broadcast sound from pictures which it makes. It also prohibits the company from producing sound for other companies unless licensed by Erpi and in the case of licensed companies, it may not produce more than five features or 12 shorts a year.

A supplement to the contract carries a schedule of the charges for sound on pictures for foreign distribution, as follows: United Kingdom and Ireland, $100 per reel; Canada, $75; Australasia, $62.50; Germany, $50; Central Europe, $35: France and Belgium, $25; South America, $40; Scandinavia and Denmark, $20; China, Japan and Italy, $15; Spain and Portugal, $12.50; South Africa and Holland, $10; Cuba, Mexico, India and Indo-China, Turkey, Egypt and Asia Minor, $7.50.

Discuss New Unit

New Haven, Feb. 3.—A move is being made to form two separate organizations for independent and affiliated exhibitors. It is planned that both groups will cooperate in combating hostile legislation and on other problems.

Suit for $670,000 Started by Remick

Damages of $670,000 are asked by the Warner music subsidiary, Remick, in a suit filed in Federal court here yesterday against Columbia Broadcasting System. The suit is based upon two causes of action involving 134 alleged infringements of copyright in the broadcasting of Warner music, for which $5,000 damages is asked for each infringement.

The Warner suit alleges an infringement in the broadcasting over 66 stations of the network the song entitled "That Old Fashioned Mother of Mine." The infringing broadcast, Warners state, originated with station WJR, Detroit, on Jan. 23. The second infringement alleged the broadcasting over 68 stations of the network the song entitled "Some Sunny Day." The performance emanated from station

(*Continued on page* 5)

New Republic Sales Executive Due Soon

With Jack Fier handling the west and Edward M. Schnitzer the east, Republic shortly will appoint a sales head to supervise southern and midwestern cities.

For the time being, W. Ray Johnston, president, will not name a general sales manager. He will assume this post in addition to his other activities. The southern and midwestern sales head will have headquarters in Chicago.

Schnitzer, who recently resigned as branch manager of the local Columbia exchange, moves into Republic home offices next Monday.

Allocation Asked By MPTO Board

PHILADELPHIA, Feb. 3.—The Board of Managers of the MPTO of Eastern Pennsylvania today called upon distributors to allocate percentage pictures before they are played. The association protested the practice of assigning high percentages to films already released when the exhibitor is unable to learn in advance what the product is to cost him.

Abe Sablonsky was elected Chairman of the Board.

Sunday Option Bill In Kentucky House

FRANKFORT, Ky., Feb. 3.—Senator Franklin Rives of Christian County has introduced a bill (S. B. 272) to permit incorporated cities to say whether or not opera, film shows shall be permitted on Sunday.

Loew-M-G-M Heads' Profit Is 2 Million

SEC Discloses Payment During Fiscal Year

By BERTRAM F. LINZ

WASHINGTON, Feb. 3.—Six executives of Loew's, Inc., and M-G-M who share in the profits of the company received nearly $2,000,000 during the fiscal year ended Aug. 31 last, it was revealed today in a regisitration filed with SEC to cover the issuance Feb. 15 of $15,000,000 in 3½ per cent sinking fund debentures to fall due Feb. 15, 1946.

The six are Nicholas M. Schenck, president; Louis B. Mayer, vice-president; Irving Thalberg, in charge of production; J. Robert Rubin, vice-president; David Bernstein, vice-president, and Arthur M. Loew, also a vice-president.

The Loew statement called for a filing fee of $1,485, and requiring two large valumes, carried copies of a large number of financial statements required under the law and of contracts with various organizations.

Accompanying the statement were copies of option contracts with Mayer, Rubin and Thalberg, under which Thalberg is to purchase up to 100,000 shares of unissued common and Mayer and Rubin up to 50,000 shares each. The three options may be exercised between Dec. 31, 1934, and March 1, 1935; Dec. 31, 1936, and March 1, 1937, and Dec. 31, 1938, and March 1, 1939.

During the first of these three periods Thalberg was entitled to 27,780 and the others to 13,890 shares at $30 per share. During the recent period they may take similar amounts at $35 and during the final period Thalberg may take 44,440 shares and Mayer and Rubin 22,220 shares at $40. As an alternative, if they do not take the stock in this manner they may obtain it between March 1, 1935, and March 1, 1937, at $35

(*Continued on page* 5)

Studios May Escape New Coast Taxation

SACRAMENTO, Feb. 3.—Studios are expected to escape without adverse recommendations at the Governor's tax conference which opened here today and is expected to last a week. It was predicted that Governor Merriam would recommend no change in the present tax system. Two film representatives at the conference are Bud Lollier of Fox West Coast and Hulda McGinn of the M. P. T. O.

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(Registered U. S. Patent Office)

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Company Name Changed

DOVER, Del., Feb. 3.—Paramount Pictures Corp., has changed its name to Paragar Corp., New York. Publix-Salt Lake, Inc., has changed its name to Inter-Mountain Theatres, Inc. The Corporation Trust Co. is agent for both corporations.

It was explained at the Paramount home office that Paramount Pictures Corp. was formed about 1932, but has not been actively in use. The name change is for the purpose of avoiding confusion, the action having been taken instead of dissolving the company.

Ascap Sues Exhibitor

GREENSBORO, N. C., Feb. 3.—J. T. Justice, Jr., operating the Pickfair, Kernersville, has been sued in federal court here by Gene Buck for Ascap and the Broadway Music Corp. The plaintiffs ask $250 for the alleged use of the song, "Don't Let Your Heart Go Wrong," in the Pickfair, and an injunction restraining the defendant from further alleged violation of copyright.

Audio Sets Distribution

Audio Prod. has signed with Associated British Film Distributors, Ltd., for distribution in the United Kingdom of eight shorts in the "Musical Moods" and "Thrilling Journeys" series.

Rifkin on the Coast

HOLLYWOOD, Feb. 3.—Herman Rifkin, New England district manager for Republic, is here from Boston for conference with Nat Levine.

Purely Personal

BILL POWERS, attorney for SPYROS SKOURAS, leaves for the coast next week. He will attend the divisional managers' meeting in Los Angeles on Feb. 17. IRVING BARRY, SKOURAS' secretary, is now in Hollywood vacationing.

•

JACK GOLDSTEIN, United Artists exploitation manager, has returned from Boston and Philadelphia, where he worked on campaigns for "Modern Times," set for the Erlanger in Philadelphia Feb. 11 and the Majestic in Boston, Feb. 14.

•

BILL FITELSON is due back today from several weeks in Hollywood where he has been conferring with individual producers on a new production project which would release through an established national distributor.

•

NATE MANHEIM, Universal foreign head, arrives tomorrow instead of today, the *Majestic* being delayed a day due to bad weather. DOUGLAS FAIRBANKS, JR., is aboard the same boat, with a print of his latest picture.

•

JAN KIEPURA will sail for Europe on the *Bremen,* Feb. 13. He will make a radio appearance with PAUL WHITEMAN Feb. 9.

•

JOSEPH H. TOOKER of the Tooker Lithograph Co., and CHARLES B. GARDNER left yesterday for Sea Island, Ga.

•

CHARLIE MCCARTHY returned to his desk at Twentieth Century-Fox yesterday. He's been in Hollywood.

•

DOUGLAS FAIRBANKS, KAY FRANCIS and DELMAR DAVIES left yesterday on the afternoon plane for the coast.

•

FLORENCE ABRAMSON of the New York Film Board is back on the job again after an appendectomy.

•

JAMES MULVEY, eastern representative for Samuel Goldwyn Prod., is at the studio for about 10 days.

•

RUBE JACKTER, assistant general sales manager at Columbia, leaves today for Miami Beach.

•

BERT LAHR starts work on "Gold Bricks" at Astoria for Educational today.

•

DAVE SCHOOLER has returned from Milwaukee after several weeks as m.c. there.

•

GEORGE GIVOT has been signed by Educational for JOE COOK'S next.

•

HERSCHEL STUART is being bothered by a cold these days.

•

BURNS and ALLEN leave for the coast on Thursday.

•

JOHN D. CLARK'S back from his Florida vacation.

•

JACK GOLDSTEIN of Rex Premiums is in Syracuse.

Allied Ass'n Members Meet in Baltimore

BALTIMORE, Feb. 3.—A conference of 20 regional directors of the Allied States Ass'n met here today at the Hotel Emerson. The meeting was attended by members from New England, New Jersey, New York, Maryland and District of Columbia. Among those present at the meeting, which was arranged by Arthur B. Price, chairman of Public Relations Committee, were Ex-Governor Albert C. Ritchie of Maryland, as guest of honor, State Attorney J. Bernard Wells, Dr. Ben Paul Sandy, Sidney Samuelson, president of the national Allied Ass'n, Walter Littlefield, eastern regional vice-president and Herman A. Blum, treasurer.

A general discussion of matters leading to the welfare of exhibitors took place.

Allied Board to Meet

WASHINGTON, Feb. 3.—Allied directors will start their annual meeting tomorrow at 11 o'clock at the Carlton Hotel. The sessions will extend into Wednesday and possibly Thursday.

It is expected that all the affiliated regional associations will be represented. Those are:

Independent Exhibitors, Boston; Allied of New Jersey; Allied of New York State; M. P. Theatre Owners of Maryland; M.P.T.O. of Western Pennsylvania; Allied of Michigan; Allied of the Northwest; Allied of Illinois; Associated of Indiana; Independent Theatres Protective Ass'n., Milwaukee; North Dakota Theatre Owners' Ass'n.; Independent Theatre Owners of Ohio; Allied of Texas; Allied of Louisiana; G.F.T.A. Independent Theatres' Ass'n; Allied of Oregon, and Allied of the District of Columbia.

The local committee for entertainment of visitors, composed of William E. S. Wilcox, chairman; A. E. Lichtman, Ben Tendler and Charles H. Olive, has arranged a diner and reception to be held tomorrow evening and a luncheon Wednesday noon.

To Refurbish Rivoli

The Rivoli will be closed after the midnight performance of "The Ghost Goes West" tonight until 8 o'clock tomorrow evening, when the house will reopen for the premiere of "Modern Times," the performance beginning at 8:30. The theatre will be refurbished for the opening.

Felix Feist to Rest

HOLLYWOOD, Feb. 3.—Felix Feist will take time off from his M-G-M duties to recuperate from a slight illness. It is understood that Al Lichtman will have complete charge of field work during the absence of Feist.

Trade Plans Shifted By Passing of King

By BRUCE ALLAN

LONDON, Feb. 3.—The death of King George V led to considerable revision of trade plans in England. Apart from the fact that all theatres were closed the days of the death and funeral, arrangements for trade screenings and first nights were considerably modified.

General Film Distributors postponed trade shows of three films and a Carlton reception to signalize the first "Cecil" production.

The council meeting of the K.R.S. was put back a week.

The inaugural meeting of the C.E.A. London Luncheon Club was deferred.

An issue of £1,000,000 debentures by Associated British Pictures was held up and the Sound City (Films) Ltd., issued of 130,000 six per cent participating preferred £1 shares and 135,000 5:0 ordinaries was delayed to Feb. 4.

An official statement was issued that King Edward VIII desired as little interference as possible with normal business and formal restrictions on trade activities ended on the day of the funeral.

New Roumanian Tax Rate Now Effective

WASHINGTON, Feb. 3.—Under a new Roumanian law, films are subject to a turnover tax of 12.5 per cent on an arbitrarily established "average value" of $2.04 per kilogram, according to a report to the U. S. Department of Commerce from Foy D. Kohler, American vice-consul in Bucharest.

He also reports that a total of 86 pictures were imported into Roumania in 1935, compared with 948 in 1934 and 647 in 1933. Of the 1935 total, 360 were features, 350 shorts and 150 newsreels. The feature totals for 1934 and 1933 were 340 and 331, respectively.

Koenig Temporarily Runs Paris Office

Pending the appointment of a managing director for the Paris office of Twentieth Century-Fox, Ernest Koenig, sales manager, is holding down the duties of that post. Francis L. Hurley, formerly in charge of the French office, has been transferred to the London office.

To Distribute Serials

PITTSBURGH, Feb. 3.—Monarch Pictures Corp. here will distribute the three Weiss serials for the current season in western Pennsylvania and West Virginia.





Sylvia Sidney and Fred MacMurray find love in bloom along "THE TRAIL OF THE LONESOME PINE"

romance!

"THE TRAIL OF THE LONESOME PINE"

John Fox, Jr.'s, heart-stirring romance, the great American classic of the Kentucky hills . . . the story of the beautiful June Tolliver . . . and of the man who wins and the man who loses her love . . .

A story given new power by those romantic stars Sylvia Sidney, Fred MacMurray and Henry Fonda . . . given new depth, by natural color, in this first outdoor feature picture ever completely filmed in Technicolor .



Sylvia Sidney Fred MacMurray Henry Fonda in

"THE TRAIL OF THE LONESOME PINE"

with Fred Stone, Nigel Bruce, Beulah Bondi, Robert Barrett, Spanky McFarland, Fuzzy Knight.
A Walter Wanger Technicolor Production. A Paramount Picture. Directed by Henry Hathaway.

Loew-M-G-M Heads' Profit Is 2 Million

(*Continued from page* 1)

per share, or between March 1, 1937, and March 1, 1939, at $40. If any of the three quits Loew's before Dec, 31, 1938, the option is canceled. A similar option contract was made with Bernstein, calling for 50 shares on the same terms. All the options were entered into Dec. 15, 1932.

Under other contracts, Mayer receives $2,500 weekly, Thalberg $4,000 and Rubin $1,000. In addition, the three are to divide 20 per cent of the first $2,500,000 and 15 per cent of any excess of net profit after the deduction of dividends on preferred stock and $2 per share for common dividends with a guarantee of $500,000 a year. The contract was written April 7, 1924, and runs to Dec. 31, 1938.

Bernstein's contract calls for $2,000 a week, plus 1½ per cent of the net after dividend deductions; the agreement to be terminated only by death or permanent disability. Arthur M. Loew's contract, running from Dec. 1, 1935, to Sept. 1, 1945, provides he is to act as general manager at $3,500 weekly plus five per cent of the profit from foreign operators in excess of $3,640,000.

Salaries Itemized

A schedule of salaries and other compensation to officers for the fiscal year to Aug. 31 last reveals that Schenck received $265,173, which included expenses and 2½ per cent of the profits after dividend deductions; Bernstein, $182,711; Arthur Loew, $182,170; David L. Loew, $74,766; Leopold Friedman, $53,342; Isadore Frick, $31,694; Rubin, $93,888. In addition, Rubin, Mayer and Thalberg received $1,013,058 under their profit-sharing contracts.

The company reported that it employed 184 actors, writers, directors and others not officers of the company, whose salaries during the year totaled $11,303,773. The statement also said that a number of suits are pending and that approximately $30,000,000 in damages is asked in anti-trust suits which have been brought. The liability under these suits, however, it was said, will be negligible.

A statement of the Loew corporate setup shows the company has 58 wholly owned and 23 partly owned subsidiaries. These in turn have 26 subsidiaries. The schedule shows that Metro-Goldwyn-Mayer owns Metro-Goldwyn Pictures, Metro-Goldwyn-Mayer Pictures Corp., Metro-Goldwyn-Mayer Corp., Metro-Goldwyn-Mayer Distributing Corp., Forty-Fifth and Broadway Corp., Robbins Music Corp., Moredall Realty Corp., and the Culver Export Corp. Culver in turn has 50 domestic and foreign subsidiaries. The company operates 105 wholly owned, 15 partly owned and 37 affiliated theatres. Seventy-three of its houses are in the Metropolitan district of New York and 17 are in other countries.

The company is providing for sinking fun additions of $500,000 a year to be applied to the purchase of old debentures, the amount to be increased up to $1,000,000 by the addition of one-half of the dividends on common in excess of $3 per share.

Dillon, Read & Co. are to be the principal underwriters for the new debentures, which are to be offered the public at not more than 99 per cent of par, but no commitments have been made as to who will take the debentures. That information, together with commissions to be paid and other data, is to be filed later.

The company reported that the proceeds from the new issue will be used as follows: $8,171,812 to retire on April 1 next the balance of 7,972,500 outstanding 15-year six per cent gold debentures due in 1941; $3,564,824 to reimburse the treasury for the retirement of Metro-Goldwyn Pictures' seven per cent cumulative stock; $1,860,420 to reimburse for the retirement of New Broad Co. first mortgage and $270,300 to reimburse for retirement of Loew's St. Louis Realty and Amusement Corp. six per cent notes.

Looking 'Em Over

"The Amateur Gentleman"

(Criterion-United Artists)

LONDON, Jan. 20.—This is the first feature of Criterion Film Prod., Ltd., the Douglas Fairbanks, Jr.-Marcel Hellman company. Fairbanks co-stars with Elissa Landi and specially featured is Gordon Harker, low-comedy specialist loaned by Gaumont British. Thornton Freeland directed and Jeffery Farnol's novel was adapted by Clemence Dane and Sergei Nolbandov, with dialogue by the former.

A costume drama, of the Regency period in England, it has good story values and plenty of dramatic action. Backgrounds are varied and picturesque. Fist fights, coaching scenes and court scenes of ball and pageant provide color and contrast.

The story deals with an innkeeper wrongfully condemned to death for theft from guests. His son, posing as a rich young "buck" with the aid of money borrowed from the inn hostler, breaks into society in London, discovers the real thief in a fortune-hunting nobleman, falls in love with the girl, who has agreed to a marriage of convenience with the adventurer, schemes his father's escape and neatly exposes the criminal after a helter-skelter coach chase back to the inn.

Outstanding incidents are a fight in which the hero, as an unknown amateur, knocks out a professional and an effective scene of his escape from police officers by forcing them to pose with him in a tableau before the Regent, whose presence allows him to escape. Grim flashes of a public hanging and scenes of Newgate in the days of the treadmill are incidentals helping to create realistic atmosphere.

Trimmed 10 per cent from its present 9,000 feet, this will offer definite entertainment values for American audiences.

Running time, 100 minutes. "G."

ALLAN

Judges of Academy Study Nominations

HOLLYWOOD, Feb. 3.—The first meeting of the board of judges for the scientific or technical Academy Award was held here today. The board met for the purpose of considering nominations which have been submitted.

Members of the board include Carl Dreher, chairman; John Arnold, Farciot Edouart, Harris Ensign, Lloyd Goldsmith, Grover Laube, Burton F. Miller, Virgil Miller, William Randolph, S. J. Twining and Gordon S. Mitchell.

The Academy has appointed a tellers' committee to count and certify the nominations submitted for the art direction achievement award.

The committee consists of Al D'Agostino, Duncan Cramer, Arnold Gillespie, Perry Ferguson, Robert Haas, Robert Odell, Max Parker, Jerome Pycha and G. S. Mitchell, manager of the Academy Technical Bureau.

The group will meet Wednesday.

Suit for $670,000 Started by Remick

(*Continued from page* 1)

WCAU, Philadelphia, on Jan. 25, Warners assert.

The action was brought by Wattenberg & Wattenberg, attorneys for the Warner music companies, and will be followed by the filing of individual suits in the jurisdiction of each infringing station. The attorneys state that other complaints are now in process of being drawn against other networks and individual stations as a result of the broadcasting of Warner-owned music without a license since the withdrawal of the Warner companies from Ascap on Jan. 1.

Hardy and His Staff Go Back to Capital

(*Continued from page* 1)

secret until papers are filed in Federal Courts.

Wolff Goes to Coast

ST. LOUIS, Feb. 3.—Marco Wolff of Fanchon & Marco left for the coast late last week. He had been here about a month on the Government's suit against Warner, RKO and Paramount for an injunction for allegedly withholding first runs from the Ambassador, Missouri and New Grand Central. Milton Arthur likewise has returned to Los Angeles.

Charles Kurtzman, manager of the Ambassador, has just returned from a three-week tropical cruise.

Fanchon Simon Goes West

Fanchon Simon, the F in Fanchon & Marco, returned to the coast over the week-end. She came on from St. Louis shortly after she testified in the civil suit in which her company was the complainant.

Short Subjects

"Idol of Millions"

(Noel Pictures)

The "idol of millions," we are given to understand, is Jack Dempsey, once of the ring and today chiefly of the restaurant business, and this subject is, according to a foreword, offered in memory of the late master promotor, Tex Rickard. It was compiled by Lon Britton, and the narration is supplied by Thornton Fisher, sports writer and cartoonist. As he tells stories to his small "son," there are reproduced the original screen records of the battles of Dempsey, ranging all the way from 1919, and Jesse Willard to 1927, and Gene Tunney, and including en route Tom Gibbons, Georges Carpentier, Firpo and Jack Sharkey. The famous "long count" of the first Tunney bout as seen by the camera is little short of startling, and the whole subject is a rather interesting highlight review of the fistic career of Dempsey. Reviewed without production code seal. Running time, 20 minutes. "G."

Warners Ask Details In Suit Over Title

An application for a bill of particulars in connection with a suit brought by Mary Esmond McFadden, executrix of the estate of Edward Esmond, against Warners and First National, was filed yesterday in Federal Court by counsel for the defendants.

The complaint calling for the payment of $15,000 damages sets forth that on Feb. 7, 1934, the estate of Barry Connors transferred and sold a play entitled "Girl Trouble" to Edward Esmond and that in 1934 the defendants produced a picture called "Girl Trouble" in violation of the plaintiff's rights. The complaint also charged unfair competition.

The answer of the defendants was a general denial of the allegations.

Wall Street

Issues Irregular on Board

	High	Low	Close	Net Change
Columbia, vtc	42	42	42	— ½
Consolidated	6	6	6	.....
Consolidated, pfd.	18½	18⅜	18⅜	— ⅛
Eastman Kodak	157½	157	157	.....
Loew's, Inc.	53	52½	53	+ ¼
Loew's, Inc., pfd.	105½	105⅜	105⅜	+ ⅝
Paramount	11⅜	11	11¼	.....
Paramount 1 pfd.	84⅞	83	84	—1¼
Paramount 2 pfd.	12½	12⅜	12½	+ ¼
Pathe Film	7¾	7½	7½	— ⅛
RKO	7⅞	7½	7¾	+ ⅛
20th Century, pfd	33⅜	33¾	33⅞	— ½
Warner Bros.	12¾	12¼	12¾	+ ¼

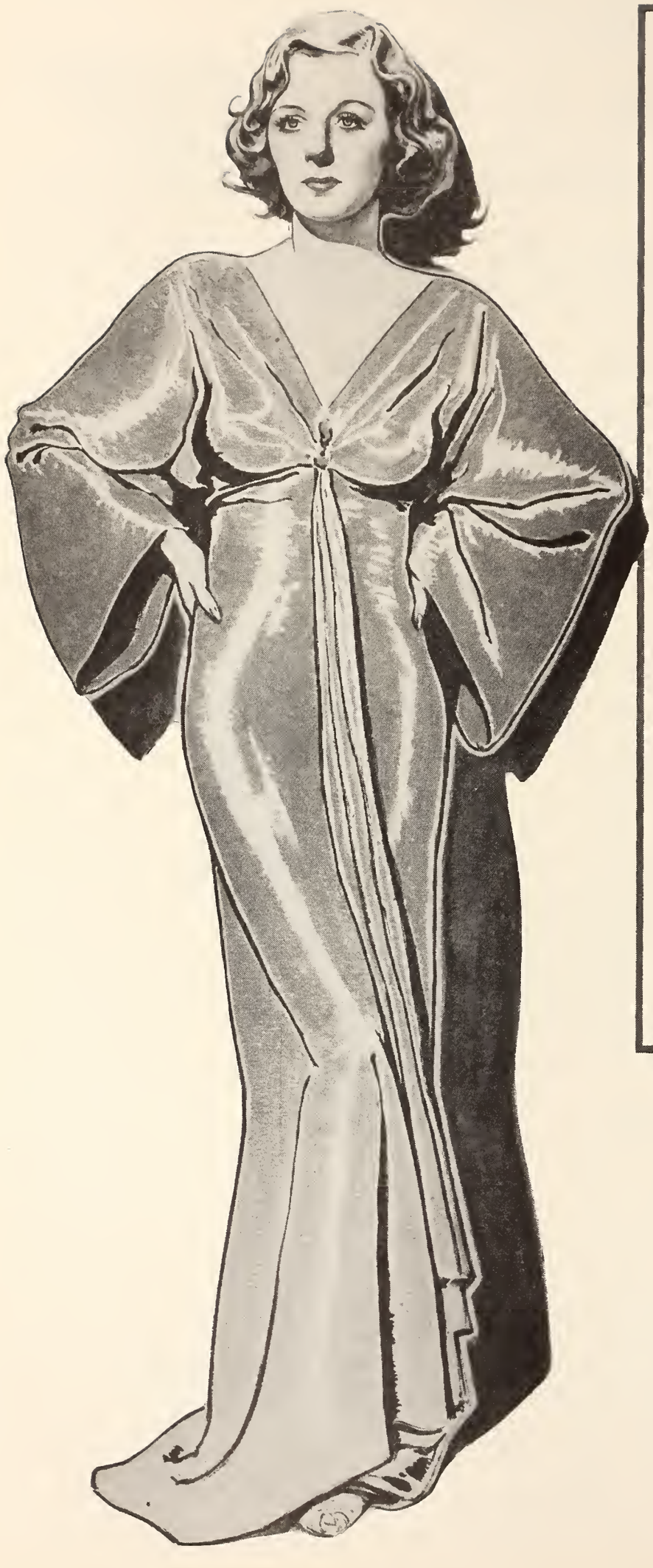
Curb Issues Gain Fractionally

	High	Low	Close	Net Change
Sentry Safety	⅞	13/16	⅞	+ ⅛
Sonotone	2⅛	2	2	.....
Technicolor	22	21⅛	21¾	+ ½
Trans-Lux	5¼	5	5¼	+ ⅛

Slight Bond Activity

	High	Low	Close	Net Change
General Theatre 6s '40	22¼	22	22	.....
General Theatre 6s '40, ctf	22¼	22	22	— ¼
Keith B. F. 6s '46	93¼	93	93¼	—1¾
Loew's 6s '41 ww deb rights	103¼	103⅛	103¼	+ ⅛
Paramount B'way 3s '55	59	59	59	.....
Paramount Pict. 6s '55	97	96½	96¾	+ ¼
Warner Bros. 6s '39 wd	93	92¼	93	+ ¼

(Quotations at close of Feb. 3)



BEST! POWE
POIGNANT
TOUCHIN

"'NEXT TIME WE LOVE' IS ROMANTI
DRAMA WITH STRONG APPEAL . . . EMO
TIONALLY STIRRING . . . RICH IN WARM
INTEREST . . . RANKS HIGH AMONG TH
FINER EXAMPLES OF CINEMATI
ENTERTAINMENT"!

— N. Y. America

"'NEXT TIME WE LOVE' TOUCHING FILM
THE MATINEE AUDIENCE IN THE MUSI
HALL WAS PROFOUNDLY STIRRED BY IT
AND THE LADIES WEPT PLEASURABLY"

— N. Y. Daily Mirro

"SENSITIVE AND INTELLIGENT . . . MIS
SULLAVAN GIVES A PERFORMANCE IN TH
LEADING ROLE THAT CAN ONLY BE DE
SCRIBED AS BOTH HONEST AND BEAUTIFUL"

— N. Y. Herald Tribun

"A GRAND PICTURE FOR WOMEN TO CR
OVER AND GENERALLY ENJOY THEM
SELVES . . . MISS SULLAVAN HAS NEVE
LOOKED SO LOVELY NOR ACTED WITH
MORE SURENESS . . . PROVIDES SIGHS
ROMANCE AND TEARS"! *— N. Y. Su*

MARG

in Her Greatest Triump

NEXT

with JAME
ROBER
Produced by

RFUL! A NATURAL! STRONG!
BRILLIANT! BEAUTIFUL!
G! SENSITIVE! GRAND!

" 'NEXT TIME WE LOVE' IS THE BEST MARGARET SULLAVAN PICTURE, AND CLOSE TO THE BEST PRODUCTION UNIVERSAL HAS TURNED OUT, FOR SHEER DRAMATIC MERIT. IT HAS POWERFUL EMOTIONAL APPEAL IN ITS DELICATELY AND POIGNANTLY TOLD SEMI-TRAGIC STORY, AND IS A NATURAL FOR WOMEN, FULLY AS STRONG IN THIS RESPECT AS U'S CURRENT HEAVY GROSSER, 'MAGNIFICENT OBSESSION' " !
—Daily Variety

"BRILLIANT IN ITS DRAMATIC POWER TO STIR THE SINCEREST OF HUMAN EMOTIONS, THIS IS A STORY OF A BEAUTIFUL LOVE BROUGHT FACE TO FACE WITH LIFE'S STERNEST REALITIES. TASTEFULLY PRODUCED, INTELLIGENTLY ACTED AND DIRECTED"!
—Motion Picture Daily

" 'NEXT TIME WE LOVE' FINE. SULLAVAN SHINES IN POIGNANT YARN. REAL AND MOVING LOVE STORY OF YOUNG AMERICA THAT COMES SO CLOSE TO HOME AS TO ENLIST THE SYMPATHETIC RESPONSE OF EVERYONE"!
—Hollywood Reporter

CARL LAEMMLE PRESENTS

RET SULLAVAN

RSULA PARROTT'S Most Famous Best-Seller

TIME WE LOVE

EWART • RAY MILLAND • GRANT MITCHELL
WADE • ANNA DE METRIO • RONALD COSBEY
L KOHNER Directed by EDWARD H. GRIFFITH
A UNIVERSAL PICTURE

Houston Men Oppose Use of Bank Nights

HOUSTON, Feb. 3.—Protests against Bank Nights at downtown theatres were lodged with the City Council last week by independent owners and operators of suburban theatres here. They charged the Bank Nights are lotteries and therefore illegal in Texas, and that their operation constitutes unfair competition for the small suburban theatre.

Mayor Holcombe said he would "see what other cities" are doing before replying. Bank Nights are operated in many larger cities of Texas. Recently Brenham in East Texas and El Paso on the extreme west, stopped the practice.

Houston independents at the meeting were Sam Kirscheimer, owner of the North Side Terrace; Robert Wygant, Heights Theatre; L. E. Newton, the Blue Bonnet; F. D. Wilke, Boulevard, and O. B. Bridges, Midway.

The Kirby has one Bank Night per week downtown, and Will Horwitz's Uptown, a new subsequent run, has drawings two nights per week.

Postpone Hearing On Sunday Film Arrests

NEWBURGH, N. Y., Feb. 3.—Harry J. Friedman and Joseph Goldberg, managing the Academy and Cameo here, were released today for hearing next Monday, following their arrest yesterday on a charge of opening their theatres one week before a new Sunday opening ordinance became effective. Friedman had said he understood the ordinance, passed last Monday, was effective with passage, but city officials contended it is not effective until Feb. 9.

Friedman also has obtained a show cause order against ordinances regulating operators and creating a license board for operators. He has accused Mayor James Tweed, business agent for the operators' union, of discrimination against three local non-union houses.

Buys House; Can't Get In

MILWAUKEE, Feb. 3.—Dr. Joseph Atanasoff, representing his brothers, Anton, Angelo and Leo, must turn over the keys of the World, south side neighborhood house, or the sheriff will take charge of the premises on behalf of the new owner, Harris Evans.

This was the order of Circuit Judge Otto H. Bredenbach when Evans complained he has been refused possession of the building by the brothers. Evans purchased the structure at a sheriff's sale following foreclosure of a mortgage.

Rush "Angel of Mercy"

HOLLYWOOD, Feb. 3.—Warners is rushing preparation of "Angel of Mercy" to get the picture in work by Feb. 15. Kay Francis is scheduled to play the title role. The story deals with the life of Florence Nightingale. As Walter Wanger and others have also announced pictures on this subject, Warners are anxious to finish first.

Race Night Hits N. E.

BOSTON, Feb. 3.—Race Night is the latest giveaway here. It is being handled by Sol Bines, American Film Exchange.

"Pink" Hit in 2 Hub Houses; Gets $31,500

BOSTON, Feb. 3.—"Strike Me Pink" overcame the handicap of extreme cold and icy streets by taking handsome grosses in two spots. At Loew's Orpheum it reached $16,000, over normal by $3,000, and at Loew's State it went to $15,500, up by $3,500.

"King of Burlesque" was $1,000 to the good on a gross of $13,000 at Keith's Memorial. "The Melody Lingers On," helped by the Connie's Inn Revue, pulled a handsome $19,500 at the RKO Boston. This was above normal by $4,500.

Total first run business was $94,000. Average is $85,500.

Estimated takings for the week ending Feb. 1:

"DR. HARRIGAN" (W.B.)
"PADDY O'DAY" (20th-Fox)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $4,000. (Average, $4,500)

"KING OF BURLESQUE" (20th-Fox)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $13,000. (Average, $12,000)

"STRIKE ME PINK" (U.A.)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $16,000. (Average, $13,000)

"STRIKE ME PINK" (U.A.)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $15,500. (Average, $12,000)

"ANYTHING GOES" (Para.)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage show. **Gross:** $20,000. (Average, $22,000)

"DR. HARRIGAN" (W.B.)
"PADDY O'DAY" (20th-Fox)
PARAMOUNT—(1,800), 25c-50c, 7 days. **Gross:** $6,000. (Average, $7,000)

"MELODY LINGERS ON" (U.A.)
RKO BOSTON—(3,246), 35c-65c, 7 days. Stage: Connie's Inn Revue. **Gross:** $19,500. (Average, $15,000)

"Wilderness" Dual Best in Milwaukee

MILWAUKEE, Feb. 3.—"Ah Wilderness" and "Coronado" on a dual bill, grossing $5,300 at Fox's Wisconsin, were the week's leaders in another seven-day freeze-out marked by sub-zero weather and plenty of headaches for exhibitors. "Strike Me Pink" did $5,000 at the Warner, just par, for eight days. All other business was below average.

Total first run business was $19,100. Average is $23,000.

Estimated takings for the week ending Jan. 30:

"SHE COULDN'T TAKE IT" (Col.)
"IT'S A GREAT LIFE" (Para.)
PALACE—(2,800), 25c-40c, 7 days. **Gross:** $4,500. (Average, $5,000)

"THE LEAVENWORTH CASE" (Republic)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: Johnny Perkins, Ruth Petty, Lewis & Van, Prosper & Merit, Michon Bros. **Gross:** $4,300. (Average, $5,000)

"STRIKE ME PINK" (U.A.)
WARNER — (2,400), 25c-40c, 8 days. **Gross:** $5,000. (Average, $5,000)

"AH WILDERNESS" (M-G-M)
"CORONADO" (Para.)
WISCONSIN—(3,200), 25c-40c, 7 days. **Gross:** $5,300. (Average, $8,000)

To Reopen in Pittsburgh

PITTSBURGH, Feb. 3.—Remodeled at a cost of more than $25,000, the old Harris Theatre will be reopened Feb. 7 by George Jaffe as a combined vaudeville and picture house. Jaffe, who operated burlesque houses here for a score of years, has taken a three-year lease on the spot and has renamed it the Casino.

The Latest

Lincoln, Feb. 3.—The latest idea here is Bank Night absentee insurance, which for 10 cents each bank night insures a registrant against losing in case of inability to attend the theatre. It was developed by Abe and Louis Slusky, park operators. It is used in Nebraska, Iowa, Illinois and Missouri.

"Ceiling" Big In Cleveland; Gets $14,000

CLEVELAND, Feb. 3.—Continued bitter cold weather hurt business. "Ceiling Zero" was the big new attraction of the week, grossing $14,000 at Warners' Hippodrome, which was $6,000 above par.

"Magnificent Obsession," playing its second week downtown at the Allen following a first week at Warners' Hippodrome, more than doubled the usual take, going to $6,500, as against a $3,000 average.

"Strike Me Pink" beat the Loew State average of $12,000 by $2,500 and moved over to Loew's Stillman for a continued run.

"Charlie Chan's Secret" at the RKO Palace, with Earl Carroll's "Sketch Book" as the stage attraction, got by with an average $15,000.

A legitimate performance of "Personal Appearance" at the Hanna offered only mild competition.

Total first run business was $44,100. Average is $42,000.

Estimated takings for the week ending Jan. 31:

"MAGNIFICENT OBSESSION" (Univ.)
ALLEN—(3,300), 30c-35c-42c, 7 days, 2nd week. **Gross:** $5,500. (Average, $3,000)

"STRIKE ME PINK" (U.A.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $14,500. (Average, $12,000)

"SPLENDOR" (U.A.)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $4,100. (Average, $4,000)

"CHARLIE CHAN'S SECRET" (20th-Fox)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Earl Carroll's Sketch Book with Ken Murray. **Gross:** $15,000. (Average, $15,000)

"CEILING ZERO" (F.N.)
WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $14,000. (Average, $8,000)

M-G-M Men Ashore

CHARLESTON, S. C., Feb. 3.—Four members of an M-G-M unit arrived here from the Bahamas, where they made marine scenes for "Captains Courageous."

The four visitors, who left immediately for California, were James Havens, director; Frank E. Barnes, business manager; Harold J. Marzorati, first cameraman, and Al Scheving, assistant cameraman.

The men worked 12 weeks on the Grand Banks off Nova Scotia and two weeks in the Bahamas and San Salvador Island.

Sanka Barr Resigns

BOSTON, Feb. 3.—Sanka Barr, one of the few feminine bookers in New England, has resigned as chief booker for the American Film Exchange. She was married recently.

"Collegiate," Waring Lead Minneapolis

MINNEAPOLIS, Feb. 3.—"Collegiate" and Fred Waring's Pennsylvanians did spectacular business at the Minnesota, getting $20,000 on the week. This is just 100 per cent over normal.

"The Magnificent Obsession" held up to a par $3,000 in its third week at the World. The only other important gross of the week in either of the Twin Cities was a $6,500 take for "A Tale of Two Cities" at the St. Paul Paramount. This was $1,000 over par.

Total first run business in Minneapolis was $35,500. Average is $25,500. Total first run business in St. Paul was $16,700. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Jan. 29:

"MAGNIFICENT OBSESSION" (Univ.)
WORLD—(400), 25c-55c, 7 days, 3rd loop week. **Gross:** $3,000. (Average, $3,000)

Week Ending Jan. 30:

"CHARLIE CHAN'S SECRET" (20th-Fox)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Jan. 31:

"COLLEGIATE" (Para.)
MINNESOTA—(4,000), 25c-55c, 7 days. Stage: Fred Waring and Pennsylvanians. **Gross:** $20,000. (Average, $10,000)

"CEILING ZERO" (F.N.)
ORPHEUM—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"KING OF BURLESQUE" (20th-Fox)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,000. (Average, $5,500)

St. Paul:

Week Ending Jan. 31:

"A TALE OF TWO CITIES" (M-G-M)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

"SPLENDOR" (U.A.)
RIVIERA — (1,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

"TWO IN THE DARK" (Radio)
ORPHEUM—(2,000), 25c-40c, 3 days. Stage: Olson and Johnson. **Gross:** $3,500. (Average for week, $4,000)

"THE GREAT IMPERSONATION" (Univ.)
ORPHEUM — (2,000), 25c-40c, 4 days. **Gross:** $1,700. (Average for week, $4,000)

"PADDY O'DAY" (20th-Fox)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"MR. HOBO" (G.B.)
WORLD—(400), 25c-35c, 7 days. **Gross:** $1,500. (Average, $1,500)

Treasurers' Club Elects

BOSTON, Feb. 3.—Hugo Lundgren was elected president of the Theatre Treasurers' Club at the twelfth annual meeting at the Hotel Westminster. Other officers are: Thomas Waters, vice-president; Edward Spellman, recording secretary; John Norris, treasurer, and Sam Stern, financial secretary. Directors are: William Nixon, William Landrigan, Arthur Manley, Thomas Roche and Fred Bond.

"Dream" Prints Cut

HOLLYWOOD, Feb. 3.—Twenty minutes have been cut out of "A Midsummer Night's Dream" in the general release prints which will be given theatres in the fall. The roadshow prints remain at the two hour and five minute length.



"Let's Face The Music And Dance"

with

FRED
ASTAIRE
GINGER
ROGERS
IN RKO-RADIO'S SUPERDREADNAUGHT
OF MUSICAL SHOWS
"FOLLOW THE FLEET"
WITH
RANDOLPH SCOTT, HARRIET
HILLIARD, ASTRID ALLWYN
Directed by MARK SANDRICH
A PANDRO S. BERMAN PRODUCTION
Founded upon the Play "Shore Leave" by Hubert Osborne



Music and Lyrics by
IRVING BERLIN
WHO FIRES A BROADSIDE OF SEVEN NEW SONG HITS:
"Let's Face the Music and Dance"—"Let Yourself Go", America's newest ballroom sensation; "We Saw The Sea"—"I'd Rather Lead a Band"—Here Am I, But Where Are You?"—"Get Thee Behind Me, Satan"—"I'm Putting All My Eggs in One Basket"

Wilmington Awaits Extension of Gain

WILMINGTON, Feb. 3.—Wilmington experienced its steadiest improvement since 1929, with substantial increases in basic indices each month over the corresponding month of the previous year, the Chamber of Commerce reports. Officials take the view that recovery has developed a momentum which should carry 1936 through to real prosperity in 1937. Continued and greatly accelerated industrial expansion and more vigorous activity in home building are among the prospects foreseen.

Since last spring, there has been a marked increase in inquiries received from manufacturers in other parts of the country investigating the possibilities of Wilmington as a site for plants, and it is predicted that some of the inquiries will materialize during the year.

Circuit and independent theatres throughout the state and eastern Maryland predict 1936 will be a banner year for the industry. Loew's point out that pictures lined up for 1936 will bring a big year for the box-office. Warners and the independents throughout the peninsula reported an increase in 1935 over the previous year and look for a greater show season in 1936.

Bank Night and Jack Pot Night are still going strong in down-state theatres, but have not yet made their appearance in Wilmington. Double features continue to aid the box-office in down-state theatres.

Film, theatre, amusement and radio charters for 1935 at Dover showed an increase over the previous year. Charters rescinded during the past year for failure to pay taxes numbered 119 as compared with 138 the previous year. Certificates of dissolution issued to theatre and film companies showed a large decrease.

Browne on Coast for IA Conferences

HOLLYWOOD, Feb. 3. — George Browne returned here yesterday from the Miami IATSE conference for settlement of the few remaining IATSE jurisdictional problems. Steve Newman, studio representative, arrived last week. It was expected at IATSE headquarters that the question of jurisdiction over sound men would have an early settlement. I. E. Chadwick, president of the Independent Producers Organization, stated that he was waiting for further word from Browne on independent producers' negotiations with IATSE which started several weeks ago.

Producers Meet Monday

HOLLYWOOD, Feb. 3. — The meeting of the local Producers' Association, previously scheduled for yesterday, has been called by Will H. Hays for next Monday.

Wharton On Way Here

HOLLYWOOD, Feb. 3.—John Wharton of Selznick International entrained for New York last Saturday following a series of conferences here.

Harriet Hilliard Signed

HOLLYWOOD, Feb. 3.—Radio has signed Harriet Hilliard to a five-year contract, following her work in "Follow the Fleet."

Review Board Sets Details of Program

Details of the four-day program of the 12th annual conference of the National Board of Review which starts tomorrow, call for morning, afternoon and night sessions.

After seeing "The Life of Louis Pasteur" at the Warner projection room in the morning the delegates will meet with the committee on exceptional photoplays. At 2 o'clock they will convene again at the Hotel Pennsylvania to hear critics of various publications discuss reviewing. At 8 P. M. Twentieth Century-Fox will show a film at the company's theatre, 444 West 56th St.

Discussions of activities in smaller communities will take place Thursday morning at the Hotel Pennsylvania, with similar talks on larger communities to follow at 2 o'clock. In the evening there will be a demonstration on university courses covering films. Community groups will discuss their work. A curricula course of the School of Education of New York University will be described.

On Friday the morning program will include a talk by Prof. Robert A. Kissack, Jr., of the University of Minnesota on "Motion Pictures in the Education of Youth." In the evening a private showing of "Marie," a film by Dr. Paul Fejos, will be held at the New School for Social Research, and Arthur Garfield Hays will discuss "Censorship."

The Saturday morning session at the Hotel Pennsylvania will be devoted to a conference of the National Ass'n. of 4-Star Clubs, followed by a discussion of films for young people by Robert Adam of the Birch Wathen School. The 21st annual luncheon will be served at 12:30 o'clock.

New Setup Completed At Roach Studios

HOLLYWOOD, Feb. 3.—Completing the reorganization of Hal Roach Studio department direction today, Syd Van Kuren, formerly on the production staff, was made superintendent of all construction and technical staffs. C. E. Christenson remains as construction superintendent. Hugh Huber, auditor, was promoted to assistant secretary and treasurer of the studio succeeding Mat O'Brien, who became general studio manager in the re-arrangement.

Mary Astor in "Hearts"

HOLLYWOOD, Feb. 3.—Mary Astor will replace Jean Arthur in "Bless Their Hearts" which Columbia will put into production this week. Miss Arthur was unable to complete "Opera Hat" in time to do the role.

Lewis With Zeidman

HOLLYWOOD, Feb. 3.—Harold Lewis, formerly production manager for Reliance Company, was today signed as production manager for B. F. Zeidman Company.

Laidlaw Found Dead

HOLLYWOOD, Feb. 3.—Roy Laidlaw, 60, Pickford-Lasky makeup man, was found dead in bed this morning, apparently from heart failure.

City Sales Tax on All Contracts

(*Continued from page* 1)

to obtain a writ of certiorari for the appeal.

The comptroller's decision held that the assessment of $21,188 against the exchange's receipts for a period from Dec., 1934, to May, 1935, was valid and must be paid by the exchange. The assessment applied to all revenues of the exchange except those obtained from Government sources. On this basis it is estimated that the tax, when applied to all local exchanges, would approximate between $900,000 and $1,000,000 annually. Exchanges have already served notice that they will pass the tax on to exhibitors if its validity is upheld by the courts.

The I. T. O. A. last week obtained a restraining order prohibiting the city from levying the tax and exchanges from collecting it until a hearing on an application for a temporary injunction against the city and exchanges has been held. This hearing is scheduled for Friday.

Bank Night Warning Given in Cleveland

CLEVELAND, Feb. 3.—Police Prosecutor Perry A. Frey today told 27 theatre owners that for the sake of public policy a judicial ruling should be obtained on the legality of Bank Night.

The exhibitors had been summoned on complaint of Max Kaplan, Grand Central Theatre, who charged Bank Night is a lottery. The prosecutor warned that arrests would be made, and William E. Minshall, Bank Night attorney, said he was prepared to contest the case.

Swarts Takes Partner

LOS ANGELES, Feb. 3. — Louis Swarts, well known film attorney, long with Paramount, has formed a partnership with David Tannenbaum as Swarts and Tannenbaum. George Chasin and Seymour P. Steinberg will be associated.

Claude Binyon Stricken

HOLLYWOOD, Feb. 3.—Claude Binyon, Paramount writer, was stricken with appendicitis while working on the script for "Concertina." He is in Santa Monica Hospital.

Denies Temporary Stay

MINNEAPOLIS, Feb. 3.—Judge Nordbye today denied a temporary injunction to the Shubert Players Operating Co., in the Palace 10-cent show case. Trial has been set for March 8.

"Obsession" Hits Record

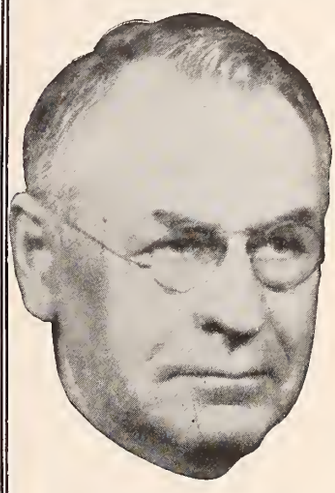
HARTFORD, Feb. 3.—E. M. Loew's has begun its fourth week with "Magnificent Obsession." This breaks all time records for the house.

Massce Company Moves

Massce & Co., custom house brokers, have moved their uptown office from 729 to 723 7th Ave., where the company will occupy all of the fifth and part of the third floor.

Robert Riskin Returns

HOLLYWOOD, Feb. 3.—Robert Riskin, Columbia writer, has returned to the studio after an operation.



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VOL. 39. NO. 30 NEW YORK, WEDNESDAY, FEBRUARY 5, 1936 TEN CENTS

Erpi Talking New Deal for Loew's Sound

Reductions To Be Made, It Is Understood

A new recording license agreement will be entered into between Erpi and M-G-M in the near future and will incorporate reduced rates for the domestic recording of dubbed versions, foreign versions and trailers, such as have been made available by Erpi already to Warners and Paramount.

This was learned yesterday following the publication of the basic provisions of the present contract which Loew's, Inc., parent company of M-G-M, has with Erpi. The existing 15-year pact, expiring in 1945, was the first agreement for the use of sound to be made public by the SEC. It had been filed with that agency at Washington in connection with Loew's registration covering the issuance, Feb. 15, of $15,000,000 of new sinking fund debentures.

The new contract with Loew's has been in negotiation for the past year

(*Continued on page 6*)

Hoffman to Set Up His Own Exchanges

HOLLYWOOD, Feb. 4.—M. H. Hoffman has completed the minimum of six pictures called for in his contract and has severed connections with Republic.

It is understood here that under the new setup Republic franchise holders have to get home office approval before they can take on the distribution of any independent product. This, it is said, gives Republic practical control over independent distribution in a number of territories.

Hoffman plans to set up his own exchanges to handle a complete program which he intends to produce. While working out the details of his plans he is making his headquarters at the RKO Pathe lot.

Weeks Is Adding 20 To G. B. Sales Force

George W. Weeks, G.B. general sales manager, is adding 20 men to his sales staff throughout the country. Scott E. Chesnutt, former Paramount special sales representative in the south, has been named G.B. district manager in the same territory, effective Feb. 15.

"Doomed Cargo" has been set as the title of the G.B. film to star Edmund Lowe and Constance Cummings.

Executives' Stock Dealings Reported

By BERTRAM F. LINZ

WASHINGTON, Feb. 4.—Acquisition in December of 2,500 shares of Loew common stock and the sale of 2,200 shares by J. Robert Rubin, is shown in the semi-monthly report of the Securities and Exchange Commission. At the close of the year, Rubin reported, he held 2,800 shares. The Loew report also showed that Rubin, through a holding company, had 350 shares of $6.50 cumulative preferred stock.

Marked activity in Warner stock was shown by the reports of H. M. and Jack L. Warner. During the month, the former sold 4,600 shares of common, disposed by gift of 300,000 six per cent optional convertible debentures and acquired 166,667 of the

(*Continued on page 6*)

Jacox Elected Head Of Conn. MPTO

NEW HAVEN, Feb. 4.—Irving C. Jacox was elected president of the M.P.T.O. of Connecticut at the organization's annual meeting held here today. He succeeds J. B. Fishman. Arthur Lockwood was elected first vice-president Adolph Johns second vice-president, and Edward G. Levy was reelected secretary.

The meeting was one of the largest in point of attendance in the history of the organization, despite inclement weather. Of 120 theatres in the state 92 were represented at the meeting.

ITOA to Hear Sales Levy Report Today

Members of the I.T.O.A. today will convene at the Astor when a report will be given on the two per cent sales tax on film rentals. Exhibitors will be notified of the stay granted against the city and exchanges on Saturday.

A committee which met with Mayor

(*Continued on page 6*)

Hat, Shoes, Cane



Which merely means that Charlie Chaplin has come back to town and the Rivoli, wherein will be held this evening the premiere of the persistently wordless comedian's latest picture, "Modern Times," for which swank New York and the industry are due to turn out en masse.

Gillmore for Strong Guild Agreements

HOLLYWOOD, Feb. 4.—Weakness in the cooperative agreement existing between the Screen Actors' Guild and Actors Equity will be reviewed and rectified, it was stated today by Frank Gillmore, president of the latter group.

Gillmore met with Guild members tonight and will meet with the board of directors of the Actors' Guild tomorrow night at which time various problems will be settled, he said.

The local WPA theatre project is functioning in the most efficient manner, Gillmore stated. He has been closely studying the project for the past two days and has been conferring with G. Brown, WPA regional director. Gillmore expressed the belief the Federal theatre plan was functioning here better than in any other part of the country.

Although advocating a closed shop

(*Continued on page 6*)

Legion's First Nat'l List Fully Endorses 122 of 223

The first nationwide classification of the National Legion of Decency List, made public in complete detail yesterday, passes as unobjectionable on any score 122 of 223 features mentioned.

Sixty-one are described as "unobjectionable for adults"; 37 as "objectionable in part" and three are condemned.

The national list is prepared under the New York Archdiocesan Council of the Legion of Decency of which Alfred E. Smith is chairman, by the M. P. Bureau of the International Federation of Catholic Alumnae, of which Mrs. James F. Looram, is chairman.

The 122 features in Class A, Section 1 which includes films held un-

(*Continued on page 6*)

David Loew Quits Roach; Joined Oct. 1

No Explanation Given; Departs Feb. 8

HOLLYWOOD, Feb. 4.—David L. Loew has resigned as vice-president of Hal Roach Studios, effective Feb. 8.

It is understood Loew has been awaiting action on his request for release from a three-year contract for several days. Neither Roach nor Loew would comment on the reason for the withdrawal. Loew stated, however, that he expected to make California his permanent home and would continue in the industry.

Speculation here points to the possibility that he will affiliate with the M-G-M studio.

Loew's connection with Roach was dramatic in its brevity. He resigned as vice-president of Loew's, Inc., on Oct. 1. At the time it was stated that plans for a heavy expansion of Roach production were under way and that the studios would be greatly enlarged after the first of the year.

New Schach Firm Sets U. A. Release

By BRUCE ALLAN

LONDON, Feb. 4.—Max Schach of Capitol Film Prod., plans a new company to produce British films for United Artists distribution including the United States, under a long term contract. It could not be learned here today how the plan will affect Capitol as a company, but it is said Capitol's contract with C. M. Woolf and General Film Distributors is unaffected.

"Pagliacci," with Richard Tauber, may go to United Artists, however.

(*Continued on page 6*)

Film Group May Go Into Variety Club

Incorporation of the Monday Nighters, Inc., which has been meeting informally for the past few years, is understood to be the foundation for a local unit of Variety Club. The organization is composed of about 50 prominent exhibitors and exchange men in the local territory.

J. Louis Geller has been named president; Henry Brown, vice-president; Max A. Cohen, secretary; Moe Morris, treasurer; and Nat Cohn sergeant-at-arms. The board of gover-

(*Continued on page 6*)

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McKittrick to Rule On Bank Night Again

KANSAS CITY, Feb. 4.—Attorney General Roy McKittrick of Missouri will re-investigate the details of Bank Night to determine its legality. Early last year it was pronounced a lottery by McKittrick's department.

No Bank Night Arrests

CLEVELAND, Feb. 4.—No arrests were made here last night and Bank Night operated unmolested, despite the statement last week of Police Prosecutor Perry Frey that he would prosecute anyone using the giveaway as a violation of the state lottery laws.

Mrs. F. F. Metcalf Dead

KANSAS CITY, Feb. 4.—The industry here lost a real friend in the death of Mrs. Frances F. Metcalf.

A member of the Women's City Club, she was motion picture chairwoman of the Round Table Luncheon Club and former city and state chairwoman of the Parent-Teacher Ass'n. motion picture committee.

Her activities in connection with films were constructive, and her criticisms of the industry were made as a friend.

Harry Van Koven Dies

BALTIMORE, Feb. 4. — Harry Van Hoven, publicity man for Carlin's Amusement Park, who at one time was publicity head for the Whitehurst theatres, is dead here following a siege of pneumonia.

Insiders' Outlook

By RED KANN

COMES *The Pilot,* a Catholic paper, it so happens, published in Boston, with editorial commendation for "The Story of Louis Pasteur." Praise for such an interesting and emphatically worthwhile effort rests pleasantly with the Warners, as naturally it would. But this department's current interest in the matter has to do with the last two paragraphs which have this to say for themselves:

Will the picture "succeed"? There is a general feeling that the motion picture industry has cooperated honestly with the purposes proposed by the Legion of Decency, and that productions such as this are an effort to provide honest, truly high-class entertainment. That effort certainly deserves generous public support.

This story of a thrilling scientific achievement has all the elements of authentic drama. It is presented by actors of genius, and lavishly. It is the kind of thing for which the vast majority of our people had waited. This picture, and others like it, present to the public a chance to prove their sincerity. Do we want real art, or the tawdry frivolities which once infested out theatres? A great industry waits for our answer.

▼

Does the public want "real art or the tawdry frivolities which once infested our theatres?" The unfortunate answer, backed by too many proofs in the past, appears to be that generally it does not. That fastens attention, again as many times before, on the great difficulty which constantly confronts Hollywood in this year, as in all years gone by. The inisistence of the Legion of Decency, principally, that producers go in for less of the tinsel and more of the worthwhile is directly responsible for the better things which are being shipped out of the coast these days. Nobody has been more surprised than the men who make pictures at the success which has crowned such outstanding efforts as "David Copperfield." . . .

▼

Yet that has not been quite enough. While the public response to the higher level in production, taken by and large, makes it decidedly worthwhile to continue the effort, the gains to be achieved and the virgin ground to be covered, are formidable by comparison with that which have been chalked up so far. The rapidity of any new steps will be clocked in direct ratio to the support extended by the public. Producers, as a group, need make no apologies for their endeavors. Years before the present excitement over the transfer of classics from page to screen there were occasional films such as "Peter Pan" and "Broken Blossoms." There would have been others coming along at more frequent intervals if theatregoers had hoisted a solitary directional sign in the breeze. . . .

▼

The willingness of the public now to accept and to pay for that which it would not in an earlier day, at the same time, is one of the most hopeful signs for the future that this commentator knows. It is probably a waste of your time and our space to blindly hope for more of the same thing but without suggesting a method by which this might be hastened. And yet, although the method may be lacking, the fervency of the wish does not become less dimmed. We're told keeping the fingers crossed and hoping like hell sometimes brings results. . . .

▼ ▼

Dave Loew's resignation from his Roach vice-presidency comes as no particular surprise. From what is known of that situation, Henry Ginsberg's withdrawal several weeks ago was far more dramatic. The latter's friends, which means a lot of people, are singularly lacking in dope on the inside. Our friend, the little bird, whispers to us the break came when Ginsberg, who has been sharing in the Roach profits, failed to agree—in fact, it was all sharp and to the point—with Roach on the type of features which the comedy producer planned for next season. Loew joined Roach largely at Ginsberg's behest. With Ginsberg out, the rest is plausible enough. . . .

▼ ▼

A heart-warming, human and understandably emotional quality runs through "Next Time We Love." Its principal performers—Margaret Sullavan, James Stewart, of whom much should be heard one of these minutes, and Ray Milland—under the able direction of Edward H. Griffith—deliver quiet and able characterizations which are one of the highlights of what we regard as a generally superior attraction. So far garnering less mention than he deserves is Robert McWade, who essays the role of the managing editor of a metropolitan daily and thereby emphasizes the point, frequently overlooked in Hollywood, that a man can be a newspaperman and a human being for all that. . . .

Fitelson Settling Detail of New Unit

Final plans for the formation of a new producing organization backed by American and British capital were discussed here yesterday following the return from the coast of William Fitelson, New York film attorney representing the plan's backers.

While in Hollywood Fitelson discussed with established producers the possibilities of their making one or two pictures a year outside of their regular contract schedules for the new organization. Such participating producers would own 50 per cent of the new company, which would sponsor a list of six to 12 features annually, budgeted at from $200,000 to $250,000 each. Distribution would be by a major company.

The eastern arrangements may be completed today, in which event additional details on the new organization's plans can be disclosed, Fitelson said.

Schines Discussing New Paramount Deal

Indicating an early trend in negotiating for 1936-37 product, Louis Schine and George Lynch of the Schine circuit today will meet with Milton Kusell, New York State district manager for Paramount, to discuss terms for next season's output.

The circuit heads feel the weather now is much more comfortable for arguing rentals now than it is in the warm months.

Meyer Schine, who usually sits in on film deals, has gone to Miami and will probably return after preliminary details have been set.

Kusell recently signed two-year deals with Century, Loew's and Skouras which include next season's output of 70 features and 100 single reel shorts. Whether the Schine agreement will run for a year or longer will be determined later.

Meeting of National Board Starts Today

The 12th annual conference of the National Board of Review gets under way this morning with a screening of "The Life of Louis Pasteur" at the Warner projection room. Following the showing, the delegates will meet with the committee on exceptional photoplays.

At 1:30 delegates will register at the Hotel Pennsylvania, and at 2 o'clock there will be a symposium on different types of reviews, with various critics speaking. At 8 o'clock there will be a discussion of an unreleased film at the Twentieth Century-Fox theatre at 444 West 56th St. Morning, afternoon and evening sessions are scheduled for Thursday and Friday, with the 21st annual luncheon set for 12:30 on Saturday.

Allied Ass'n Board Meets in Capital

WASHINGTON, Feb. 4. — Discussion of various matters marked the meeting here today of the board of directors of national Allied Ass'n. The budget for the coming year was approved as well as the matter of holding a convention. No location was decided upon.

Election of officers will be held today.



Tonight . . .

an event eagerly awaited
for the past five years . . .

THE WORLD PREMIERE

AT THE RIVOLI THEATRE, N. Y.

of

Charlie Chaplin

in

MODERN TIMES

Written, directed and produced by CHARLES CHAPLIN

Released thru **UNITED ARTISTS**

ROS
MA
W
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IE W!



It's "Mutiny" at the Box-office! JEANETTE MacDONALD and NELSON EDDY are America's singing sweethearts! Watch the industry's headlines and take a tip from the first sensational engagements!

Ho-hum! Another M-G-M hit has come!

THEY DID IT! Jeanette MacDonald, Nelson Eddy, Reginald Owen, Allan Jones, James Stewart, Alan Mowbray, Gilda Gray. Based on the operetta "Rose Marie"... Book and lyrics by Otto A. Harbach and Oscar Hammerstein, 2nd ... Music by Rudolf Friml and Herbert Stothart. Directed by W. S. Van Dyke ... Produced by Hunt Stromberg.

Purely Personal

E. C. GRAINGER, OSCAR HANSON, ARTHUR LEE, GEORGE W. WEEKS, HARRY SHIFFMAN, HENRY BROWN, HERSCHEL STUART, CHARLES CURRAN, ARTHUR SCHWARTZ, DAN FRANKEL, JACK GOETZ, AL BONDY, ROY DISNEY, ARTHUR W. KELLY, HARRY D. BUCKLEY, CHARLES B. PAINE, ABE SCHNEIDER and BILL JAFFEE, at the Tavern yesterday.

•

JOHN MASEFIELD, poet laureate of England, with his wife, sail tonight on the *Majestic*, after a visit which included the coast studios. The MARQUIS and MARQUISE DE LA FALAISE (CONSTANCE BENNETT) sail on the same boat. She will make two G.B. films in England.

•

GINGER ROGERS was guest at a reception by Radio in the Astor Gallery of the Waldorf-Astoria yesterday. She plans to leave for the coast tomorrow or Friday to start work on her next picture for Radio.

•

JIM FINN, editor of *International Projectionist*, left for Chicago yesterday on the first leg of a trip that will take him to the coast. He will be away about three weeks.

•

MAX COHEN, who earlier in the week dropped the New Yorker, has taken over the Cohan. HARRY BRANDT had been dickering for the house.

•

ED KUYKENDALL, M.P.T.O.A. president, stopped off at Memphis yesterday en route here from Jackson, Miss., and is due in town tomorrow.

•

BEULAH LIVINGSTONE, Universal exploiter, will leave for the coast tomorrow to work on "Showboat" and "Sutter's Gold."

•

ED FINNEY became an addition to the sick list yesterday. A cold sent him to Simmons Springs (adv.).

•

EDWARD G. ROBINSON is due to leave for the coast this week to start work on "Bullets or Ballots."

•

GENE RAYMOND and his brother are leaving the Lombardy for a Boston trip—but will be back soon.

•

DAN KELLEY, Universal casting director, is here from the studio for a week of playgoing.

•

LAURA HOPE CREWS has arrived from the coast to succeed MARY BOLAND in "Jubilee."

•

OSCAR HANSON leaves today for Toronto. He's been in town several days on product.

•

LILY PONS and GENE RAYMOND arrived after some delay on the *Century* the other day.

•

MILTON C. WEISMAN, attorney for the I.T.O.A., is due back from Washington today.

•

MORRIS KUTINSKY has gone to Miami with the missus.

•

ROY DISNEY is in town from the coast.

Executives' Stock Dealings Reported

(*Continued from page* 1)

same, reducing his holdings by 133,333. Jack Warner disposed of 2,000 shares of common and 409,333 six per cent convertible debentures.

At the close of the month, H. M. Warner held 62,860 shares of common and an additional 2,115 shares through holding company A; 10,618 shares of $3.85 cumulative preferred and an additional 4,786 shares through holding company B, and 1,469,000 convertible debentures. Jack Warner held 85,060 shares of common, 10,618 shares of $3.85 preferred and 4,786 shares through holding company B, and 1,856,000 debentures.

In a report filed by Joseph M. Schenck, the disposition by gift of 36,000 shares of Twentieth Century-Fox common and the sale of 10,000 shares of common, disposition by gift of 15,000 shares of $1.50 cumulative preferred and the sale of 16,000 shares was shown. At the close of the month, Schenck held 168,643 shares of common and 24,284 shares of the preferred. These holdings represented a sharp drop in a period of four months, the commission report showing also the filing of a return for August in which he reported holdings of 214,643 shares of common and 55,284 shares of preferred.

New Deal Talks For Loew's Sound

(*Continued from page* 1)

and when completed will incorporate the basic rate provisions granted to Warners and Paramount. These rates will also be made available to other Erpi licensees as rapidly as negotiations can be concluded. These include Columbia, Universal, United Artists, Twentieth Century-Fox and Educational.

The new rates were first incorporated in the agreements with Warners concluded late in 1934 following upon the adjustment of the long disputed claim controversy between that company and Erpi. They were next made a part of new domestic recording license agreements executed with Paramount a year ago in conjunction with the compromise and settlement of Erpi's $1,800,000 claim against Paramount under the latter's bankruptcy proceedings, as published in MOTION PICTURE DAILY of Feb. 4, 1935. The negotiations with M-G-M were begun shortly thereafter and are now in their final stages.

Gillmore for Strong Guild Arguments

(*Continued from page* 1)

movement now under way here under the leadership of the Writer-Actor Guilds and unions, the Actors' Equity head refused to offer additional comment, stating the local guilds were taking care of that problem. However, he expressed the confidence that the producers would be gratified with a well planned and reasonable closed shop agreement.

Gillmore will hold a general meeting with both the Screen Actors' and Writers' Guilds at the Masonic Temple Thursday night. He will sail for New York either Saturday or Sunday on the *President Cleveland*.

ITOA to Hear Sales Levy Report Today

(*Continued from page* 1)

LaGuardia in connection with the admission of children in theatres will also give an account of latest developments.

Bernard Barr, vice-president, will preside in the absence of Harry Brandt who is vacationing at Hollywood, Fla., with his brother, William.

U. A. Pays $21,188 Tax

United Artists yesterday paid to the city $21,188, representing the assessment for the two per cent city sales tax on the company's local exchange revenue for the period from Dec. 28, 1934, to May 31, 1935. The city comptroller's office ruled on Monday that the assessment was valid and should be paid, despite testimony presented by the exchange at two hearings to show that film rentals are not subject to a sales tax.

A motion for a writ of certiorari to bring an appeal of the city's ruling before the appellate division of the state court is in preparation and may be filed within a day or two. It was necessary to pay the tax in advance of the filing of the appeal motion. The city's assessment against United Artists, recognized as a test case by local exchanges, applied to all rentals except those from government agencies.

Film Group May Go Into Variety Club

(*Continued from page* 1)

nors consists of Harry Shiffman, chairman; Charles A. Moses, Edward M. Schnitzer, Charles L. O'Reilly, and Simon Manheimer. Elihu J. Zwilling is the legal adviser.

No meetings will be held on Monday night. The first affair since incorporation of the club will be held tomorrow night at the Astor when a testimonial will be tendered Schnitzer who is leaving Columbia to join Republic.

Plans for the organization's future activities have not been completed, but it is said several functions are to be held. It is also planned to establish a club room especially for the Monday Nighters.

New Schach Firm Sets U.A. Release

(*Continued from page* 1)

Hammer Prod., in the original Woolf lineup, after one picture, have signed to do three in the British Lion studio at Beaconsfield for British Lion release. The first will be "The Song of Freedom," with Paul Robeson. Two are planned with Stanley Lupino, the first to be "Sporting Love," which had a year's successful stage run at the Gaiety here.

Gardner Replaces Culbert

LONDON, Feb. 4.—Bernhard Gardner has been named managing director of RCA Photophone, Ltd., replacing Frederic Paul Culbert, who was recently succeeded on the board of Radio Pictures, Ltd., here by Ralph Hambury, general manager.

M-G-M Sets Four Films

HOLLYWOOD, Feb. 4.—M-G-M has completed production plans for four new pictures. They are: "Mob Rule," "Moonlight Murder," "Absolute Quiet" and "Wings of Tomorrow."

Decency Legion Puts O.K. on 122

(*Continued from page* 1)

objectionable for general patronage are:

A Thousand a Minute, Annie Oakley, Atlantic Adventurer, Bad Boy, Bar 20 Rides Again, Beauty's Daughter, Between Men, Big Broadcast of 1936, Bulldog Courage, Burning Gold, The Calling of Dan Matthews, Captain Blood, The Case of Missing Man, Charlie Chan's Secret, Chatterbox, Cheers of the Crowd, Collegiate, Dance Band, Danger Ahead, Danger Trail, Drift Fence, Drei Kaiserjager, Der Himmel Auf Erden, Der Adjutant seiner Hoheit, Every Saturday Night, East of Java, Fang and Claw, Fighting Youth, Forced Landing, Freshman Love, Gallant Defender, Gentle Julia, The Ghost Goes West, The Great Impersonation, Harmony Lane, The Healer, Her Master's Voice, Here's to Romance, His Night Out, Hitch Hike Lady, I dream Too Much, I Live for Love, I'll Love You Always, In Person, It's a Great Life, Ivory Handled Guns, The Lady in Scarlet, Last Days of Pompeii, Last of the Clintons, The Last Outpost, Lawless Riders, The Life of Louis Pasteur, Little America, The Littlest Rebel, Love Me Forever, The Lone Wolf Returns, The Milky Way, The Man on the Flying Trapeze, Man of Steel, Maria Chapdelaine, Men of the Hour, Midsummer Night's Dream, Millions in the Air, Miss Pacific Fleet, Mister Hobo, Moonlight on the Prairie, Music Is Magic, Mutiny on the Bounty, My Marriage, Nevada, The Night Is Young, The Oincers' Mess, Old Man Rhythm, Once in a Blue Moon, O'Shaughnessy's Boy, Paradise Canyon, Paddy O'Day, Personal Maid's Secret, Professional Soldier, Racing Luck, Red Blood of Courage, Rendezvous, Rescue Squad, Rose Marie, Rose of the Rancho, The Sage Bush Troubadour, Scrooge, Seven Keys to Baldpate, She Couldn't Take It, Silver Spurs, The Singing Vagabond, Skull and Crown, So Red the Rose, The Spanish Cape Mystery, Stars Over Broadway, Steamboat Round the Bend, Stormy, Storm Over the Andes, Sans Famille, Tale of Two Cities, Thanks a Million, Three Kids and a Queen, Three Live Ghosts, Three Musketeers, The Throwback, To Beat the Band, Too Tough to Kill, Tough Guy, Transatlantic Tunnel, Trail of Terror, Two for Tonight, Two in the Dark, Timothy's Quest, The Unknown Woman, The Valley of Wanted Men, Warfare, Western Courage, Whispering Smith Speaks, Wings Over Ethiopia, You May Be Next, Your Uncle Dudley, Zlata Katrina.

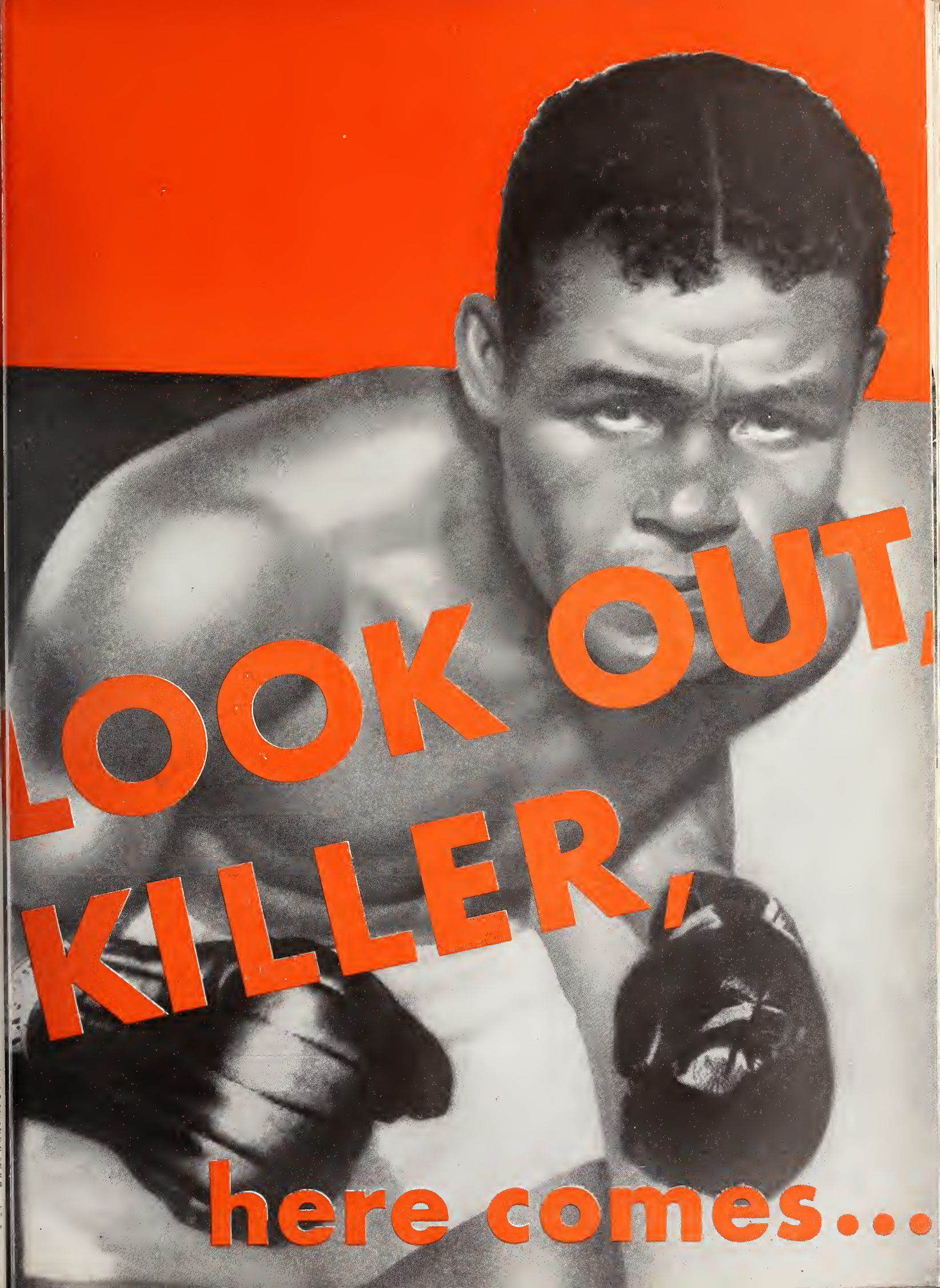
The 61 features in Class A, Section 2 which include films viewed as unobjectionable for adults are:

A Feather in Her Hat, Ah! Wilderness, Alias Bulldog Drummond, Another Face, The Bride Comes Home, Broadway Hostess, Circumstantial Evidence, Coronado, Crime and Punishment, Crime and Chastisement (in French), Dancing Feet, Dangerous Intrigue, Dark Hour, The Divine Spark, Exclusive Story, The Escape from Devil's Island, The Fighting Coward, Frisco Kid, Grand Exit, If You Could Only Cook, I Live My Life, It Happened in New York, Kind Lady, King of the Damned, Lac Aux Dames, Lady of Secrets, La Maternelle, The Last of the Pagans, Let's Live Tonight, Manhattan Butterfly, Private Life of Louis XIV, Public Opinion, Riffraff, Ring Around the Moon, She Married Her Boss, Show Them No Mercy, Society Fever, Spy 77, Strike Me Pink, Sweet Surrender, Sweidlehiems, Tango, Thunder in the Night, Way Down East, The Widow from Monte Carlo, We're Only Human, Whipsaw, Manhunt, The Man Who Broke the Bank at Monte Carlo, Magnificent Obsession, Mary Burns, Fugitive, The Melody Lingers On, The Murder Man, Muss 'Em Up, Next Time We Love, The Passing of the Third Floor Back, One Way Ticket, On Probation, Peter Ibbetson, The Perfect Gentleman, The Petrified Forest.

The 37 features in Class B, viewed as objectionable in part, are:

The Lady Consents, Anything Goes, A Night at the Opera, Anna Karenina, Becky Sharp, Born to Gamble, Ceiling Zero, The Crime of Dr. Crespi, Dangerous, Dangerous Waters, Escapade, First a Girl, Flirting with Danger, Forced Landing, Frisco Waterfront, Hands Across the Table, I Conquer the Sea, Invisible Ray, King of Burlesque, Mad Love, Mimi, The New Gulliver, No More Ladies, Orchids to You, Outcast Lady, The Pay Off, The People's Enemy, Pursuit of Happiness, Reckless, Red Wagon, Remember Last Night, Ship's Cafe, Splendor, Soak the Rich, Sylvia Scarlett, Twenty Dollars a Week, Waterfront Lady.

The three condemned features, comprising Class C, are "Guilty Parents," "High School Girl" and "Java Head."


LOOK OUT,
KILLER,
here comes...

THE CHAMP

HAROLD

The Fighting Milkman in the Laugh to
a Finish Comedy Hit of the Century

"THE MI





LLOYD

KY WAY

with

ADOLPHE MENJOU VERREE TEASDALE HELEN MACK
WILLIAM GARGAN GEORGE BARBIER DOROTHY WILSON
A Paramount Picture • Directed by Leo McCarey

the picture with...



BOX OFFICE PUNCH

THE CREAM OF COMEDY!

"There's no top milk in 'The Milky Way'. It is pure cream of the comedy crop, traveling at a fast pace through a series of hilarious situations. The best Harold Lloyd picture to date, it will stand one hundred per cent behind the Paramount slogan, 'It's the Best Show in Town'."

—*Box Office*

A MONEY PICTURE!

"The picture emerges on the screen as one of the funniest comedies since the advent of talkers. It should prove a money picture everywhere. Writing trio have taken a good play, made it near perfect screen fare. Everyone connected with the picture has contributed to its success. Picture can live up to most anything zealous press agents will say."

—*Daily Variety*

SEASON'S ACE ATTRACTION!

"With uproarious comedy and to the tune of a thousand laughs, Harold Lloyd returns to the front rank of screen funmakers. Farce and hokum, moving with speed and holding a sock in every sequence, the film is a credit to everyone connected with it and should prove one of the season's ace attractions."

—*Motion Picture Daily*

LAUGHS TWO A MINUTE!

"Harold Lloyd's new one is a gag-bejeweled farce of the prize ring. It registers a laugh-count of about two a minute for its entire length and that is something of a record, even for Lloyd. So there should be nothing but smiles at the box office wherever it goes."

—*Hollywood Reporter*



"TAKE IT FROM THE CHAMP, FOLKS

It Pays to Play a Paramount Picture!

Big Insurance Fund Ordered Distributed

KANSAS CITY, Feb. 4.—Exhibitors, distributors, and allied tradesmen of Missouri are interested in a Federal district court decree handed down here.

The decree ordered distribution of approximately $10,000,000 in fire, windstorm, and hail insurance premiums impounded between June, 1930, and November, 1935. Twenty per cent of this amount goes to policyholders of the state, plus a fifth of the earnings of the impounded fund.

Insurance companies asked 16 2/3 per cent rate increase in 1930, which was refused. They secured an injunction against the insurance commissioner, and since then the rate increase has been collected by the companies, but has been impounded under court jurisdiction. Most of the companies—137 of the larger ones—took their case to the Federal court. More than 70 of the smaller companies went into the state court. It is the Federal court case that was finally wound up here Saturday. The state court cases probably will be settled soon.

Last May R. Emmett O'Malley, present insurance superintendent, and the insurance companies reached a compromise settlement plan. It is this plan, with a few minor changes, which has been made effective.

Fox Sales Sessions Are Set for Chicago

CHICAGO, Feb. 4.—About 35 home office executives and district and division managers of Twentieth Century-Fox will convene here for two days starting Feb. 22 for the annual mid-winter sales pow-wow.

The sessions will be held at the Congress with John D. Clark, general sales manager, presiding. He returned to New York yesterday from a Miami vacation.

Discussion of next season's program is expected to be left to the annual sales convention. The two-day meetings here will principally concern current sales progress. S. R. Kent is not scheduled to attend.

Kent Returns Next Week

Sidney R. Kent, president of Twentieth Century-Fox, is due from the coast next week, following which he will go to Boca Grande, Fla., for a vacation.

Kent will sail for London the latter part of April to confer with Walter J. Hutchinson, recently appointed foreign sales head.

Jersey Allied Will Meet Twice a Month

Two meetings a month, instead of four, one to be held at the unit's headquarters at the Lincoln here and a second in a New Jersey city is the new plan of Allied of New Jersey.

No meeting was held yesterday, the schedule for the month of February not having been completed. The last session was at Camden on Jan. 28 when the southern New Jersey group discussed topics pertinent to exhibitors in that sector of the state.

Lee Newbury, president, is on a vacation. It is expected a meeting schedule for the month will be set following the return of Sidney E. Samuelson from Washington, where he is attending a two-day Allied directors' conclave.

Hearing Set Today Upon Alien Talent

WASHINGTON, Feb. 4.—The House Immigration Committee tomorrow will hold a hearing on the resolution introduced last month by Representative Dickstein of New York to place alien actors and musicians under the contract labor provisions of the Immigration Law.

The measure would bar such aliens unless they secure the consent of the Secretary of Labor for their admission prior to embarkation, unless of distinguished merit. Where actors or musicians are permitted to enter, the number admitted from any country will depend upon the number of American professionals admitted to that country.

The hearing was called at such a late hour that it is not expected that any representatives of the industry from the west coast can reach Washington in time.

Meeting to Be Held By Academy Council

LOS ANGELES, Feb. 4.—Academy Research Council subcommittee on studio theatre coordination will meet here tonight under the chairmanship of Franklin Hanson for further discussion on the compilation of questionnaires received from theatre managers and projectionists as a result of the survey conducted by the committee some months ago. An effort will be made to better theatre technical conditions and to promote closer coordination between house managers, projectionists and studio technicians.

More Details Asked In Suit at Lincoln

LINCOLN, Feb. 4.—Further details on the amended bill of complaint of the State Theatre and Independent Theatres in the $444,000 and $1,353,000 conspiracy and restraint of trade suits against U. A., Universal, M-G-M, RKO, Vitagraph, Paramount and Twentieth Century-Fox are being sought by the defendants.

Attorneys for the majors want the amended petitions made more specific on whether the plaintiff is alleging renewed conspiracies or additional conspiracies.

Kuykendall to Talk At the Ampa Lunch

Ed Kuykendall, president of the M.P.T.O.A., and Charles L. O'Reilly, head of the New York Theatre Owners' Chamber of Commerce, will be the principal speakers at the Ampa meeting to be held tomorrow at the Astor. Pete Woodhull, past president of M.P.T.O.A., will act as m.c.

Also included among the guests will be several circuit and theatre operators and a number of players.

"Scrappy" at Festival

Columbia's cartooon character, "Scrappy," will do his stuff before instructors who will attend the "Bermuda Festival" at the British Empire building, during the next four weeks. The program, intended for instructors in arts and crafts, social science, manual training and English literature will be spotted with various film cartoons, their technique, educational value and other items of interest to those attending.

Must Walk a Block

Vancouver, Feb. 4.—The boys here will have to walk an extra block for their beer. The campaign of the Capitol, Orpheum, Globe and Maple Leaf theatres against issuance of a beer license to the Palms Hotel which is in the same block with the theatres, resulted in W. F. Kennedy, B. C. liquor commissioner, vetoing the Palms' application.

Church and prohibitionist interests were also prominent in the campaign. As a result, Kennedy announces that no new beer licenses will be issued in Vancouver this year.

Vote Against Sales, Income Tax Repeal

SACRAMENTO, Feb. 4.—The Governor's tax conference here yesterday voted against repeal of the sales and income taxes, which will come up on the November ballot. The film industry has proposed that a gross transactions tax be substituted for the other two levies, if they are repealed. Farmers and small business men are opposed to the gross transaction tax, which was presented by Byron C. Hanna of the M. P. Producers' Ass'n.

The farmers declared the substitute would make repeal of the others possible, but said a tax strike would result. Small business saw harm in the proposed levy through pyramiding, but appeared satisfied with Hanna's answer that it could be avoided by proper definition of the processes through which goods pass. Bud Lollier of FWC is a member of the resolutions committee which will decide on the gross transactions tax.

Exchange Workers Talk Strike Moves

Members of the Film Exchange Employes Union held a closed meeting at the Times Square Hotel last night to discuss the Republic strike called last Saturday.

The reason for picking Republic as the first exchange for a walkout unless a contract was signed recognizing the union is said to be a 100 per cent union membership in this company's film department. However, Republic, which is financed by Herbert J. Yates, called in an emergency crew from Consolidated Film Laboratories to handle both the day and night shifts.

Two pickets continue to parade in front of the Film Center in which the Republic exchange is located.

Pearl Option Taken Up

HOLLYWOOD, Feb. 4.—Dick Pearl today had his option exercised for an additional year as general manager of Talisman Studios. John F. Meehan has been added to Pearl's department. New projection and sound equipment is to be installed.

Fairbanks, Sr., on Coast

HOLLYWOOD, Feb. 4.—Douglas Fairbanks arrived here today by plane for conferences on his forthcoming "Marco Polo."

Warner Music 9.34% In '34, Ascap Says

Warner music publishing companies owned 448 of 4,799 musical works copyrighted during 1934, Ascap reported yesterday on the basis of an analysis made by it of the printed catalogues issued by the Register of Copyrights and the *Annual Copyright Index* for that year. The Warner copyright entries for 1934 represented 9.34 per cent of the total, Ascap said.

Of the total number of musical works registered 1,432 were unpublished.

Harms Sues CBS and WABC

Harms, Inc., Warner music subsidiary, yesterday filed suit in Federal court against Columbia Broadcasting System and Station WABC of the radio chain, seeking total damages of $895,000 for alleged unauthorized use of Rudolph Friml's "Chansonette." It is claimed the number was broadcast from 89 stations of the network on Jan. 18, and Jan. 23.

This is the 24th suit filed by Warner music companies against networks and individual stations, and brings the total of damages asked to $1,750,000. The Harms suit, filed by Wattenberg & Wattenberg, seeks damages of $5,000 for each of the 179 individual alleged infringements. Damages of $890,000 are asked of CBS for the use of the song by 88 stations, and $5,000 from WABC. An accounting of profits also is asked.

Van Beuren Well Along

Over 80 per cent of Van Beuren's 1935-36 product will be completed and ready for distribution on April 1, the company states. Fifty-two one-reelers will be released by Radio and the current groups of the "World on Parade," "Sports With Bill Corum" and the "Struggle to Live" series will be finished on the date mentioned. Six new "Dumb-Bell Letters" are at the exchanges for the season. Work remains to be done on the "Easy Aces" and "Rainbow Parade" line.

Wall Street

Fractional Gains Spot Board

	High	Low	Close	Net Change
Columbia, vtc	42½	42⅛	42½	+ ½
Columbia, pfd	49⅞	49¾	49⅞	— ⅛
Consolidated	6½	6¼	6⅜	+ ⅜
Consolidated, pfd.	19⅜	18⅞	19⅛	+ ¼
Eastman Kodak	157¾	157	157	.....
Loew's, Inc.	53¼	52¾	52¾	— ¼
Paramount	11½	11⅜	11⅜	+ ⅛
Paramount 1 pfd.	84½	83½	83½	— ½
Paramount 2 pfd.	12½	12⅜	12¼	— ⅜
Pathe Film	7⅜	7½	7½	.....
RKO	7⅞	7⅝	7⅝	— ⅛
20th Century-Fox.	27	25½	27	+1
20th Century, pfd.	35	33⅝	35	+1⅛
Warner Bros.	12¾	12⅜	12⅜	— ⅜

Little Change on Curb

	High	Low	Close	Net Change
Sentry Safety	⅞	⅞	⅞	.....
Sonotone	2⅛	2	2	.....
Technicolor	21⅞	21¼	21⅜	— ⅜
Trans-Lux	5¼	5	5¼	.....

General Theatre Bonds Gain 2 Pts.

	High	Low	Close	Net Change
General Theatre 6s '40	24	22	24	+2
General Theatre 6s '40, ctf	24	22½	24	+2
Loew's 6s '41 ww deb rights	103¼	103⅛	103¼	.....
Paramount B'way 3s '55	59	59	59	.....
Paramount Pict. 6s '55	96⅞	96⅝	96¾	.....
Warner Bros. 6s '39 wd	93½	92¾	93¼	+ ¼

(Quotations at close of Feb. 4)

AGAIN WARNER BROS. BLAZE A NEW TRAIL IN PICTURES"

SAYS FILM DAILY

PAUL MUNI

In

"THE STORY OF LOUIS PASTEUR"

With Josephine Hutchinson • Anita Louise • Donald Woods • Fritz Lieber
Henry O'Neill • Porter Hall • Akim Tamiroff • Directed by William Dieterle

A Cosmopolitan Production • A First National Picture

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 31 NEW YORK, THURSDAY, FEBRUARY 6, 1936 TEN CENTS

Celler Hits Bill to Bar Alien Actors

Says It Would Restrict Film Production

WASHINGTON, Feb. 5.—The Dickstein resolution, which is aimed to bar alien actors from this country unless they are of "exceptional merit and ability," was sharply attacked today by Representative Celler of New York, who declared that the measure would "hamstring" the theatrical industry.

Appearing before the House Immigration Committee, Celler asserted that "passage of the bill would greatly impede not only the motion picture but also the little that remains of the spoken drama." Entering into argument with Representatives Cramer of California and Dirksen of Illinois, who claimed that England bars American artists, Celler insisted that such was not the case. He further asserted that Equity is not pressing for adoption of the measure. Dickstein at this

(*Continued on page 8*)

Quigley Company to Rockefeller Center

The Quigley Publishing Co., publishers of *Motion Picture Herald*, MOTION PICTURE DAILY, *Better Theatres*, *Motion Picture Almanac* and *Box-Office Check-Up*, on Saturday will occupy new quarters on the 30th floor of the RKO Building in Rockefeller Center.

This will mark only the third change in publishing headquarters since Martin Quigley founded the business in 1915. The company moved from Chicago to New York in 1930 when it centered its activities in the U. S. Rubber Building at 1790 Broad-

(*Continued on page 8*)

Nine More Theatre Men to Be at Ampa

Nine additional theatre men have promised to be on hand today when Ed Kuykendall, president of the M.P.T.O.A., and Charles L. O'Reilly, head of the T.O.C.C., discuss exhibitor problems at the Ampa meeting at the Astor.

The list includes Walter Reade, Laurence Bolognino, Arthur Mayer, Nate J. Blumberg, John O'Connor, Charles Moskowitz, Joe Vogel, Pete J. Wood and Sidney Wilmer. Pauline Starke also will grace the dais.

Chaplin Gets All-America Opening; No Holds Barred



The chief excitement on Broadway last night centered outside and inside the Rivoli where "Modern Times," the first Chaplin feature in five years, had its premiere.

By J. M. JERAULD

Some openings are different. Last night's start of Charlie Chaplin's "Modern Times" was one of these. The streets were too slippery for the mounted police to get out, and the walking cops couldn't get toe holds to push the crowds back.

As a result, Broadway's restless throngs jostled Commissioner Valentine's shouting minions hither and yon and got closer views of New York's notables than they have had in years.

That short 30 or 40 feet from the center of Broadway to the Rivoli's doors was an adventure for some of Park Avenue's ermine-clad women and high-hatted men. Some made it by elbowing; some dashed through narrow lanes opened by the police. Marcel waves became wind-blown bobs in no time at all.

Somebody started a shout when Edward G. Robinson emerged from a limousine. The crowd closed in on him. He came up for air amid a mass of press photographers. Everybody seemed to know Adolph

(*Continued on page 6*)

"Modern Times" is reviewed by Red Kann on page 6.

Zeidman to Reduce His Schedule to 6

B. F. Zeidman will reduce his planned schedule of 16 independent productions which were to be aimed for major playing time in favor of a program of six features, as a result of a study of the independent exchange market made for him recently by L. J. Schlaifer which showed that the independent market at this time could not

(*Continued on page 8*)

Koplar Warner Suit Gets Started Today

WILMINGTON, Feb. 5.—Harry Koplar's suit against Warner Bros. Pictures, the three Warner brothers and other officials of the company filed several years ago will go to trial tomorrow in U. S. District Court before Judge John P. Nields.

The suit seeks an accounting of the issuance of 90,000 shares of Warner

(*Continued on page 8*)

Yamins Named As Successor Of Samuelson

Latter Refuses to Again Take Allied Post

WASHINGTON, Feb. 5.—Nathan Yamins was elected president of Allied States Ass'n. today as successor to Sidney E. Samuelson, who, because of pressure of his own business affairs, refused reelection for a third term.

Abram F. Myers was reelected board chairman and general counsel and Herman A. Blum and H. M. Richey were renamed as treasurer and recording secretary, respectively. Arthur B. Price of Baltimore and Samuelson were named to the executive committee, with Myers and Yamins as ex-officio members.

By request, W. A. Steffes, regional vice-president for the northwest, was relieved from the position. No successor was named.

Price was named as vice-president for the eastern region, with Walter B. Littlefield as his aide. Aaron

(*Continued on page 2*)

Critics Speak at Review Board Meet

The motion picture today has nothing to apologize for, was the opinion of Otis Ferguson, film critic of the *New Republic*, in the the course of a symposium of reviewers which featured the afternoon session yesterday of the opening of the 12th annual conference of the National Board of Review at the Hotel Pennsylvania. Ferguson was one of several speakers at the session, presided over by James Shelley Hamilton, editor of the exceptional photoplay department of the *National Board of Review Magazine*.

Besides Ferguson the speakers were

(*Continued on page 8*)

Trafalgar Is New Producer for U. A.

By BRUCE ALLAN

LONDON, Feb. 5.—Max Schach of Capitol Film Prod., and Maurice Silverstone of United Artists, signed contracts here today for the world release by U. A. of the product of Schach's newly formed Trafalgar Film Prod., which will be released by the U. A. associate producing units as Max Schach productions. Schach is managing director and producer for Trafalgar, with Louis A. Neel, a director of Capitol, and Beverley

(*Continued on page 8*)

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Kuykendall Here On MPTOA Board Plans

Final plans for the annual meeting of the M.P.T.O.A. board of directors at Miami, about March 12, will be set by Ed Kuykendall, president, while here from his Columbus, Miss., home. Kuykendall arrived yesterday for a stay of a week or 10 days. The current slate of M.P.T.O.A. officers is expected to be reelected at the annual election to be held in conjunction with the directors' meeting. M.P.T.O.A. will not hold a general membership convention this year.

Kuykendall is scheduled to address the weekly Ampa luncheon meeting today. While here he will also study plans of General Motors for 12-hour daily commercial film shows, beginning at Miami, Feb. 17, and continuing over a 20,000-mile itinerary. If the free commercial shows are demonstrated to be unfair competition for established theatres, exhibitor leaders plan an organized protest.

Hughes Flying to Coast

Howard Hughes, who recently broke the cross-country flight record, left Floyd Bennett Field yesterday on a leisurely flight to the coast. He plans several stops en route. John Lund flew with him as co-pilot.

Marion Talley Signed

HOLLYWOOD, Feb. 5.—Marion Talley, opera singer, has been signed by Republic for the lead in "My Old Kentucky Home," which goes into work late this month.

Yamins Named As Successor Of Samuelson

(*Continued from page* 1)

Saperstein was renamed as vice-president for the west, H. A. Cole for the south, and Martin G. Smith for the middle states.

Cleveland was the unanimous choice for the annual convention to be held about May 15. Richey was appointed general chairman for arrangements.

Because J. B. Clinton of Minneapolis is vacationing in South America his suggestion that Allied and M.P.T.O.A. cooperate on common problems was considered, but no action was taken.

The sessions ended early in the afternoon after a luncheon tendered by the local group.

The following committees functioned during the meeting:

Nominations: Nathan Yamins, chairman; Simon Myers, Frank Hornig, Charles H. Olive, Fred J. Herrington, M. B. Horwitz, Fred DeLodder, R. R. Blair, Aaron Saperstein, Edward Maertz, W. A. Steffes, H. A. Cole.

Budget: Herman A. Blum, chairman; Walter B. Littlefield, Max Stern, H. M. Richey, Herrington, Maurice Rubin, R. A. Tesch, E. L. Peaslee, A. E. Lichtman, Simon Myers.

Legislation: Littlefield, chairman; Arthur Price, William E. S. Wilcox, P. G. Wood, Tesch.

Litigation: Cole, chairman, Nathan Yamins, Samuel M. Boyd, Wood, Tesch.

Trade Practices, Product, etc.: Sidney E. Samuelson, chairman; Yamins, Richey, Price, Wood, Tesch, Herrington.

The list of delegates and their alternates included:

New England: Yamins, Littlefield, Edward Ansin, A. Bendsley, Arthur K. Howard; New Jersey, Samuelson, Myers; Maryland, Frank Hornig, Blum, Price; Michigan, DeLodder, Richey; Illinois, Saperstein; District of Columbia, Director Charles H. Olive, Lichtman, John H. Hiser, Wilcox, Boyd; Western Pennsylvania, Herrington; Ohio, Horwitz, Max Stern, Wood; Indiana, Director R. R. Blair, Maurice Rubin, William Conners; Wisconsin, Director Edward Maertz, Tesch; Northwest, Steffes, E. L. Peaslee, Bennie Berger; Texas, Cole.

Allied Union Case Dismissed by Court

Justice Peter P. Smith in Supreme Court at Brooklyn yesterday dismissed the application of Harry Glover, president of Allied Operators' Union, for an injunction restraining Estates Operating Co. from employing others than members of his union as projectionists in the Avon, Garfield and 16th Street, Brooklyn houses operated by Estates, which is a member of the I.T.O.A. Glover's action was based on an agreement between Allied and the I.T.O.A. by which members of the latter were to employ Allied operators at their theatres.

In dismissing the application Justice Smith held that the merits of the case had been covered by previous hearings on similar cases which had been dismissed by Justice James C. Cropsey in Brooklyn.

Loew Firm Cuts Loss

Loew's Theatre and Realty Corp., wholly owned subsidiary of Loew's, Inc., holding company, owning leases and operating a number of Loew houses, reports a net loss for the year ended Aug 31, last, of $14,498 after expenses, taxes, interest and other deductions. The previous year showed a net loss of $239,544.

The New President



Nathan Yamins of Fall River, Mass., who yesterday was elected president of Allied States Ass'n at a meeting of the board of directors in Washington.

"U" European Staff Shifted by Manheim

Max Friedland, general manager for Universal in Europe, has resigned and has been succeeded by Sigwart Kusiel, manager of the company's office in Spain, Nate Manheim stated yesterday upon his arrival on the *Majestic*. No appointment for the Spanish post has been decided, he said.

With the resignation of R. Rappaport of the Vienna office, Manheim has named Leopold Schiller supervisor of the Vienna, Hungary, Austria and Prague branches. A successor to Rappaport in Vienna will be selected shortly.

Manheim was abroad two months during which time he visited London, Paris, Zurich, Vienna and Budapest. He is bullish on English production and theatre business. He said Universal's production plans in Europe await arrival of Joe Pasternack, in charge of production on the continent, and Charles Kosterlitz, director. They are scheduled to sail from London today.

Following the arrival of Pasternack and Kosterlitz, Manheim will go to the coast to discuss European production plans with Carl Laemmle.

Meighan's Brother Dies

PITTSBURGH, Feb. 5.—King Meighan, 41, brother of Thomas Meighan, died here today shortly after being found unconscious at the foot of a marble stairway in his apartment house. He apparently had fallen from an upper floor.

BEVERLY HILLS, Feb. 5.—Word of the death of his brother in Pittsburgh was kept from Thomas Meighan today because of his illness.

Mrs. Lyman Howe Dead.

WILKES-BARRE, Pa., Feb. 5.—Mrs. Mary Koehler Howe, widow of Lyman H. Howe, film pioneer, died at her home here yesterday at the age of 75.

"Adverse" Is Finished

HOLLYWOOD, Feb. 5.—"Anthony Adverse" was finished at Warners on Saturday after 86 days of shooting. Principals numbered 98. There were 131 sets, 1,150 scenes and 2,500 extras. Cutting will not be hurried, for the release date is in the fall.

Criterion to Do 4 Yearly—Fairbanks

Criterion Film Prod. will produce four pictures a year for international distribution through U. A., Douglas Fairbanks, Jr., general manager of the English company, stated yesterday on his arrival from London. The star said that he will be starred in two.

Production will not be limited to England, Fairbanks said. The company also plans to make some of the films in Hollywood. Bringing with him "The Amateur Gentleman," first of the Criterion group, Fairbanks said the picture has been cut from 9,000 feet to around 8,000 for the American market. He added that English audiences like the pictures long. His second will be "Knights of the Round Table," which will be made in England.

While here Fairbanks will confer with U. A. executives, he said, and in about three weeks he will go to the coast and meet Samuel Goldwyn and Fairbanks, Sr. He expects to remain in the United States for several months. Capt. Cunningham Reed, chairman of the Criterion board, preceded Fairbanks' arrival by a few days.

Production cost of "Knights of the Round Table" is expected to approximate $1,000,000, or about $500,000 more than "The Amateur Gentleman," Fairbanks asserted. He said he prefers to make pictures in England. Comparing the attitude of English producers with American, Fairbanks declared "in Hollywood an actor can't express an idea."

Merging Paramount Units Due Feb. 27

WILMINGTON, Del., Feb. 5.—Stockholders of Paramount Pictures Distributing Corp., Paramount International Corp., Penates Trading Corp. and Parager Corp., Delaware corporations, will meet in New York Feb. 27 for the purpose of taking into consideration an agreement, to be submitted to the stockholders, for the merger of Paramount Pictures Distributing Corp., Paramount International Corp. and Penates Trading Corp. into Parager Corp.

Last Monday Paramount Pictures Corp. changed its name to Parager Corp., New York, with the Delaware Secretary of State Walter Dent Smith at Dover.

A Paramount official said yesterday that no particular significance attached to the proposed mergers which are being undertaken to eliminate non-essential subsidiary corporations as a means to taxation economy.

Court Upholds Acts Of Major Companies

MINNEAPOLIS, Feb. 5. — Federal Judge Gunnar H. Nordby, in denying a temporary injunction against major companies, as sought by the Shubert Theatre Players Co., held that no conspiracy had been shown and upheld the right of distributors to conduct their business in such a manner as to prevent admissions under 15 cents and double bills.

The complainant operates the Palace here and the Lyceum in St. Paul, and had charged conspiracy and discrimination on the part of M-G-M, Paramount, RKO, Warners, Twentieth Century-Fox, Universal and U.A.



'One of the finest and most emotional stories that the screen has known' comes to Radio City Music Hall today in Warner Bros.' **'THE PETRIFIED FOREST'** with **LESLIE HOWARD** and **BETTE DAVIS** turning in 'magnificent, exceptional' portrayals in this 'impressive production of the famous stage play.' Archie Mayo's 'skillful direction' 'extracts every ounce of dramatic and emotional value' from the stars and great supporting cast of Genevieve Tobin, Dick Foran, Humphrey Bogart, Joseph Sawyer, Eddie Acuff and Charlie Grapewin. Released February 8th.

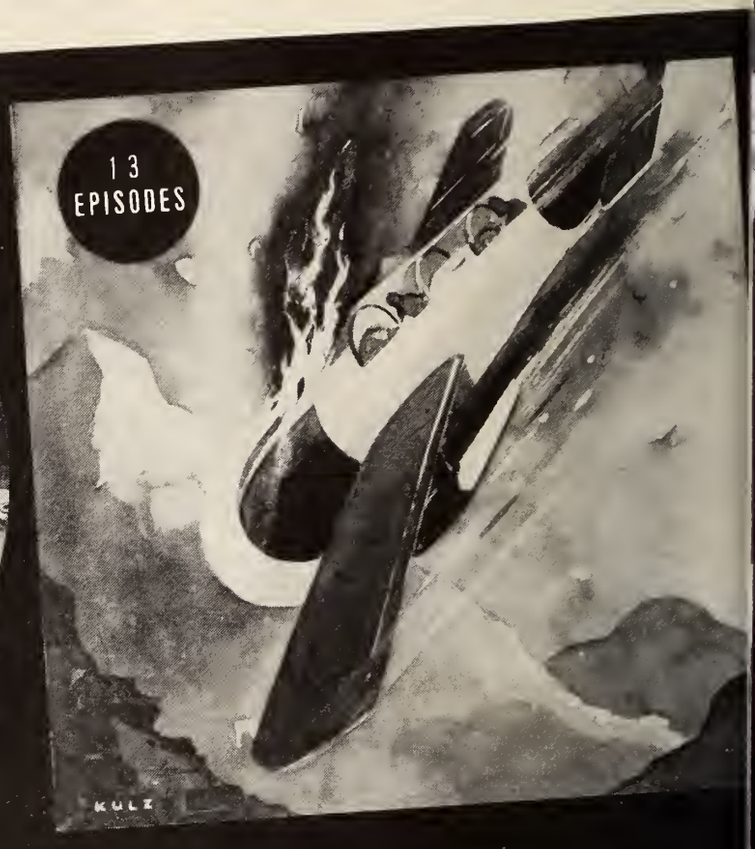
THE SERIAL SCOOPS

UNIVERSAL, CHAMPION PRODUCER OF CHAPTER-DRAMA, AGAIN STARTLES THE ENTIRE INDUSTRY BY CAPTURING THE GREATEST PROPERTIES IN SERIAL HISTORY AT A STAGGERING PRICE!



"JUNGLE JIM"

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OF THE CENTURY!



"SECRET AGENT X-9"

By Leslie Charteris



PLUS THIS NEW SERIAL GIANT

BUCK JONES

Biggest money-making box office draw of all the Western stars, in his newest and most breath-taking 15-Chapter sensation "THE PHANTOM RIDER"

DREDS OF NEWSPAPERS DAILY AND LD—AND EACH A POTENTIAL PATRON HUNDER TO LIFE ON THE SCREEN!

Purely Personal

FRANK KENNEBECK of Paramount International Corp., has been attached to the company's Australian distribution office for the past four years, is at the Paramount home office on a week's visit prior to leaving for Bombay where he will become assistant to CHARLES BALLANCE, in charge of Paramount's Indian office. He will visit Paramount headquarters in London and Paris en route east.

•

ED FAY, LAURENCE STALLINGS, TRUMAN TALLEY, LEW LEHR, ED THORGESEN, MONROE GREENTHAL, CHARLES CURRAN, GREGORY DICKSON, KEN O'BRIEN, LOWELL CALVERT, GEORGE WEEKS, COLVIN W. BROWN, A. J. VAN BEUREN, JACK GOETZ and PAT GARYN, among those assembled at the Tavern yesterday noon hour.

•

HAROLD OXLEY, manager of JIMMY LUNCEFORD'S "Harlem Express" orchestra, leaves today for Ithaca. The orchestra has an engagement to play at the Cornell junior prom.

•

IRVING RENNER of the Nelson & Renner circuit returned yesterday from Miami and LOUIS NELSON is due back from the same resort shortly.

•

MRS. A. W. KELLY arrived from London yesterday on the *Majestic*. She was met at the pier by her husband and HARRY D. BUCKLEY.

•

MORT SPRING is scheduled to check in at the M-G-M foreign department today. He was supposed to get in Monday from Miami.

•

PAUL PARRY has been signed by AL CHRISTIE for the second lead in "Gold Bricks," an Educational short to star BERT LAHR.

•

JACK GOLDSTEIN of Rex Premiums has returned from a trip to Syracuse and Buffalo. He does all his traveling via plane.

•

JULES GIRDON, Warner home office executive, is the father of a seven-pound girl born at the Lister Hospital.

•

NOEL FRANCIS will make her debut tomorow night at the Central Park Casino.

•

MILTON C. WEISMAN is taking a few days rest and will return tomorrow.

•

ELIZABETH LONERGAN sails for Hollywood via the Canal on Saturday.

•

NED E. DEPINET heads west shortly. He'll be in Hollywood about the 20th.

•

MRS. LAUDY LAWRENCE will reach New York today on the *Lafayette*.

Cowan Bringing Prints

LOS ANGELES, Feb. 5.—James Cowan, general manager, Walter Wanger Productions, left here by plane today for New York with prints of Wanger's Technicolor film, "The Trail of the Lonesome Pine."

Looking 'Em Over

"Modern Times"

(United Artists)

Charlie Chaplin—you will remember him, no doubt—last night returned to basic fundamentals in story construction, coupling with it an ironic poke or two at the System, as constituted today, and combined with that his great talent in his first screen appearance since "City Lights."

He also dug deeply into his memory, recalled his famous series of two-reelers and, by sometimes twisting the gags to fit the situations, incorporated in "Modern Times" highlights of such classic and historic films as "The Rink," "The Floorwalker" and perhaps others which a faltering memory failed to marshal at the midnight hour.

It failed to matter especially. In the years which have rolled by since his two-reeler days, a new generation has advanced well on its way. Those who may remember probably will recall reminiscent scenes with a pat, self-implanted in tribute to their own mental alertness.

The point about "Modern Times" is simple and this is it: It brings the outstanding film comedian of his time back to the screen after an absence of five years in the type of picture with which he has always been associated. And that means considerable. It is this reviewer's belief that the film will prove a formidable attraction.

Firstly, because it has Chaplin in virtually every scene and because the audiences curious to see him and with their money waiting must mount into the millions. Secondly, because of its content.

The story essence can be boiled down briefly. There is the same old, pathetic Chaplin, this time tightening bolts on a conveyor belt in a steel mill until he cracks under the exhausting strain. He goes to a hospital, is cured and released. Later, when he accidentally picks up a red flag dropped by a truck he finds himself the unsuspecting leader of a labor protest parade. Arrest follows; later a thwarted jail break in which Chaplin is the hero, then prison privileges. Subsequently there is his release and his touching plea to remain just a little longer because he's happy in jail. There ensue efforts to get work, his meeting with the street gamin, played without distinction by Paulette Goddard; their adventures, pathetic and funny, and their final futile attempt to get away from workaday hardship as they walk down a country road into the dawn.

The Chaplinesque antics at the conveyor belt are amusing. The department store sequence wherein he is a night watchman pulls at the heart and the funnybone alternately and that, we think, is a combination achieved only by an approach of genius. The emotional tug which courses through the hut episode where the comedian and Miss Goddard seem to reach out and for once tangibly touch happiness is another place where emotion conflicts with laughter in expert mixture. There is, thinking rapidly now of the high points, the cafe episode where it's all fun, poked at the ribs relentlessly and with fury, and the grand piece of business where Chaplin, carrying a duck to an irate customer, finds himself hopelessly and ludicrously entangled on the crowded dance floor. There is in this part of the picture also a memorable scene when Chaplin sings, or presumably does, a nonsensical ditty with words scrambled and only occasionally decipherable. Here his cleverness as a pantomimist probably reaches its peak.

Perhaps it was because it came well within the opening half hour. Perhaps not. But nowhere did the distinguished premiere audience react as it did to the cruelest jibe of all at big business. This was an automatic feeder for the workers, a patented idea designed to reduce the lunch hour and to increase efficiency. Chaplin becomes the test tube for the experiment. What happens between mechanically contrived soup and meat plates, a revolving ear of corn, a persistent chin wiper and the bewildered Chaplin make for a panic of yells and shouting glee. It is a gem of comedy invention played superbly.

Chaplin, of course, wrote, directed and produced "Modern Times," religiously following the technique of the silent picture, for a silent picture it essentially is. Alfred Newman's musical score, attuned to the action, is splendid. Charlie's old time standbys—Henry Bergman, Chester Conklin, Stanley Sandford, Hank Mann, Louis Natheux, Allen Garcia, Murdock McQuarrie, Wilfred Lucas and Ed Le Sainte—are in the support, but nowhere do they or could they rank alongside Chaplin.

Production Code Seal No. 1,596. Running time, 87 minutes. "G."

KANN

Enthusiasm As Chaplin Film Opens

(Continued from page 1)

Zukor, but Mrs. Consuelo Vanderbilt and Mrs. Vincent Astor got in without stirring a ripple.

Five years is a long time to wait for a Chaplin picture. The tradition that his work is art has grown in the meantime. The belief that he is funny also has built, so the art-lovers and the laugh-devotees were there, mixed in a mass that had the theatre attaches groggy.

One of them shouted: "Get inside or get outside!" He began pushing in the lobby with the enthusiasm of a football player. A woman screamed: "Let go of my arm!"

It was a big night.

About 9:05 the reserves arrived with a captain at their head. Lined up three deep, with their backs to the crowd, the police pushed north and south until they had an opening about 50 feet wide. It was simple after that. People could get in with their buttons and zippers intact.

Even the start of the newsreel of King George's funeral couldn't get the crowd into its seats, but "Mickey's Polo Team" did. That came close to being the Mount Everest of laughs in Walt Disney's career.

Premiere Has $5.50 Top

Years ago a quarter was a hefty price for a Chaplin picture. Last night top was $5.50, and if there had been another thousand seats they probably would have been filled. Today there will be 11 shows, starting at 9 A.M. and running until 3:30 A.M. This will go on indefinitely. Beginning this morning, the scales will start at 40 cents. They'll run up to 99 for the night shows.

George Skouras and John Wright, acting as a sort of unofficial committee of welcome, ran their enthusiasm high. They predicted, exclusive of the premiere performance, that the picture will do between $90,000 and $100,000 on its first full week which starts this morning.

During the run of the picture the Rivoli name will be missing from the front and rear of the theatre. Huge Charlie Chaplin signs have been erected. The front of the house is covered with cardboard machinery some of which moves. Monroe Greenthal set out to make New York Chaplin-conscious, and he did.

Many Notables Present

Among those who attended last night were: Mrs. Vincent Astor, Harry D. Buckley, Paul Block, Nathan Burkan, Burns and Allen, Eddie Cantor, William A. Curley, Edmond Coblentz, Colvin Brown, Harry M. Goetz, Corinne Griffith, Lillian Hellman, Arthur W. Kelly, Evelyn Laye, Tilly Losch, Parkyakarkus, Edward G. Robinson, Mrs. Ogden Reid, Lee Shubert, Arthur Hays Sulzberger, Alexander Woollcott, Adolph Zukor, Mort Singer, Tallulah Bankhead, Fanny Hurst, Terry Ramsaye, Sam Dembow, Jr., and Mrs. Dembow, W. G. Van Schmus, Emanuel Silverstone, Pat Lazarus, Si Seadler, Willard C. Patterson and Mrs. Patterson and De Mersereau.

Lou Metzger IS HAPPY!



109KD W 55 NL SANDIEGO CALIF JAN 29 1936

MR AL OKEEFE MANAGER UNIVERSAL EXCHANGE
1960 SOUTH VERMONT ST LOSA

JUST SCREENED NEXT TIME WE LOVE WITH MARGARET SULLAVAN AND JAMES STEWART STOP WANT CONGRATULATE DIRECTOR GRIFFITH MISS SULLAVAN ON SPLENDID DIRECTION AND PERFORMANCE STOP PERSONALLY THINK ONE OF FINEST PICTURES MADE RECENT YEARS AND COMES CLOSER TO SEVENTH HEAVEN THAN ANYTHING EVER PRODUCED CONGRATULATIONS AGAIN

LOU B METZGER

458P

TO SEND A MESSAGE TELEPHONE TRINITY 0731 OR ANY POSTAL TELEGRAPH OFFICE FOR MESSENGER TELEPHONE POSTAL TELEGRAPH OR RING POSTAL CALL BOX.

AND SO ARE HUNDREDS OF OTHER EXHIBITORS, WITH

MARGARET SULLAVAN in UNIVERSAL'S "NEXT TIME WE LOVE"

Critics Speak at Review Board Meet

(Continued from page 1)

Ward Marsh, critic of the *Cleveland Plain Dealer;* Robert Giroux, of the *Nation;* Cecilia Ager, of *Variety;* Evelyn Gerstein, of the board's committee on exceptional photoplays; J. K. Paulding, chairman of that committee, and Wilton A. Barrett, executive secretary of the National Board.

Marsh expressed the opinion that films today are nearer to a real motion picture art than ever before, while Paulding pointed to the enormous influence exercised by the screen culturally and socially. Miss Gerstein stressed the fact that the National Board and the exceptional photoplay committee, opposed to censorship from their inception, are concerned with reviewing pictures and pointing out the value in good films, rather than in criticism of bad ones.

At the morning session yesterday, in the Warner projection room, the conference delegates met with the exceptional photoplay committee, with Paulding presiding, to view "The Life of Louis Pasteur." The film was voted as worthy of major mention by the committee after discussion.

The evening session, attended by the delegates, was held at the home office theatre of Twentieth Century-Fox. The Young Reviewers Club of the National Board met with representatives of the 4-Star Club, organization of junior members, the two groups discussing the Twentieth Century-Fox film, "Every Saturday Night," following a screening. The film has not yet been released.

Today's meeting will feature a round table discussion of "Community Activity in Helping to Develop the Motion Picture," with the smaller and larger communities to be considered separately. The resolutions committee will submit resolutions to the conference. The evening session will consist of a demonstration of a university course in the motion picture at New York University. The principal address, on "The Motion Picture's Challenge to Higher Educaiton," will be by Professor Robert A. Kissack, Jr., University of Minnesota director of visual education.

California Taxation Conference Adjourns

SACRAMENTO, Feb. 5.—The Governor's tax conference here adjourned yesterday for not more than 90 days after selecting a committee of three to name a larger committee of 25 to study the proposed transactions tax, the diversion of the gasoline tax fund to pay highway bonds and to decide on the issuance of state warrants. The estimated state deficit at the end of the current two-year period is put at $79,000,000.

The conference unanimously opposed repeal of the sales tax and all except the film industry representatives favored retention of the income tax. The resolutions committee, of which Bud Lollier of F.W.C. is a member, asked the immediate curtailment of state expenses and opposed any new taxes now. It also called upon the Governor to call a special session of the legislature to straighten the state relief question, which is said to be driving the state into the red at the rate of $2,000,000 monthly.

Koplar Warner Suit Gets Started Today

(Continued from page 1)

common stock to Renraw, Inc., Warner family corporation.

An accounting is also sought for profits alleged to have been made by the Warners in dealing with the corporation, and the court is asked to appoint a receiver and oust the Warners from control.

Koplar, who has been fighting the Warners on the St. Louis front for years, charges that the stock was issued to Renraw, Inc., in exchange for the services of the Warner brothers to the corporation, and that they were to be paid collectively $10,000 a week. The Warners in their answer have denied that they received that salary, but had "forgiven" the obligation in the interests of the company.

An amendment to Koplar's complaint will be filed tomorrow charging in effect that the corporation transferred to Goldman, Sachs & Co., of which Waddill Catchings, Warner director, is a partner, 50,000 shares of common stock worth $6,000,000 without adequate consideration. Goldman, Sachs, Koplar charges, transferred to McClure, Jones & Co. 15,000 of the 50,000 shares. Henry A. Rudkin, another Warner director, Koplar states, is a partner of McClure, Jones.

Koplar asks an accounting of the value of the stock and also that the individual defendants be held responsible for this value.

Celler Assails Ban Upon Alien Actors

(Continued from page 1)

point waved a letter in which he claimed Equity asked for enactment.

Celler stressed the fact that had a similar measure been in force 20 years ago, there would today be no Garbo, no Arliss, and added that the fame of the American product rests upon its international character; that it is America's best salesman abroad, and that its essentially American success has been furthered by foreign players who have starred in such of our pictures as "Cavalcade," "Pursuit of Happiness," "What Price Glory" and many others. Such successes, he said, make necessary the continued employment of thousands, by producers, distributors, exhibitors, bill posters, printers, etc.

Bay State's Battle On Billboards Ends

BOSTON, Feb. 5.—An outdoor advertising war, that since its onset in 1925 has had far-reaching effects, has ended, at least on one battlefront, with the withdrawal of an appeal to the U. S. Supreme Court. Three separate petitions were filed with that court last June, contending that certain advertising regulations in Massachusetts were invalid. The Massachusetts Supreme Court had previously upheld the acts.

The waiving of the appeal is expected to result in some 10,000 billboards in the Bay State being moved within the prescribed limit from highways and otherwise altered as to position and size to comply with state regulations passed in 1924. No reason was given for dropping the appeal.

He Likes It

H. M. Warner got such a kick out of the first screening of "Brides Are Like That" that he sat through it a second time and a third.

There may be a fourth any minute.

Trafalgar Is a New Producer for U.A.

(Continued from page 1)

Baxter, M.P., former publicity director for Gaumont British, among the board members.

Trafalgar will produce at London Film's Denham studio. The first two films will be "Pagliacci," with Richard Tauber, directed by Karl Grune, and "Elizabeth of England," previously on London Film's schedule. Alexander Korda of London is expected to transfer the cast so far selected to Trafalgar. A statement from Capitol indicated that Schach remains as managing director, and that the Trafalgar formation was done with the approval of C. M. Woolf, whose General Film Distributors has a long contract to distribute for Capitol. A new unit of Capitol will be formed to produce for General release the same number of films that Trafalgar will make for U. A.

Zeidman to Reduce His Schedule to Six

(Continued from page 1)

absorb the type of product planned by Zeidman.

The decision to reduce the program from 16 to six was made recently at a coast conference attended by Zeidman, Schlaifer and William Fitelson, New York film attorney, who returned from Hollywood on Monday. Zeidman's plan was to budget his productions at from $75,000 to $100,000 each. The six features which he now plans to make will be of the same type, and shooting on the first, "Angels in White," will be begun in a week or 10 days, Fitelson said.

Schlaifer made a national tour of independent exchanges in preparing his report which disclosed that only the New England and Chicago territories could absorb the type of independent product planned at this time. Schlaifer this week assumed a new sales post with United Artists.

Denver First Runs Soon Will Total 7

DENVER, Feb. 5.—By the first of March Denver will have seven first runs, more than ever before.

George A. Allan has leased the Empress, closed for several years, from the Center Investment Co., and after putting on a new front and marquee, will reopen. The house has 1,596 seats.

The policy will be first runs and stage shows, with resident line. Vaudeville acts will be used. No other first run is using a stage show at present. The Denver is using a stage band; the Tabor, half a block from the Center, uses a stage show with line and acts, with a top of 25 cents. The Tabor is second run, the price policy of the Center has not been determined.

Quigley Company t Rockefeller Cent

(Continued from page 1)

way and now transfers to Rockefe Center. In the span of those 20 ye Quigley has acquired and consolida into *Motion Picture Herald* MOTION PICTURE DAILY these publ tions: *Film Index, Motography, M ing Picture World, Motion Pict News* and *Exhibitors' Daily Revi*

The new offices are located in area which is rapidly becoming a f point of activity for publishing, film business and advertising. O ating from Rockefeller Center are Curtis Publishing Co., the Macfad Publications, News-Week, Inc., McCall Co. and others.

There are in Rockefeller Ce more than 50 companies connec with the film industry including RK Universal, The March of Time, F Division, Trans-Lux, Republic I tures, the U. S. Army M. P. Serv Castle Films and the home offices a number of theatre circuits such Century and Monarch.

More than a score of advertis agencies are housed in the Radio C development. Among them are Do hue & Coe; Arthur Kudner, In Bodger, Browning & Hersey; Ke Nason & Roosevelt; Transit Adv tiser; Radio Advertising Corp. Wildrick & Miller.

Officers of the Quigley Publish Co. are Martin Quigley, preside Colvin Brown, vice-president treasurer; T. J. Sullivan, secreta and Leo J. Brady, assistant secreta

Branches are operated in Chica Los Angeles, London and Paris.

Mack in New G. B. Po

William A. V. Mack has b named district manager for the G. midwestern exchanges with headqu ters in Chicago by George W. Wee general sales manager.

Wall Street

Paramount 1 pfd.. Best Board G

	High	Low	Close	Cha N
Columbia, vtc	43½	42¾	43	+
Columbia, pfd	50	49⅛	50	+
Consolidated	6½	6⅛	6¼	—
Consolidated, pfd.	19¼	18⅜	18⅜	—
Eastman 157½	157	157	..	
Loew's, Inc.	53	52⅛	52⅛	—
Loew's, Inc., pfd.105⅛	105⅛	105⅛	—	
Paramount	11⅜	11⅛	11¼	—
Paramount 1 pfd.	83⅝	82½	83	+
Paramount 2 pfd.	12¼	12	12	—
Pathe Film	7⅝	7½	7⅝	+
RKO	7⅞	7½	7⅝	.
20th Century-Fox.	27½	26½	26½	—
20th Century, pfd.	35¼	34⅜	35	.
Warner Bros.	12⅞	12⅜	12½	+

Little Activity on Curb

	High	Low	Close	Ch
Sentry Safety	15/16	13/16	⅞	.
Sonotone	2¼	2	2	....
Technicolor	21⅝	21⅛	21⅜	.
Trans-Lux	5⅜	5	5⅛	-

Warner Bonds Up ¾

	High	Low	Close	Net Ch
General Theatre 6s '40	24¼	23½	24¼	+
General Theatre 6s '40, ctf.....	24	23½	24	
Loew's 6s '41 ww deb rights 103¼	103	103		
Paramount B'way 3s '55	59	59	59	
Paramount Pict. 6s '55	96¾	96	96⅜	
Warner Bros. 6s '39 wd	94	93⅝	94	

(Quotations at close of Feb.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 32 NEW YORK, FRIDAY, FEBRUARY 7, 1936 TEN CENTS

Academy Vote Hits New High In Semi-Final

Ballots Name 4 Actors And 6 Actresses

HOLLYWOOD, Feb. 6.—The Academy today reached the semi-final stage in the eighth annual merit award race for 1935. With the past few weeks marked by unprecedented voting, Academy members have placed four actors and six actresses on the final ballot, instead of the customary three in each group.

Twelve productions have been nominated as outstanding films. They are: "Alice Adams," Radio; "Broadway Melody of 1936," M-G-M; "Captain Blood," Warners; "David Copperfield," M-G-M; "The Informer," Radio; "Les Miserables," Twentieth Century; "Lives of a Bengal Lancer," Paramount; "A Midsummer Night's Dream," Warners; "Mutiny on the Bounty," M-G-M; "Naughty Marietta," M-G-M; "Ruggles of Red Gap," Paramount and "Top Hat," Radio.

Although the selection of more than three artists in the actor and actress groups was unusual, it complied with Section F, Rule 6 for the awards of merit competition, which reads: "If

(*Continued on page* 11)

Detroit Vote Shows Duals Are Favored

DETROIT, Feb. 6.—The final tally in the voting held in six Ben and Lou Cohen theatres here to determine whether patrons preferred double or single bills, resulted in an overwhelming decision in favor of two features. The vote from Jan. 18 to Jan. 31 was: For double bills, 26,866; for single bills, 6,455.

The approximate three to one ratio in favor of duals was maintained in four of the theatres, all of which are important situations in widely sepa-

(*Continued on page* 5)

New Producing Plan Dropped by Fitelson

The refusal of major studios to approve outside production activities by producers under contract to them has resulted in the shelving of a plan sponsored by British and American capital for the making of six to 12 features budgeted at from $200,000 to $250,000 each.

The plan contemplated the lining up of five or six producers under contract to a major company who would

(*Continued on page* 5)

S.R.O. Sign Hung Out for Chaplin By End of 1st Day

"Modern Times," first Chaplin picture in five years, went S.R.O. at the Rivoli last night after an opening morning and afternoon of substantial but not sellout business.

By about 9:30 the house was jammed, approximately 300 waitees were parked in the back of the orchestra and a line strung along the staircase from the lounge to the upper balcony. At the outer box office about 100 were in single file.

A boildown of what New York critics wrote about the Chaplin film appears on page 5.

Because of the intense interest among theatre operators throughout the country, the first day of the Chaplin film was news. Staff members of MOTION PICTURE DAILY clocked the theatre from the opening until 11.30 last night and reported:

Due probably to the advance in

(*Continued on page* 5)

Essaness Refuses to Play Warner Product

CHICAGO, Feb. 6.—Essaness has refused to play Warner product in any of its houses here, following the action of the Warner exchange in giving preference to Warners' Metropolitan over the Essaness-owned Michigan. Both houses are in the same week of release, but the Metropolitan was given one week's protection over the Metropolitan. Both theatres have a negro patronage.

Edward Silverman of Essaness declared, "We will not play any Warner pictures until we get a square deal. Other exchanges do not show preference in this situation and it is unfair that Warners should, despite the fact that the theatre is affiliated."

Film Men in Spain May Move to Madrid

BARCELONA, Feb. 5.—American distribution representatives here are discussing the advisability of moving their Spanish distribution headquarters to Madrid some time this summer. The location there of the Spanish censor's headquarters and American dubbing plants is regarded as making the move advisable.

Foreign distribution managers here said yesterday that the moving of Spanish distribution headquarters from Barcelona to Madrid had not been discussed in the home office.

Walls Adorned

Boston, Feb. 6.—Headquarters of the E. M. Loew Circuit have been moved. In the new reception room there are three pictures of E. M. Loew—and a mirror.

No Film Levy Seen in New Tax Measure

By BERTRAM F. LINZ

WASHINGTON, Feb. 6.—No film taxes will be included in the tax bill to raise $500,000,000 in new revenue to carry out the farm program, suggestions for which will be submitted to Congress by President Roosevelt next week, it was disclosed here today by Chairman Doughton of the House Ways and Means Committee, following a luncheon conference at the White House.

The new revenue bill will be kept as "light" as possible, and probably will be confined to the reimposition of the processing taxes invalidated under the recent Supreme Court AAA decision. Consideration has been given to making the taxes retroactive, but it was learned today that the Attorney General has held any retroactive

(*Continued on page* 4)

Committees Named For Ampa Dinner

Various committees for Ampa's third annual Naked Truth dinner, to be held at the Astor on March 14, were completed yesterday.

In charge of the dinner is the committee headed by Paul Benjamin and comprising Marvin Kirsch, W. R. Ferguson, Ray Gallagher, Hal Horne, James P. Cunningham, Ralph E. Lund, Rutgers Neilson, Monroe Greenthal, Alex Gottlieb, G. R. O'Neil, Edward F. Finney, Bert Adler, Jack Harrower, Paul Gulick, Silas F. Seadler, S. Barret McCormick, Vincent Trotta, Thomas Hamlin, Charles E. Lewis, S. Charles Einfeld, John C. Flinn, Al Friedlander, Paul Greenhalgh, Hap Hadley, Lester

(*Continued on page* 5)

Sales Policy Change Urged By Kuykendall

Little Fellows' Plight Getting Bad, He Says

Pleading the plight of the small exhibitor, Ed Kuykendall, president of the M.P.T.O.A., yesterday urged a change in sales policies by distributors to make things easier for the little fellow. Kuykendall has just returned from a cross-country tour and expressed his views at the Ampa after contacting "hundreds of theatre owners."

"It is becoming increasingly hard for the small fellow to operate at a profit," Kuykendall stated, "because of selling policies. Distributors are making it harder every day," he declared, "and unless something is done to change the trend existing today I wonder where the independent exhibitor with one and two theatres will end."

The M.P.T.O.A. head held that from his survey "the most sound advice was given by fellows who say little at conventions." He also decried the "money moving to one end, the production side of the business." He said he couldn't account for this inasmuch as "theatres receive the brunt of attacks."

Kuykendall paid his respects to the Legion of Decency, asserting: "I was horrified at first when I read about

(*Continued on page* 4)

Allied Adopts Plan To Shift Presidents

With the unanimous election of Nathan Yamins of Fall River, Mass., as president of Allied, succeeding Sidney E. Samuelson, the national organization has adopted a plan of rotating the presidency from year to year.

The annual convention will be held in Cleveland between May 15 and June

(*Continued on page* 5)

Conference Called On N. Y. Giveaways

In an effort to reach a better understanding on the subject, License Commissioner Paul Moss has sent out a call for all local exhibitors playing games in any form to meet at his office next Monday.

The purpose of the session is to inform Greater New York theatre men on the various angles on lotteries.

District attorneys in all counties

(*Continued on page* 4)

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Insiders' Outlook

By RED KANN

SECOND day thoughts on "Modern Times": There is, as, of course, expected, a tremendous interest in Charlie Chaplin's first feature in five years. The New York trade at large yesterday was inquiring of those present at Wednesday's distinguished premiere how it went. The schools of thought divided themselves into several camps. And that, too, was anticipated. For instance, much criticism was heaped on the attraction because it reminded so definitely of another day in production. Chaplin, ran the comment, had not kept abreast of Hollywood and "Modern Times" was the proof. . . .

▼

We are curious about that. The picture itself heightens that curiosity. In the steel mill sequence, the general handling certainly proved in keeping with this day. Beyond that, it quite definitely reverted back to the earlier Chaplin formula and technique, so much so that, aside from the improved quality in photography, an intervening scissors, doing its work, easily might have snipped out sequence after sequence reminding strongly of other pictures the noted comedian had made. . . .

▼

Our curiosity, however, goes beyond. We have been speculating since the opening whether Chaplin did not deliberately plan it. If, in the same film, an opening series of shots reflected modern production methods and the remainder did not, the assumption seems fair to draw, we think, that there can be no matching of the two parts because the producer designed that there should not be. After all, Chaplin demonstrated rather conclusively with "A Woman of Paris" that there was in him, as of that time at any rate, enough brilliance to fashion a film which ran considerably ahead of its contemporaries. Thinking in print, it is our impression, totally lacking of proof, that Chaplin's intention was to reappear on the celluloid scene in a story, a tempo and a treatment which were close copies of his earlier successes. . . .

▼

The chief disadvantage about "Modern Times," it is this opinion, is that its story construction is so flimsy. The dramatic thread recedes almost into complete invisibility at times, leaving the excuse for each new gag often too trite for a maximum effectiveness. It was argued in one circle yesterday that a sound story would have interfered with the timing or the rapid pace of the gags themselves. We, for one, hold such theory to be fallacious. The combination has been tried before by other comedians and has worked. . . .

▼

Other comment chided Chaplin for reviving many of his old comedy tricks, such as the "dope" episode, the skating business and the escalator. This, we take it, is merely the price which the outstanding exponent in his field must pay for doubling back on ground already trodden.

A Chaplin, by inference, is expected to evolve the constantly new and the forever more entertaining. Why? The laugh inventions of another era were his brainchilds and so his property to bring back at will. It is interesting and the finest kind of tribute to Chaplin's abilities that the recognition is widespread that he does them with artistry and consummate skill. . . .

▼

While we adhere to our original point of view, which is that the automatic feeding machine gag is the most uproariously funny in "Modern Times," the brain invention behind the labor parade sequence is the most clever. This is the point where Chaplin picks up a red flag dropped by a speeding truck and hurries down the street with his funny walk in an effort to return it. As he turns a corner, totally without his knowledge there masses behind him a group of protesting strikers. The police pounce down, assume Chaplin to be the leader and hurry him to jail. It is a gorgeous conception. . . .

▼

Many are the places where Chaplin, relegating direct comedy business into the background, makes scenes notable through his ability in pantomime. One of the most delightful occurs in the cafe where a cuff carrying the lyrics of his song flies to the wall and Charlie is compelled to bluff his way through with jumbled lyrics in his own Esperanto. His interwinding of jargon, funny little dance steps and story planting through gestures is a gem of its kind and Chaplin at his height, which is very high indeed. . . .

"Muss 'em Up" Gets $12,000 at Rialto

"Muss 'em Up" and a three-reeler, "Idol of Millions," at the Rialto garnered a profitable $12,000 for the first week and is being held over by Arthur Mayer. "Professional Soldier" at the Center also ended in the black with a $20,000 take.

"Next Time We Love" at the Music Hall tallied around $60,000, while the Roxy, with "King of the Damned," ended with about $26,500. A Major Bowes amateur unit will make its debut at the Roxy starting Feb. 21. The Palace was off on the five-day showing of "Captain Blood" and "Two in the Dark," grossing under $5,000. The first picture was a holdover from the previous week, while "Two in the Dark" was a new attraction.

The Rivoli wound up the last five days of "The Ghost Goes West" with approximately $13,000.

Mayer claims that the Rialto last Saturday put on 11 shows in the 600-seat house, playing to 5,800 patrons for the day, which is something of a record, he says.

Bernerd Due Feb. 21

Jeffrey Bernerd, general manager of G.B., is due here from London, Feb. 21, on the *Majestic* for a visit of several weeks at G.B.'s American headquarters.

Agnew Plans Trip

Neil F. Agnew, general sales manager of Paramount, will leave on a tour of exchanges shortly. He expects to reach Hollywood about Feb. 20.

L. B. Steedman Made India Head for Fox

Word has been received at the home office of Twentieth Century-Fox that the appointment of L. B. Steedman to be manager for India, made by District Manager Delbert Gooman at Bombay, has been confirmed by Walter J. Hutchinson, general foreign manager.

Steedman joined the London staff of Fox in 1928. He has passed successively through various departments from district salesman, assistant contracts manager to assistant manager in India. In 1935 he won first place in the Kent sales drive. At that time he was stationed at the Singapore office.

Steedman was educated in India and served in the British army during the World War. He speaks Hindustani.

Form New Law Firm

Jacob Schechter, A. S. Cutler, Myron Sulzberger, Jr., and Daniel J. McMahon have formed a new law firm, Schechter, Cutler, Sulzberger and McMahon, with offices at 500 5th Ave., following the dissolution of the firm of Schechter, Lotsch and Sulzberger. The firm has a number of film clients.

Wanger, Para. Deal On

HOLLYWOOD, Feb. 6.—Negotiations are still under way among Walter Wanger, John E. Otterson and Watterson Rothacker for the future release of Wanger product by Paramount.

U. A. to Appeal Sales Tax

An application for a writ of certiorari will be made in the N. Y. State Supreme Court today by the local United Artists exchange in order to bring to the Appellate Division an appeal from the city comptroller's recent finding that film rentals are subject to the two per cent city sales tax. The exchange yesterday paid the city a $21,188 assessment, representing the sales tax on its revenues for the period from Dec. 28, 1934, to May 31, 1935, in preparation for its court appeal moves.



CREDIT ANOTHER RAVE-WINNING COMBINATION TO 20th CENTURY-FOX!

When impetuous George Raft tips the social scale to tame self-willed, tradition-filled Rosalind Russell... it's double-charged emotional dynamite



—and did it click at the Coast preview:

"A solid hit...for real acclaim. George Raft exceeds all past performances. Rosalind Russell indicates she will be one of the first ladies of the screen!"
—Daily Variety

"A swell show! George Raft's best part in ages! Rosalind Russell is perfect! Leo Carrillo gives his top-notch performance!" *—Hollywood Reporter*

"Vividly combines drama, romance, intrigue and excitement. George Raft and Rosalind Russell contribute swell performances!" *—Motion Picture Daily*

George RAFT Rosalind RUSSELL

in

IT HAD TO HAPPEN

with

LEO CARRILLO
ARLINE JUDGE
ALAN DINEHART
ANDREW TOMBES

a

DARRYL F. ZANUCK
20th CENTURY PRODUCTION
Presented by Joseph M. Schenck

Based on a story by Rupert Hughes. Screen play by Howard Ellis Smith and Kathryn Scola.

Associate Producer
Raymond Griffith

Directed by Roy Del Ruth



But Leo Carrillo thinks love is the bunk.

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

School Films Not Theatre Competition

Developments in visual education at the University of Minnesota have given proof of "the national awareness that films should and can be used in the classroom, and without any suggestion of competition with the theatrical motion picture industry," declared Professor Robert A. Kissack, Jr., director of the visual education department at the university, in an address last night before delegates to the 12th annual conference of the National Board of Review.

The meeting was held at New York University in connection with a demonstration of a university course in motion pictures, and formed the third session of the second day's proceedings of the four-day conference. During the morning and afternoon round table discussions were held at the Hotel Pennsylvania on "Community Activity in Helping to Develop the Motion Picture." The morning session was devoted to the smaller community and the afternoon to the larger community.

Education, in the opinion of Prof. Kissack, is catching up with the tools of civilization, of which the screen is one of the most valuable, since it affects the manners, morals and attitudes of the nation. "The time has even arrived," he said, "when individuals in the film industry are realizing that the educational film field at last shows signs of becoming a money-maker." He expects "startling" developments within the next two years.

"Plan Is Needed"

The field at the moment is in the midst of a hectic controversy. The value of films in education is beyond question, said Kissack, but a plan of organized use is the problem now. Minnesota University's visual education department was pointed to by the speaker as indicating a method of solving the problem. Daily screenings are held to discover educationally valuable films, and a complete service activity is maintained for the entire university, including the maintenance of portable equipment. Special screenings are held at intervals. Because so few films are planned for instruction, his department has a schedule of 13 productions of all lengths and types, said Kissack, and the plans offers a practical model.

The morning session yesterday, conducted by Mrs. Marguerite E. Schwarzman of the executive committee of the National Board, discussed the development of film appreciation work in the schools. P. J. Wood, exhibitor leader, stressed the importance of the theatre manager becoming part of the community and giving it what it wants. The afternoon session was conducted by Mrs. James F. Looram, chairman of the motion picture bureau of the International Federation of Catholic Alumnae. Herbert L. McNary, in charge of amusement licenses in Boston, said films are definitely better now than they have been for several years. Among the other speakers was Capt. George W. Cowan, Providence amusement inspector.

Today's session will be on "Cultural and Teaching Applications of the Motion Picture: Progress and Possibilities." Arthur Garfield Hays will speak on "The Problem of the Censors," in connection with a private showing in the evening at the New School for Social Research.

Langdon W. Post is expected to deliver one of the principal talks, on censorship, at the 21st annual luncheon on Saturday. Douglas Fairbanks, Jr., and Tilly Losch are expected to be among the guests.

No Film Levy Seen In New Tax Measure

(*Continued from page* 1)

action cannot extend back of the beginning of the current fiscal year, July 1 last.

At present the Administration is hopeful of financing the soldiers' bonus without resort to new taxation, and if this is accomplished the danger of new levies on the film industry is believed postponed at least until next year.

Conference Called On N. Y. Giveaways

(*Continued from page* 1)

have been trying to establish the illegality of the games. Leave to file an appeal from an adverse ruling of the Appellate Division of the Supreme Court, Brooklyn, was recently granted the Winthrop, which has been featuring Farmer Miller. Loew's has three cases pending in the Bronx Supreme Court. The hearings are scheduled for the latter part of the month.

F.W.C. Bankruptcy Arguments Heard

HOLLYWOOD, Feb. 6. — With intent only to determine if the court has jurisdiction, and to take up preliminary matters and set the case for trial if such jurisdiction is established, Federal Judge Alger Fee today heard arguments on the petition of T. L. Tally and Corbar Corp. to have the Fox-West Coast bankruptcy adjudication set aside.

Oscar Lawler, counsel for the respondents, opening the argument, stated that the facts of the petition do not entitle the petitioners to proceed since Tally and Corbar are not petitioning as creditors, and all creditors have been paid in full. He added that petitioners had full opportunity to protest during creditors' meetings. He denied all charges "specifically, positively and categorically."

Major Walter K. Tuller, following Lawler, stated that the petition makes no charge of intrinsic fraud, saying that for that reason the law could not reopen a closed bankruptcy.

The case will be continued tomorrow.

Yates Leaves Coast

LOS ANGELES, Feb. 6. — Herbert Yates left here for New York tonight after completing a week of conferences on the coast. Herman Rifkin, head of Republic distribution in Boston, who came here with Yates, is remaining for another week.

Sales Policy Change Urged By Kuykendall

(*Continued from page* 1)

their activities in the trade press." Talking for the industry in general, he said, "We became negligent in our responsibilities to the public. We brought it more or less on ourselves and I am proud of the fact the boys in Hollywood heeded the warnings.

"As a result, there are hundreds of pictures which are good entertainment," he said. "This drive by organizations and newspapers has made many people theatre-minded and has brought back people who had drifted away." He said the classics have been made into pictures with a definite entertainment value "and our obligation is to keep the people coming into the theatres."

Before launching into his lengthy talk Kuykendall subtly ridiculed advertising men, stating: "I don't know why the Ampa doesn't hold its convention at the same time with the cosmetic people. They make so much of so little."

Clarifying a wrong impression he said prevailed due to his being misquoted on his stand on classics, the M.P.T.O.A. president stated: "I never said producers shouldn't make fine pictures. I said classics should be made in reasonable proportion to modern pictures.

Calls For Cooperation

More cooperation between exhibitors and local civic and legislative organizations was propounded by Kuykendall, who declared "one of the greatest obligations of the exhibitor is to cultivate the friendship of organizations which are in a large majority. We need them badly, not so much for patronage as for aiding in combating things inimicable to the industry. We should always stand together and work with them. Their friendship will bring about more goodwill than any amount of money could foster." He added that about 17 states have committees working on legislative taxation moves.

"Outsiders don't understand our problems," Kuykendall asserted in deploring the Pettengill Bill and the St. Louis criminal and civil suits. "The Pettengill bill won't do what its sponsors claim it will and it will be a long time before we will live down the St. Louis litigation."

Continuing his fight against Ascap, Kuykendall declared "the copyright laws should be amended to give exhibitors equal rights." He hit the arbitrary levy by Ascap and hoped to see the time when theatre owners will have a voice in the license levy.

Duals were described as "the third big menace we have." He stated they tended to reduce quality and encourage quickies and held it would be healthier for the business if fewer and better pictures were the rule. Kuykendall also attacked non-theatricals, particularly the policy of some companies which sell schools and institutions when they have been closed out of a local theatre situation.

Culminating his stand for the independent, the M.P.T.O.A. head added that "if the small exhibitor is not protected we are destroying the industry. He is the very foundation of the business and means more in legislative fights than the big boys. The big fellows can well afford to stretch a point for the little man and keep him in business. We need each other," he said.

Estimating that there are from 25,000 to 30,000 theatres in the country which are attended by 120,000,000 people weekly, Kuykendall urged for the elimination of "disgruntled obstructionists, who want what some one else has." He added "they will tear us down and destroy us.

"I'm doing my level best fighting for things for the good of all of us," Kuykendall asserted. "I take no sides. I make up my mind on what I think is right and stand for it. Let's not destroy ourselves by petty jealousies and let's keep our fights within the industry."

Pete Woodhull, whose voice was affected by a cold, was master of ceremonies. Gordon White first introduced M. B. Horwitz, from Cleveland, who took a bow. Walter Reade also stood up for less than a minute. Arthur Mayer, who described himself as "a scavenger who looks around for stuff everyone discards" and "the guy that takes the body odor out of pictures and puts in box-office," told how the Rialto has now become a theatre for all sorts of action pictures.

Pete Wood of Columbus regarded trade papers as a great asset to the industry, but he was inclined to believe they were being censored. James P. Cunningham of the *Motion Picture Herald* objected to the allegation as far as Quigley Publications were concerned.

Max Stern described the early days of motion pictures.

O'Reilly Hits Giveaways

Charles L. O'Reilly, head of the T.O.C.C., lambasted the trend the industry has taken on giveaways and games. He said "had theatre organizations made as much progress as pictures the theatre today would not be semi-gambling houses and grocery stores.

"If the industry can't survive on what it is predicated upon, it can't survive at all," he stated. "The time has come when organizations must get together and bring back showmanship and eliminate gambling."

Discussing the two per cent sales tax on rentals, O'Reilly recommended that exchanges open offices in New Jersey to get around it. He declared the tax doesn't seem much, but will amount to $1,000,000 a year. "There is no place for a sales tax on a disappearing service (leasing of films), but a 10 to 20 per cent tax should be imposed on games," he said.

Election of Nathan Yamins as head of Allied was highly approved by the T.O.C.C. president, who worked closely with Yamins on the Code Authority. O'Reilly's appearance yesterday was the first since the demise of the code. He recommended a working harmony between Allied and the M.P.T.O.A. on things "which affect us all."

Walter Vincent, chairman of the Republic board and a prominent exhibitor, was brief and read several notations relating reactions of patrons who had visited theatres in his circuit. He appealed to Ampa to soft pedal blurbs and "tell the truth about pictures." Remarks, he said, from patrons in Allentown, Reading, Harrisburg and Altoona were ludicrous, but struck home the point of grossly exaggerated copy to describe certain films. He ended his short discourse by quoting a Chinese philosopher on words.

SRO Sign Up On 1st Day of Chaplin Film

(*Continued from page* 1)

morning admissions from 25 cents to 40 cents, the day got off to a moderate start at 9:30 o'clock. By 9:40 there was no sign of a crowd outside, although theatre attaches and a couple of policemen were standing near the box-office waiting for a rush.

At 11:30 there were no lobby holdouts, but cash customers were visiting the box-office in a steady stream.

At 1:10 there was considerable activity in the lobby, but the ticket booth could have been busier. There was no line waiting to get in. By this time the house was comfortably filled. The rear of the orchestra during the third show had about 50 standees. The balcony was practically full, but ushers were seating new arrivals up near the roof where a few vacant seats remained. A full staff of ushers was on hand.

Afternoon Attendance Fair

From 3 o'clock until a little after 4 o'clock the theatre had some empty seats. In the rear of the orchestra there were a number of vacant spots.

As the 6 o'clock price change to 99 cents neared there was no rush, although a second box-office was opened, evidently in anticipation of one. The rear of the balcony to the right and left of the center were practically deserted, but the front part and the loges were comfortably filled. The orchestra was well filled and ushers were seating new arrivals singly and in pairs. The out-jutting sections in the rear of the orchestra were empty.

Ordinarily the week day scale is 25 cents from 9:30 A.M. to 1 P.M.; 55 cents, 1 P.M. to 6 P.M.; 75 cents, 6 P.M. to 10:30 P.M., and 55 cents for the so-called midnight show. On Saturdays it is 25 cents to 1 P.M.; 65 cents, 1 P.M. to 6 P.M.; 99 cents, 6 P.M. to 10:30; 55 cents for the midnight show. The Sunday scale is: 55 cents, 12 to 1 P.M.; 99 cents, 1 P.M. to 11 P.M., and 75 cents for the midnight show.

Standees After 7:30

At 7.30 o'clock the orchestra was full and standees totaled to 25. The balcony was peopled to capacity and a steady stream was applying at the street box-office for admittance. Between 7.50 and 8.10 P. M. roughly 400 tickets at 99 cents each were sold across this box-office.

At 9.20 P. M. there was a break in the show. At that time the Rivoli was packed with 300 standees in the rear of the orchestra and a waiting throng gracing the stairs leading from the lounge to the upper balcony. Applause greeted the end of the picture at this performance.

At 11.10 a check showed that the orchestra was 90% full while the balcony had 50% of its capacity. At that time stragglers were still filtering past the box-office.

Rates are advanced all along the line for the run of the Chaplin picture. They follow: 40 cents, 9 A.M. to 1 P.M.; 75 cents, 1 P.M. to 6 P. M.; 99 cents, 6 P.M. to 11 P.M.; 75 cents, midnight show. Saturdays and holidays: 40 cents, 9:30 A.M. to 1 P.M.; 99 cents, 1 P.M. to 11 P.M.; 75 cents, midnight show. On Sundays the scale will be 55 cents, 12 M. to 1 P.M.; 99 cents, 1 P.M. to 11 P.M.; 75 cents, midnight show.

N. Y. Critics Give Chaplin Feature a Mixed Reception

New York newspaper critics view "Modern Times" with mixed comment, ranging from that of William Boehnel of the *World-Telegram,* who found it the funniest picture since "City Lights," to Eileen Creelman in *The Sun,* who sang its praises, but found it behind the times "in direction as in sound technique."

A consensus of their opinions follows:

Daily Mirror—. . . Should warm the hearts of the Chaplin enthusiasts who pine for 1916. It contains the skating rink scene, the shanty scene, the cruel Juvenile Society scene, the tramp wistfully taking the high-road fadeout—all these trusted and honorable situations from Keystone, Essanay, "The Gold Rush," "The Kid," "The Rink." They are skillfully worked into a typical Chaplin story about the browbeaten tramp and the irrepressible waif whose optimism shines through the darkness of benighted society.

Undoubtedly, everyone will want to see it. . . . As modern movie entertainment, it is just a pleasant gag comedy.

Its chief weakness seems to lie in Mr. Chaplin's determination to be "significant" and his having begun the film several years ago at a time when his message was more pertinent.

* * *

Daily News.—There is nothing new about "Modern Times" except the title. All the old gags are brought out and dusted off for use. But they are such good old standbys that they still earn laughs. Chaplin has stuck to his traditional way of making comedies by working strictly in pantomime himself and by having most of his cast follow suit.

* * *

Evening Journal.—It's curious, these days, to see the lips of actors move and to hear no sound, but the lack of talk is almost unnoticed whenever the picture resolves itself into the characteristic Chaplin slapstick and mimicry.

And "Modern Times" is, for the most part, fast-moving and frequently hilarious action. . . .

The best of the gags is one in which Chaplin, as the factory hand, is fed by a mechanical food server that goes out of commission with riotous results. His roller skating episode in the department store, the song that he chants in the cafe and numerous other bits are diverting slapstick and much funnier seen than detailed in cold type.

* * *

Herald-Tribune.—For the fun-lovers, it presents the great Chaplin in a piece of slapstick hilarity, which, if it is not quite a worthy successor to "City Lights," "The Pilgrim" and "Shoulder Arms," is still one of the great triumphs of hearty motion picture rowdiness. For the antiquarians, it offers a brilliant example of the greatest tradition in film history, that of the glorified tramp comic and the missile thrower, brought up to date, with the latest uses of sound and fury presented intact. For the philosopher, it provides, amid its frantic physical insanity, a sardonic contemplation of current events, done from a surprisingly direct, if intermittent, leftist viewpoint. . . . There are many scenes in "Modern Times" that are magnificently hilarious, but it must be confessed that there is no climax or episode that quite belongs in the first flight of the Chaplin tradition.

* * *

Post—"Modern Times" is worthy of its author, its principal actor, its director and its musical composer. Mr. Chaplin, rolled into one or unrolled into his component parts, becomes a picture that no other screen artist could paint. "Modern Times" bears his imprimatur, which is to say that it belongs in a category of its own.

If this observer left it last night with a qualified enthusiasm it was because he had been misled by the secrecy ballyhoo into his own (and secret) hope of a radical departure in style or form. "Modern Times" does not attempt any innovations in the motion picture technique. On the contrary it is a bold retreat to the early silent film days. . . .

The gorgeous spoofing, tbe annihilating inventiveness of the comedy, comes from Chaplin rather than from his material. The picture is a brilliant succession of gags and stunts, strung together on the priceless tradition of Chaplin bimself. His story is not so much a satiric thrust at the machine age as it is an employment of machinery as a field for comedy.

* * *

Sun—This, in spite of its title, is a silent film, somewhat old-fashioned in technic but boasting some grand slapstick. The comedy is regulation Chaplin, broad, sentimental and, at its best, very funny.

"Modern Times," of course, is not always at its best. The absence of dialogue, along with frequent, unnecessary and decidedly dull written titles, often makes the film seem something out of the Museum of Modern Art's Film Library. . . . is good Chaplin, filled with funny and well executed gags, told against a topical background of strikes and unemployment and whirring factories. But in direction as in sound technic it is behind the times. . . .

Mr. Chaplin, during his two or three years of work on "Modern Times," has collected plenty of good material for his new comedy. Even with all those subtitles and those dreary bits of sentimentality, this is very funny slapstick. Even funnier, I thought, was the accompanying Disney cartoon, "Mickey's Polo Team," with Donald Duck as its frantic hero.

* * *

Times—. . . Restores him to a following that has waited patiently, burning incense in his temple of comedy, during the long years since his last picture was produced. . . .

"Modern Times" has still the same old Charlie, the lovable little fellow whose hands and feet and prankish eyebrows can beat an irresistible tattoo upon an audience's funnybone or hold it still, taut beneath the spell of human tragedy. A flick of his cane, a quirk of a brow, an impish lift of his toe and the mood is off; a droop of his mouth, a sag of his shoulder, a quick blink of his eye and you are his again, a companion in suffering. Or do you have to be reminded that Chaplin is a master of pantomime? Time has not changed his genius.

* * *

World-Telegram—There may have been funnier comedies produced and shown during the time that Chaplin was making "Modern Times" out in California's famed climate, but if there were I haven't seen them. All I know is that last night I saw the funniest motion picture since this same Chaplin produced "City Lights" nearly half a decade ago.

Let others tell you that Chaplin is a great artist or a great genius. I prefer to think of him as the most ingratiating and brilliant clown that the screen or the stage has produced, who combines superb inventive humor with pathos in an extraordinarily effective manner. Let others tell you of what hidden momentous comments on the current social scene "Modern Times" possesses. I prefer to think of it as grand knockabout, satirical nonsense that needs no apology or label.

* * *

American—Good old days or "Modern Times," there's only one Chaplin, nor can familiarity with the pantomimic antics stale the infinite variety of his talent as an entertainer. From the opening shots of his latest contribution he kept last night's Rivoli audience in almost constant mirth. True, some of the material had a reminiscent ring. But there is a new public by now. And, anyway, Chaplin will bear repetition through many years to come. . . .

The star is busy in nearly every scene, the equipment, that derby, which is now the world's most famous; the cane, the shoes, the baggy trousers, all are the same. He still flips things over his shoulder to give them a backward fillip with his heel. He still turns corners in the same amusing way, and with variations, he continues to elude the ever-pursuing minions of the law.

Committees Named For Ampa Dinner

(*Continued from page* 1)

Thompson, A. S. Rittenberg, Elias E. Sugarman, Tom Waller, Hy Daab and Milton Silver.

Entertainment will be in the hands of Horne, Edward McNamee, Arnold Van Leer, Ferguson, Irwin Zeltner, Morris Kinzler, Phil de Angelis, Kay Kamen, Hazel Flynn, Leon Bamberger, Tess Michaels, Patricia Reis, Bessie Mack, Mabel Drew and O'Neil.

Kirsch and Benjamin will have charge of arrangements and tickets.

The reception committee consists of Adler, Cunningham, Ben Atwell, Drew, Michaels, Gallagher, Hamlin, Ruth Weisberg, Hortense Schorr and Bruce Gallup.

A souvenir program will be edited by Silver. Benjamin will be business manager. Other members of the staff include Cunningham, Flinn, Martin, Starr, Harrower, Herbert S. Berg, McNamee, Ted Sullivan, H. S. Fuld, and Red Kann. The advertising will be handled by Silver, Seadler, Hadley and Lund. Those in charge of publicity are: Finney, Zeltner, Harrower, Cunningham, Al Sherman, Berg, Michaels, Schorr and Weisberg.

Allied Adopts Plan To Shift President

(*Continued from page* 1)

1, at which time problems confronting the organization will be discussed.

M. B. Horwitz, who represented the Cleveland unit, arrived yesterday after the Washington session, as did P. J. Wood of Columbus. Wood yesterday said that at the last directors' meeting of the Independent Theatre Owners of Ohio the unit endorsed the Pettengill Bill.

Samuelson recently also resigned as head of Allied of New Jersey and was succeeded by Lee Newbury.

Detroit Vote Shows Duals Are Favored

(*Continued from page* 1)

rated sections of the city. At the Roxy, Woodward Ave. house, there was a slight preference for single bills, but this was overcome at the new Rio, where the poll was very heavy in favor of duals.

"We were surprised that so many patrons voted and even more surprised at the heavy voting in favor of double features, as we had thought that single bills would win. Naturally, in face of the result, we will adhere to our policy of showing double features," said Ben Cohen.

New Producing Plan Dropped by Fitelson

(*Continued from page* 1)

make one or two pictures a year for the new company outside of their contract schedules. The producers would own 50 per cent of the new company. A sufficient number of producers to launch the project were found to be interested but were unable to obtain authorization from their companies to participate.

William Fitelson, New York film attorney, represented the financial backers of the plan.

Koplar's Suit Started with Fraud Charge

WILMINGTON, Feb. 6.—Harry Koplar's stockholder suit against Warner Bros. Pictures, Inc., the three Warner brothers and others got under way today with charges of fraud, abuse of duties as directors and other sweeping statements by Ernest L. Wilkinson, Koplar's counsel.

Koplar seeks to have Harry M., Jack L., and Albert Warner, and other directors, return approximately $14,000,000 said by Koplar to have been the value of stock given in 1928 by the company in part to Renraw, Inc., family holding company of the Warners, and in part to Goldman, Sachs, brokerage house.

Plaintiff's counsel charged the stock was given away fraudulently, and that the Warners used the assets of the company for their own purposes. The defense counsel pictured the brothers as men of vision in the matter of talking films, as having loaned millions to the company, and as having staked their reputations and fortunes upon their product.

Joseph Proskauer, New York defense counsel, told of how Sam Warner worked on producing "The Jazz Singer," and died on the night the film opened. His three brothers carried on, the attorney said, and that picture revolutionized the industry.

The suit has been pending since 1932. Koplar is a minority stockholder. Wilkinson charged that in 1928 Renraw entered an agreement with Warners whereby the former would sell the services of the Warner brothers exclusively to the picture company for a total of $10,000 weekly for six years; that Renraw also received 90,000 shares of Warner common valued then at $11,000,000; that this stock was given by a company of which the Warners were directors and was not in consideration of any services, and that the issuance of the stock to Renraw was fraudulent and in violation of the state constitution. He also charged that the giving of a block of stock to Goldman, Sachs, valued at $9,000,000, for which 25,000 common shares were received in return, valued at $3,000,000, was an abuse of duties, since 25,000 shares was too high a remuneration.

Proskauer traced the development of the company, and told of Warners' loans during the depression period. He also gave details of the Stanley Co. of America acquisition and called the court's attention to the results of the recent St. Louis litigation.

Warners Hit Koplar Suit

WILMINGTON, Feb. 6.—In a statement issued here today in connection with Harry Koplar's suit against Warner Bros. Pictures and the Warner brothers the company's counsel charged that Koplar has "openly admitted that the purpose of this suit was to force the Messrs. Warner and the corporation to pay substantial sums of money or else suffer the heavy expense of litigation."

The text follows:

"This suit (Koplar vs. Warner Bros. Pictures, Inc., et al) is brought by a minority stockholder, Harry Koplar, who instituted his action in June of 1932 seeking to hold the officers and directors of Warner Bros. Pictures, Inc., liable for 90,000 shares of stock in the company voted to Harry M. Warner, Albert Warner and Jack L. Warner in December, 1928, as part of a six-year employment agreement with the company. The plaintiff charges that the issuance of the 90,000 shares was not supported by a consideration and was therefore a bonus or gift.

"The management has answered, stating that the Messrs. Warner from 1926 to 1928 had made unsecured loans to the corporation and had personally guaranteed bank loans to the corporation in a total exceeding $13,000,000 and that the Messrs. Warner had contributed 50,000 shares of stock to the corporation in order to enable it to secure the underwriting of a $4,000,000 note issue.

"The management also has answered stating that it was through the far-sightedness and unfailing conviction of the Messrs. Warner that talking pictures became an accepted medium of entertainment and displaced the silent movies; that as a result of the industry and enterprise of the Messrs. Warner the corporation was enabled to emerge from a small company with recurrent losses to the largest motion picture company in the business, with assets totaling over $150,000,000; that for the years 1926 and 1930 the corporation made over $24,000,000 profit; and that under the able management of Messrs. Warner the corporation has survived the depression when its other largest competitors were compelled to go into bankruptcy and receivership.

"The plaintiff, Harry Koplar, has waged an unceasing warfare against the corporation and the Messrs. Warner since 1931. He instituted receivership actions in St. Louis and in the trial of those cases the courts found after a full examination of the facts that Koplar had brought the actions for the purpose of forcing a sale of his stock at an exorbitant price. The court found that his 'purpose in prosecuting this suit was an attempt to force Warner Bros. Pictures, Inc., to purchase his stock at his price or suffer the consequent loss.'

"After this defeat Koplar organized a group to take over the theatres in St. Louis operated by the corporation, and he and his associates filed charges with the Federal Government which involved the corporation and its officers in further litigation, all of which has resulted in favor of the corporation and its officers.

"Koplar has openly admitted that the purpose of this suit was to force the Messrs. Warner and the corporation to pay him substantial sums of money or else suffer the heavy expense incident to litigation.

"The same matters alleged by Koplar in this litigation were presented to the stockholders at the annual meeting in 1932 and the stockholders voted in favor of the management and against the claims raised by Koplar in his complaint in this case.

"The officers of the company stated they would welcome the opportunity to air this entire situation in court so that there can for all times definitely be put to rest the wild and groundless claims of minority stockholders who seek to benefit personally by their ability to involve the company in litigation."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Preview Murder Mystery"

(Paramount)

HOLLYWOOD, Feb. 6.—There is much in this that is refreshingly new in the way of a murder mystery, plus many inside revelations of the art of picture making which should provide unique entertainment for audiences and give the exhibitor a wealth of angles on which to base intriguing exploitation. It is a story of murder for revenge—intelligently handled from beginning to end.

Film star Rod La Rocque, who has been warned that he will never live to see the picture he is making, is killed at the theatre preview. Publicity director Reginald Denny, assisted by Frances Drake, takes charge of the case, and the scene moves into the studio itself as the sinister activities of the murderer continue. A policeman and director Ian Keith are slain. Denny finally traps the murderer, Conway Tearle, a passé star, who killed La Rocque and Keith because of a belief that they had ruined his career. During the unfolding of this story the audience is taken into every nook and corner of the studio, to be shown in complete detail the mechanics of picture making.

The players mentioned contribute realistic performances, while the work of Gail Patrick, George Barbier and Thomas Jackson adds to the show's entertainment value. Robert Florey's direction accounted for an arresting brand of suspense. The screen play by Brian Marlow and Robert Yost is a smart adaptation of Garnet Weston's excitement-packed original. Sell the picture as one that will keep the patrons on the edge of their chairs and which will give them many inside glimpses of studio workings. From these angles it should click loudly.

Production Code Seal No. 1,899. Running time, 65 minutes. "G."

"The Rest Cure"

(Regal)

HOLLYWOOD, Feb. 6.—Done in color, using Magnicolor, this unusual Regal feature stacks up as something that will engage attention. Not only is color intelligently applied, but the story has an action adventure quality which, dominated by comedy and amplified by romance and drama, packs an entertainment punch that easily creates and holds interest.

Ex-gangsters Reginald Denny and Vince Barnett, seeking a rest cure from bullets and pineapples in Paris, carry on a flirtation with Sisters Esther Ralston and Claudia Dell. They join the Foreign Legion because Miss Dell is to accompany her sister, Capt. Robert Frazer's wife, to a Moroccan outpost. There the pair, breaking every legion regulation, are in more hot water than in the most hectic gangster days. Following sequences in which both legionaires are excited about singing and dancing Eleanor Hunt, the two sisters arrive.

Sentenced to a disciplinary camp for infractions, comedy-tinged drama enters as Denny and Barnett, after precipitating a mutiny, break up an Arab attack. Their heroism wiping out the stigma of past offenses, both are promoted and Denny is further rewarded by winning Miss Dell.

Produced by George Hirliman from a story by J. D. Newsom with the screen play by Roger Whately, Crane Wilbur's direction concentrates on the comedy trend save in the dramatic death scene which sets off the mutiny. Selling both the novelty of color in an outdoor feature, the worth of the story and the quality of the performances by all players should be sufficient to arouse patron attention.

Production Code Seal No. 1,908. Running time, 65 minutes. "G."

Wall Street

Substantial Gains Mark Trading

	High	Low	Close	Net Change
Columbia, vtc	43¾	43	43	.....
Columbia, pfd	50	50	50	.....
Consolidated	6⅝	6⅛	6⅝	+ ½
Consolidated, pfd.	19½	18¾	19¼	+ ⅞
Eastman Kodak	157¾	157	157¾	+ ¾
Eastman, pfd	162	160	160	—1
K.-A.-O., pfd	90⅛	90	90⅛	+5⅛
Loew's, Inc.	53	51¾	51⅞	— ¼
Loew's, Inc., pfd.	105⅛	105⅛	105⅛	s15
Paramount	12	11⅛	11⅝	+ ⅜
Paramount 1 pfd.	87½	83	86½	+3½
Paramount 2 pfd.	12¾	12	12⅜	+ ⅜
Pathe Film	8¾	7⅝	8¾	+1⅛
RKO	8	7⅝	7⅝	.....
20th Century-Fox.	27⅛	26¼	26¾	+ ¼
20th Century. pfd.	35¾	34¾	34¾	— ¼
Warner Bros.	13⅜	12⅜	13⅛	+ ⅝
Warner Bros. pfd.	54	52½	54	— ½

Sentry Out of the Fractions

	High	Low	Close	Net Change
Sentry Safety	1⅛	1	1	+ ⅛
Sonotone	2¼	2¼	2¼	+ ¼
Technicolor	22¼	21¼	21¼	— ⅛
Trans-Lux	5⅛	5	5⅛	.....

RKO Sole Loser on Bonds

	High	Low	Close	Net Change
General Theatre 6s '40	24⅜	24⅛	24⅜	+ ⅛
General Theatre 6s '40. ctf	24⅜	23⅝	24⅜	+ ⅜
Keith B. F. 6s '46	93½	93⅜	93½	+ ¼
Paramount B'way 3s '55	59⅝	59⅝	59⅝	+ ⅝
Paramount Pict. 6s '55	97	96¼	96¾	+ ⅜
RKO 6s '41 pp.	75½	75½	75½	—2
Warner Bros. 6s '39 wd	94¾	94	94	.....

(Quotations at close of Feb. 6)

NEW YORK JOURNAL
EVENING
THURSDAY, FEBRUARY 6, 1936

"50,000 BATTLE TO SEE CHAPLIN FILM OPENING"

"Police emergency squads are called out to
Tumultuous first night demonstration! Riot
sirens screaming, Emergency Squads 3 and 4
Queensboro Bridge sped to the scene to

"Modern Times" premiere. Broadway premiere of the Chaplin film.



MR. AND MRS. AVERAGE CITIZEN WERE THERE, TOO

Good-natured police hold good-natured crowds in check as curious gather for a glimpse of Chaplin opening celebrities. International Photos by Journal.

50,000 Battle to See Chaplin Film Opening



CHAPLIN FILM, OPENING RIOT, TIES UP B'WAY

Autograph-seekers and celebrity-hunters ushered in Charlie Chaplin's new picture with a riot on Broadway last night at 9:15.

Celebrities were manhandled and some of them were trapped in their arriving cars as a mob of eager youngsters massed in front of the Rivoli Theatre, 50th St. and Broadway.

Traffic Held Up.

Traffic on Broadway was halted for 15 minutes while 100 cops drove back the crowd. Thirty-five of them were called over from the basketball game at Madison Square Garden.

One patrolman said he picked up an elderly woman in the crowd four times before she finally de

(Continued on page 44, col. 4)

ear throng from in front of theatre.
l was sent to police headquarters. With
om the West 30th Street Station and the
strain the spectators."

— *New York Times*



Photo on first page
N. Y. Daily News

OADWAY RIOTERS TRAMPLE CROWD.—Autograph (NEWS photo)
nters rioted at opening of Charlie Chaplin's movie at Rivoli,
oadway at 50th St., last night. A cop is being pushed around
re in this pile-up.





e Wall Stops Crowd's Big Push

(NEWS photo)
nen have their hands full holding back crowd at opening of Charlie Chaplin's new film.

THE CINEMA'S FIRST IMMORTAL RETURNS!

— *Richard Watts, Jr. Herald-Tribune*

The funniest picture in years...Chaplin still supreme. My only advice is to see the film and laugh yourself sick.
— *William Boehnel, World-Telegram*

•

Not only is he the first pantomimist of the screen, but Charlie can sing..Had the audience breathless with suspense.
— *Kate Cameron, News*

•

Highest rating EXCELLENT. It is Chaplin at his best . . . a brilliant succession of gags and stunts...the season's motion picture event. A Picture no other screen artist could paint.
— *Thornton Delahanty, Post*

•

A rousing, rib-tickling, gag bestrewn jest in the best Chaplin manner. Chaplin is a master of pantomime. Time has not changed his genius. — *Frank S. Nugent, Times*

Same old Chaplin, same rare comedy. Kept last night's audience in almost constant mirth. — *Regina Crewe, American*

•

Modern Times is fast-moving, hilarious . . . a succession of amusing gags. Chaplin returns in old role, but brings new laughs . . . characteristic Chaplin slapstic and mimicry. — *Rose Pelswick, Journal*

•

It adheres to the Chaplin tradition, sweet and sentimental and touching. Everyone will want to see it.
— *Bland Johaneson, Mirror*

•

The comedy is regulation Chaplin, broad, sentimental and very funny, boasting some grand slapstick...filled with funny and well-executed gags.
— *Eileen Creelman, Sun*

As we go to press, every record in the history of the Rivoli Theatre . . . since it was built . . . is being shattered. Up to 8 p. m., all money and attendance records had been far outdistanced by this . . . the screen's greatest box-office attraction!

CHARLIE CHAPLIN

in

MODERN TIMES

Written, Directed and Produced by CHARLES CHAPLIN

Released thru **UNITED ARTISTS**

Academy Vote Hits New High In Semi-Final

(*Continued from page* 1)

any individual receives nominations for two or more achievements, a total number of votes which equals or exceeds the third highest vote for any single achievement, then there shall also be included on the final ballot the one of the achievements of such individual which polled the highest vote."

Actors nominated on the final ballot were: Clark Gable, for "Mutiny on the Bounty"; Charles Laughton, for "Mutiny on the Bounty"; Victor McLaglen, for "The Informer"; Franchot Tone, for "Mutiny on the Bounty."

Actresses were: Elizabeth Bergner, for "Escape Me Never"; Claudette Colbert, for "Private Worlds"; Bette Davis, for "Dangerous"; Katharine Hepburn, for "Alice Adams"; Miriam Hopkins, for "Becky Sharp"; Merle Oberon, for "Dark Angel."

Directors were: John Ford, for "The Informer"; Henry Hathaway, for "Lives of a Bengal Lancer"; Frank Lloyd, for "Mutiny on the Bounty."

Original writing nominations were: "Broadway Melody," "Gay Deception" and "The Scoundrel."

Best adaptations: "The Informer," "Lives of a Bengal Lancer" and "Mutiny on the Bounty."

Many Shorts Named

Short subjects: Cartoons—"The Calico Dragon," Harman-Ising; "Three Orphan Kittens," Disney; "Who Killed Cock Robin?" Disney; comedy shorts—"How to Sleep," M-G-M; "Oh, My Nerves!" Columbia; "Tit for Tat," Roach; novelties—"Audioscopiks," M-G-M; "Camera Thrills," Universal; "Wings Over Mt. Everest," G. B. Of these, one award will be given jointly for the outstanding production in each of the three classifications.

Assistant directors: Joseph Newman, for "David Copperfield"; Eric Stacey, for "Les Miserables"; Clem Beauchamp and Paul Wing, for "Lives of a Bengal Lancer."

Music—Best song selections were: Irving Berlin, "Cheek to Cheek," in "Top Hat"; Jerome Kern and James McHugh, for "Lovely to Look At," in "Roberta"; Harry Warren and Al Dubin, "Lullaby of Broadway," for "Gold Diggers."

Best Musical Scoring—"The Informer," "Mutiny on the Bounty" and "Peter Ibbetson."

"For Technical Merit"

Technical nominations were made here tonight, with eight sound studios represented. The recognition is for the best achievement by a studio sound department. They were: Universal, for "Bride of Frankenstein"; Warners, for "Captain Blood"; Samuel Goldwyn, for "Dark Angel"; RKO, for "I Dream Too Much"; Columbia, for "Love Me Forever"; M-G-M, for "Naughty Marietta"; Republic, for "One Thousand Dollars a Minute," and Twentieth Century-Fox, for "Thanks a Million."

Art Direction nominations went to Samuel Goldwyn's "Dark Angel," Paramount's "Bengal Lancer" and the RKO "Top Hat."

General balloting will open Feb. 10 and continue until March 5, when the ballots will be opened and the results announced at the Academy dinner to be held at that time.

Purely Personal

ARTHUR A. LEE, vice-president of G. B.; GEORGE W. WEEKS, general sales manager, and A. P. WAXMAN, advertising counsel, left yesterday for Miami Beach to attend the opening of "Rhodes" at the Lincoln Feb. 10.

•

E. L. ALPERSON left for Florida yesterday and from there goes to Los Angeles to attend a forthcoming meeting of the heads of National Theatres Corp. on Feb. 17.

•

M. B. HORWITZ, Cleveland exhibitor, will return to the Ohio city today. He arrived from Washington yesterday after attending the two-day board of directors' session.

•

BUDD ROGERS will move into Alliance's own office on Saturday. It's one floor below his former Republic headquarters on the 20th floor of the RKO Bldg.

•

CHARLES HERBERT, March of Time cameraman, and ANTHONY GIROLAMI, soundman, have returned to New York after four months in the South.

•

NIRSKA, FORSYTHE, SEAMAN & FARRELL, the Three Gobs, DOROTHY PROBY and TOMMY DUNNE headline the Roxy stage show starting today.

•

HARRY H. THOMAS, president of First Division, is on a tour of company exchanges that will keep him away until the middle of the month.

•

WALTER GOULD, division manager for U. A. in Latin America, will sail from Rio de Janeiro today for New York. He will arrive here Feb. 19.

•

L. JACK SCHLAIFER, who has rejoined the U. A. as an assistant to ARTHUR W. KELLY, is scheduled to return from Hollywood shortly.

•

JACK PARTINGTON, president of F. & M., will leave for Chicago Tuesday to be on hand for the opening of AL PEARCE at the RKO Palace.

•

ADOLPH ZUKOR, BARNEY BALABAN and Y. FRANK FREEMAN engrossed in conversation and food at the Astor Hunting Room yesterday.

•

PETE WOOD, secretary of the Independent Theatre Owners of Ohio, left last night for Columbus.

•

ED KUYKENDALL plans to leave for Washington Monday, but may return here prior to leaving for his Columbus, Miss., home.

•

TESS MICHAELS of the U. A. publicity department, will sail tomorrow on the *Monarch of Bermuda*. It's vacation stuff.

•

JEANNE DANTE, 12-year-old juvenile star of the Theatre Guild's "Call It a Day," is being given a screen test by Universal.

•

BOB COCHRANE leaves for Bermuda Saturday in search of sunshine and recuperation from a persistent cold.

•

SIDNEY L. BERNSTEIN, English theatre executive, is en route here on the *Berengaria*, due next week.

•

CARL LEVIN, one of the Loew division managers, sails today on the *Lafayette* for a 17-day cruise.

•

MORT SINGER, who arrived from Chicago Tuesday, will leave for the Windy City on Saturday.

•

HARRY M. GOETZ, president of Reliance, is due from the coast some time next week.

•

W. RAY JOHNSTON is slated to get back from a three-week Florida rest on Tuesday.

•

AL ROCKETT is on his way to the coast and is due to return in about two weeks.

•

MOE STREIMER, local U. A. manager, has gone to Miami for a vacation.

•

JOHN J. FRIEDL has not decided when he'll return to Minneapolis.

•

GRACE HAYES has been signed by Vitaphone for a two-reel musical.

•

BARNEY BALABAN returned to Chicago late yesterday afternoon.

•

HARRY SINGER, brother of MORT, is now on the coast.

•

JACK BENNY and MRS. BENNY are at the Lombardy.

•

NATE BLUMBERG had a birthday Tuesday.

•

. . . London

JOE FRIEDMAN of Columbia is scheduled for a March visit to New York and Hollywood.

SIDNEY JACKSON, from British & Dominions, appointed sales supervisor to C. M. WOOLF's General Film Distributors.

SIDNEY BERNSTEIN sailed for New York Jan. 29. He will go on to the coast.

HARCOURT TEMPLEMAN and SINCLAIR HILL of Grosvenor Sound Films planning a Hollywood talent-searching trip in March.

ELEANOR M. PLUMER taking the place of MRS. H. A. L. FISHER, resigned, on the Films Act Advisory Committee, as representative of the general public. Is associated with Public Morality Council.

Expect New LeRoy Pact

HOLLYWOOD, Feb. 6.—Warners are expected to give Mervyn LeRoy a new contract shortly, replacing the present one, which terminates in March. The director plans a European vacation, having just completed "Anthony Adverse."

Friends Give Dinner For E. M. Schnitzer

With about 50 friends present, Edward M. Schnitzer was rendered a testimonial dinner last night in the Sert Room of the Astor. He was given an onyx desk set as a token of the esteem in which he is held by the Monday Nighters. Among those present were: E. H. Goldstein, Herman Gluckman, John O'Connor, Max Sellerman, J. C. Hornstein, Charles Moses, Arthur Fisher, Henry Randel, Louis Frisch, Harry Shiffman, Roy Haines, Harry H. Buxbaum, Charles Rogers, Max A. Cohen, Robert Wolff, Harold Rinzler, Joe Lee, Morris Sanders, Edward Mullins, William Saal, Irving Wormser, William Secor, H. L. Eldridge, Bernard Kleid, Nat Beier, Harry Decker, Dave Sohmer, Joe Bernat, Eugene Picker, Edward Rugoff, Lou Weinberg, Nat Cohn, Jack Goetz, Henry Brown, Louis Geller and many others.

There was plenty of entertainment and dancing. Schnitzer leaves Columbia tomorrow to join Republic as eastern district manager.

Kansas City I.T.O. Signs Giveaway Ban

KANSAS CITY, Feb. 6.—Practically every member of I.T.O. today signed an agreement to abolish all money and premium giveaways provided all other Kansas City, Missouri, exhibitors do likewise. The independents are apparently determined to make the move a success because they feel that it will produce a healthier business condition. E. Rolsky, president, will make a further effort to get the few exhibitors not yet signed to go along.

Clark Flying West

John D. Clark, general sales manager of Twentieth Century-Fox, flies to Hollywood today to confer on plans for next season. He had planned to go from Miami, but instead returned to New York.

"Times" in Boston Feb. 14

BOSTON, Feb. 6.—The Majestic here has been leased by United Artists and M. & P. Theatres Corp. for the roadshow engagement of Charlie Chaplin's "Modern Times," beginning Feb. 14.

F. W. C. Reopens Tower

COMPTON, Cal., Feb. 6.—F. W. C. is planning a big opening for the new Fox Tower tomorrow night. The Skouras brothers, F. W. C. officials and studio personages will attend.

Kay Brown on Way Here

LOS ANGELES, Feb. 6.—Kay Brown, eastern story head for Selznick International and Pioneer, entrained for New York today accompanied by her assistant, Dorothy Modisette.

G. B. Re-Signs Rosner

Word has been received at the G. B. offices that Milton Rosner, director of "Mister Hobo," has been signed to a new one-year contract. He will write as well as direct.

Form Seattle Company

SEATTLE, Feb. 6.—Jay C. Allen, W. H. Patterson and Archie Kaufman have organized the Third & University Corp. to operate theatres.

"Pink" Pulls Only $11,000 In Pittsburgh

PITTSBURGH, Feb. 6. — Sub-zero weather continued to hit grosses all over town. At the Penn, "Strike Me Pink" got only $11,000, the poorest gross ever chalked up locally by an Eddie Cantor picture.

"Professional Soldier," although it bettered average by $100 at $4,100, was likewise a disappointment.

It was the Stanley that took the worst licking, "Riffraff" and a stage show headed by Lucky Millinder's band slipping to $14,250, while the Warner, with "Three Live Ghosts" and "Coronado," couldn't better $3,375. "The Magnificent Obsession" wound up a 19-day stay at the Alvin with $3,800 for the last five days in the third week, which was fair.

Total first-run grosses were $36,-525. Average is $45,000.

Estimated takings for the week ending Jan. 30:

"MAGNIFICENT OBSESSION" (Univ.)
ALVIN—(2,000), 25c-40c, 5 days, 3rd week. **Gross:** $3,800. (Average, for 7 days, $5,500)
"PROFESSIONAL SOLDIER" (20th-Fox)
FULTON — (1,700), 15c-40c, 7 days. **Gross:** $11,000. (Average, $12,000)
"STRIKE ME PINK" (U.A.)
PENN—(3,300), 25c-40c, 7 days. **Gross:** $11,000. (Average, $12,000)
"RIFFRAFF" (M-G-M)
STANLEY — (3,600), 25c-55c, 7 days. Stage: Lucky Millinder's band, Pops and Louie, Edith Wilson, Three Rhythm Queens. **Gross:** $14,250. (Average, $18,500)
"THREE LIVE GHOSTS" (M-G-M)
"CORONADO" (Para.)
WARNER — (2,000), 25c-40c, 7 days. **Gross:** $3,375. (Average, $5,000)

"Pink" Is $12,000 Smash in Montreal

MONTREAL, Feb. 6.—Although all theatres were closed on the day of King George's funeral until 6 P.M., the box-office outcome for the week was generally satisfactory. The Princess shot to the top with $12,000 on "Strike Me Pink," $5,000 over par. The film was held for a second week.

"Captain Blood" was good for $11,500 at the Palace, while Loew's registered $11,000 on a combination card topped by "Charlie Chan's Secret." "Rose of the Rancho," heading the dual at the Capitol, was supported to the extent of $9,000. The legitimate stage was dark all week and social functions were cancelled because of the court mourning.

Total first run business was $46,500. Average is $41,500.

Estimated takings for the week ending Feb. 1:

"ROSE OF THE RANCHO" (Para.)
"HER MASTER'S VOICE" (Para.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $9,000. (Average, $9,500)
"ROSE" (French)
"MIMI" (Republic)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. **Gross:** $3,000. (Average, $3,500)
"CHARLIE CHAN'S SECRET" (20th-Fox)
"NAVY WIFE" (W.B.)
LOEW'S — (3,115), 30c-34c-40c-50c-60c, 7 days. Stage: "Happy Days Revue." **Gross:** $11,000. (Average, $10,500)
"CAPTAIN BLOOD" (F.N.)
PALACE — (2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $11,500. (Average, $11,000)
"STRIKE ME PINK" (U.A.)
"ATLANTIC ADVENTURE" (Col.)
PRINCESS—(2,272), 25c-30c-35c-50c-65c, 7 days. **Gross:** $12,000. (Average, $7,000). Held over.

"Strike Me" 100% Over Par Despite Louisville Freeze

LOUISVILLE, Feb. 6.—"Strike Me Pink" hit town at the same time that sub-zero temperatures were being recorded, which probably prevented the State from shattering a record. At that, the gross of $8,500, was over 100 per cent above par.

"Anything Goes" held up well at the Rialto, grossing $5,000, over the line by $1,500, while a double feature, "Professional Soldier" and "Charlie Chan's Secret," at the Strand went $800 over average, for a gross of $3,300.

"Seven Keys to Baldpate" and "Sylvia Scarlett," dual feature at the Brown could not overcome the effects of the cold wave, the take being $1,600, or $400 under average.

"A Midsummer Night's Dream," playing an eight-day engagement at the Mary Anderson, and preceded by a tremendous exploitation campaign, wound up with a gross of $6,000, which would have been greater had the weather been more favorable.

Total first run business was $28,100. Average is $18,500.

Estimated takings:

Week Ending Jan. 30:
"STRIKE ME PINK" (U. A.)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $8,500. (Average, $4,500)
"ANYTHING GOES" (Para.)
RIALTO—(3,000), 15c-25c-40c, 7 days. **Gross:** $5,000. (Average, $3,500)
"PROFESSIONAL SOLDIER" (20th-Fox)
"CHARLIE CHAN'S SECRET" (20th-Fox)
STRAND—(1,500), 15c-25c-40c, 7 days. **Gross:** $3,300. (Average, $2,500).
"A MIDSUMMER NIGHT'S DREAM" (W. B.)
MARY ANDERSON—(1,000), 55c to $1.65, two performances daily, 8 days. **Gross:** $6,000. (Average, $2,500)
"CONDEMNED TO LIVE"(Chesterfield)
"HITCH HIKE TO HEAVEN" (F. D.)
"HONG KONG NIGHTS" (F. D.)
NATIONAL—(2,400), 15c-25c-40c, 7 days, split week. Stage: Ed Lowry's Brevities, Elaine Arden, Helen Compton Band, Rita Royce & Reece Bros. & Lillian Dawson. **Gross:** $2,800. (Average, $3,000)

Week Ending Feb. 1:
"SEVEN KEYS TO BALDPATE" (Radio)
"SYLVIA SCARLETT" (Radio)
BROWN—(1,400), 15c-25c-40c, 6 days. **Gross:** $1,600. (Average, $2,000)
"IN PERSON" (Radio)
"THE THREE MUSKETEERS" (Radio)
"THE SINGING VAGABOND" (Republic)
"PURSUIT" (M-G-M)
ALAMO—(900), 15c-25c, 7 days, split week. **Gross:** $900. (Average, $1,400)

Cantor Is $16,500 Hit in Cincinnati

CINCINNATI, Feb. 6. — Although minus-zero weather still prevailed last week, business was not as seriously affected as might have been expected. "Strike Me Pink" was tops at the RKO Albee, striking $16,500, compared with $12,000 average. It moved to the RKO Capitol.

"Ceiling Zero" gave Keith's one of the best weeks in many moons at $7,500, up $1,000. This rated a hold-over. "Hitch-Hike Lady" hiked the gross at the independent Strand to $1,900, plussing average by $400, while "The Informer" was $200 on the profit side on a $2,950 gross at the RKO Grand. "Riffraff" got an even break at the RKO Palace. Figures sagged at the other first runs.

Total first run business was $61,-750. Average is $60,200.

Estimated takings:

Week Ending Jan. 28:
"HITCH HIKE LADY" (Republic)
STRAND—(1,500), 15c-25c, 7 days. **Gross:** $1,900. (Average, $1,500)

Week Ending Jan. 30:
"STRIKE ME PINK" (U. A.)
RKO ALBEE—(3,300), 35c-42c, 7 days. **Gross:** $16,500. (Average, $12,000) Moved to RKO Capitol.
"RIFFRAFF" (M-G-M)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $10,000. (Average, $10,000)
"TWO IN THE DARK" (Radio)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: Benny Meroff Band and vaude. acts. **Gross:** $11,000. (Average, $12,000)
"MAGNIFICENT OBSESSION" (Univ.)
RKO CAPITOL—(2,000), 35c-42c, 7 days, 2nd downtown week with week intervening. **Gross:** $5,000. (Average, $6,500) Moved to RKO Grand.
"KING OF BURLESQUE" (20th-Fox)
RKO LYRIC—(1,400), 35c-42c, 7 days, 2d downtown week. **Gross:** $4,800. (Average, $6,500)
"THE INFORMER" (Radio)
RKO GRAND—(1,200), 25c-40c, 7 days. **Gross:** $2,950. (Average, $2,750)
"BAR 20 RIDES AGAIN" (Para.)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,100. (Average, $1,250)
"GUARD THAT GIRL" (Col.)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,000. (Average, $1,250)
"CEILING ZERO" (F. N.)
KEITH'S—(1,500), 30c-40c, 7 days. **Gross:** $7,500. (Average, $6,500). Held over.

Universal Directors To Wait for Scripts

HOLLYWOOD, Feb. 6.—Under a new policy just inaugurated at Universal, directors will hereafter be assigned to pictures after the first draft of the script has been accepted by the front office, and not after acceptance of the story idea, as heretofore. By this policy, the studio will effect a saving of several weeks' director's salary on all productions, as directors worked with authors on first drafts in the past.

Roach Builds Bungalow

HOLLYWOOD, Feb. 6.—Construction will start immediately on a six-room double bungalow to house the Laurel and Hardy and the Edward Sedgwick units at the Hal Roach Studio. The bungalow will be at the east end of the administration building and will be ready for occupancy on Feb. 15. The former quarters of the Laurel and Hardy unit will be used by writers.

New Central States Formally Organized

CHICAGO, Feb. 6.—Organization of the new Central States Theatres Circuit, Inc., has been completed and the directors selected. The Capitol in Canton, Ill., will be the main office of the corporation.

Officers elected are: President, A. L. Hainline, Macomb; vice-president, Walter Fluegal, Pekin, and secretary-treasurer, Charles Kuehan, Sr., Canton. In addition to the officers, other directors are Charles House, Monmouth, and N. Frye, Danville.

Nine theatres are now connected with the organization. They represent an investment of more than $500,000, with a seating capacity of more than 5,500. These theatres are the Pekin and Empire, Pekin; Capitol, Canton; Rivoli and Bijou, Monmouth; Illinois and Royal, Macomb; Princess, Colchester and Cozy, Augusta. Other houses are to be added.

Cantor Pulls $16,500 Lead In St. Louis

ST. LOUIS, Feb. 6.—"Strike Me Pink" at Loew's with a gross of $16,500 was by far the best draw of the week; $7,500 above house average.

"Seven Keys to Baldpate" and "Widow from Monte Carlo," a deal at the Orpheum, also got into the profit class with $8,800 for six and a half days compared with average of $8,500 for seven days. "Ceiling Zero" and "Her Master's Voice" at the Schubert-Rialto also went over the top with $7,950. House average is $6,500.

The showing made by these pictures is rather remarkable, since the week was the fourth coldest on record in St. Louis. The average minimum temperature was 3.9 below zero and the general average was only 5.1 above zero. The lowest mark for the week was 10 below zero.

Total first run business was $48,000. Average is $46,000.

Estimated takings for the week ending Jan. 30:

"INVISIBLE RAY" (Univ.)
"HITCH HIKE LADY" (Republic)
AMBASSADOR — (3,018), 25c-35c-55c, 7 days. **Gross:** $7,500. (Average, $10,000)
"KING OF BURLESQUE" (20th-Fox)
"LONE WOLF RETURNS" (Col.)
FOX—(5,038), 25c-35c-55c, 7 days, 2nd week. **Gross:** $7,350. (Average, $12,000)
"STRIKE ME PINK" (U.A.)
LOEW'S — (3,162), 25c-35c-55c, 7 days. **Gross:** $16,500. (Average, $9,000)
"SEVEN KEYS TO BALDPATE" (Radio)
"WIDOW FROM MONTE CARLO"
ORPHEUM—(1,950), 25c-35c-55c, 6½ days. **Gross:** $8,800. (Average, $8,500)
"CEILING ZERO" (F.N.)
"HER MASTER'S VOICE" (Para.)
SHUBERT-RIALTO—(1,723), 25c-35c-55c, 7 days. **Gross:** $7,950. (Average, $6,500)

"Pink" Strong as Portland Holdover

PORTLAND, Feb. 6.—"Strike Me Pink" was held for a second successful week at United Artists, securing another $7,000, over par by $2,000.

Jackie Cooper on the stage with heavy exploitation on "Tough Guy" at the Broadway secured $8,000 over the usual average by $3,000. An extra long double bill at Orpheum with "King of Burlesque" and "Widow from Monte Carlo" registered $6,000, over par by $1,000. The weather continued clear and cold.

Total first run business was $33,000. Average is $24,700.

Estimated takings for the week ending Feb. 1:

"TOUGH GUY" (M-G-M)
BROADWAY—(1,912), 30c-35c-40c, 7 days. **Gross:** $8,000. (Average, $5,000)
"NAUGHTY MARIETTA" (M-G-M)
"ANNAPOLIS FAREWELL" (Para.)
(2nd Run)
BLUE MOUSE—(1,700), 20c-25c, 7 days. **Gross:** $2,000. (Average, $1,700)
"STARS OVER BROADWAY" (W.B.)
"TWO FISTED" (Para.)
MAYFAIR—(1,700), 30c-35c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)
"KING OF BURLESQUE" (20th-Fox)
"WIDOW FROM MONTE CARLO"
(W.B.)
ORPHEUM—(1,700), 30c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)
"ROSE OF THE RANCHO" (Para.)
"ANOTHER FACE" (Radio)
PARAMOUNT — (3,008), 30c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)
"STRIKE ME PINK" (U.A.)
(2nd Week)
UNITED ARTIST—(945), 30c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)



"We Saw The Sea" with


FRED
ASTAIRE
GINGER
ROGERS
IN RKO-RADIO'S
SUPERDREADNAUGHT
OF MUSICAL SHOWS
"FOLLOW THE FLEET"
WITH
RANDOLPH SCOTT, HARRIET
HILLIARD, ASTRID ALLWYN
Directed by MARK SANDRICH
A PANDRO S. BERMAN PRODUCTION
Founded upon the play "Shore Leave" by Hubert Osborne
LYRICS AND MUSIC BY IRVING
BERLIN
WHO FIRES A BROADSIDE
OF SEVEN NEW SONG HITS
"We Saw The Sea"; "Let's Face
the Music and Dance"; "Let Yourself Go",
America's newest ballroom
sensation; "I'd Rather Lead
a Band"; "Here Am I, But
Where Are You?"; "Get
Thee Behind Me, Satan";
"I'm Putting All My Eggs
in One Basket"

"Obsession" Pulls $9,200 3d Loop Week

CHICAGO, Feb. 6.—"Magnificent Obsession" was the surprise of the week. After two weeks at the Palace it was moved to the Garrick, and, in spite of sub-zero weather, it piled up $9,200, over a first week normal by $3,700, and was held for another week.

"Strike Me Pink" was strong at the United Artists. It went $4,000 over the line for a take of $21,000. "Dangerous" also was in the money at the Chicago, with Libby Holman and Ina Ray Hutton and band on the stage. The $37,500 take was above the line by $5,500. "Riffraff" reached $8,000, over par by $3,500, at the Apollo. Elsewhere business was in a bad way.

Total first run grosses were $137,300. Average is $117,000.

Estimated takings:

Week Ending Jan. 28:

"STRIKE ME PINK" (U. A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $21,000. (Average, $17,000)

"A NIGHT AT THE OPERA" (M-G-M)
ROOSEVELT—(1,591), 30c-40c-60c, 7 days. 2nd week. **Gross:** $14,000. (Average, $11,000)

Week Ending Jan. 30:

"TWO IN THE DARK" (Radio)
PALACE—(2,509), 25c-35c-50c, 7 days. Stage; Wayne King and Band. **Gross:** $17,700. (Average, $19,000)

"DANGEROUS" (W. B.)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Libby Holman, Ina Ray Hutton and Band, Jack Pepper. **Gross:** $37,500. (Average, $32,000)

"STARS OVER BROADWAY" (W. G.)
ORIENTAL—(3,490), 25c-40c, 7 days. Stage: Ben Lyon and Bebe Daniels in person, with vaude revue. **Gross:** $17,400. (Average, $15,000)

Week Ending Jan. 31:

"RIFFRAFF" (M-G-M)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $8,000. (Average, $4,500)

"MAGNIFICENT OBSESSION" (Univ.)
GARRICK—(900), 25c-35c-50c, 7 days. (Following 2 weeks at Palace). **Gross:** $9,200. (Average, $5,500)

"IN PERSON" (Radio)
STATE-LAKE—(2,776), 20c-30c-35c, 7 days. Stage: Verne Buck and Vaudeville Revue. **Gross:** $11,500. (Average, $13,000)

"She Married" Hits 4,700 in Oklahoma

OKLAHOMA CITY, Feb. 6.—"She Married Her Boss" was the strongest attraction in a week of snow, ice and 10-above temperatures. It was held over for one day at the Midwest and grossed $4,700, over par by $700.

"The Invisible Ray" was the only other straight film program to make par. It grossed $2,000 at the Capitol. "Millions in the Air," helped by a stage show, reached $2,400 in four days at the Liberty.

Total first run business was $13,625. Average is $14,000.

Estimated takings for the week ending Feb. 1:

"CAPTAIN BLOOD" (F.N.)
CRITERION—(1,700), 10c-20c-36c-55c, 7 days. **Gross:** $4,000. (Average, $5,000)

"SHE MARRIED HER BOSS" (Col.)
MIDWEST — (1,500), 10c-26c-36c-56c, 8 days. **Gross:** $4,700. (Average, $4,000)

"THE INVISIBLE RAY" (Univ.)
CAPITOL—(1,200), 10c-26c-36c-41c, 7 days. **Gross:** $2,000. (Average, $2,000)

"MILLIONS IN THE AIR" (Para.)
LIBERTY—(1,500), 10c-26c-41c, 4 days. Vaudeville on stage. **Gross:** $2,400. (Average for week, $3,000)

"CRIME AND PUNISHMENT" (Col.)
LIBERTY—(1,500), 10c-26c-41c, 3 days. **Gross:** $525. (Average for week, $3,000)

"Lone Wolf" Top in Dull Capital Week

WASHINGTON, Feb. 6.—Continued Arctic temperatures, coupled with a lineup of sub-torrid pictures, caused grosses to hit the skids, with only "The Lone Wolf Returns" at the Metropolitan and "If You Could Only Cook" at the Earle topping par, the former by $600 for a take of $4,900 and the latter by the same amount for a take of $19,000. At the Earle, one of Major Bowes' amateur units was on the stage, a fact generally credited for the above-average business.

Other first runs were well under their respective pars. At RKO-Keith's, "The Magnificent Obsession" hit $8,000 on its third week, with the tenth issue of "The March of Time" added for one week only.

Total first run business was $69,700. Average is $76,700.

Estimated takings, exclusive of tax:

Week Ending Jan. 28:

"KAMERADSCHAFT" (Assoc. Cinemas)
BELASCO—(1,140), 25c-60c, 7 days. **Gross:** $2,500. (Average, $3,000)

Week Ending Jan. 30:

"IF YOU COULD ONLY COOK" (Col.)
EARLE—(2,218), 25c-77c, 7 days. Stage: Major Bowes' Amateurs, with Ruth O'Neill, Mike Bolero, Wyoming Jack O'Brien, Arthur Frischette, "Diamond Tooth" Mary Perry, Eva Ortega. **Gross:** $19,000. (Average, $18,400)

"IT'S A GREAT LIFE" (Para.)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** $2,000. (Average, $3,600)

"THE ROSE OF THE RANCHO" (Para.)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Emile Boreo, Toby Wing, Tommy Monahan & His Paradise Cafe Orchestra. **Gross:** $19,300. (Average, $20,900)

"THE BRIDE COMES HOME" (Para.)
LOEW'S PALACE—(2,370), 35c-55c, 7 days. **Gross:** $14,000. (Average, $15,900)

"THE LONE WOLF RETURNS" (Col.)
METROPOLITAN — (1,591), 25c-40c, 7 days. **Gross:** $4,900. (Average, $4,300)

"THE MAGNIFICENT OBSESSION" (Univ.)
RKO-KEITH'S—(1,836), 25c-55c, 7 days, 3rd week. **Gross:** $8,000. (Average, first week, $10,600)

"Mr. Hobo" Is Top In Buffalo, $9,500

BUFFALO, Feb. 6.—"Mr. Hobo" was the top draw here in a week of sub-zero weather. Playing the Lafayette, it pulled $8,500 past the turnstiles, to break par by $2,500.

"Ceiling Zero" was close behind at the Great Lakes, an average $7,300 house, with a take of $9,300. It was held over for another week.

The only counter attraction in town was the Jooss Ballet, playing one night at the Court St. to capacity.

Total first run business was $42,200. Average is $42,000.

Estimated takings for the week ending Feb. 1:

"ANYTHING GOES" (Para.)
BUFFALO — (3,000), 30c-50c, 7 days. **Gross:** $7,700. (Average, $12,000)

"PROFESSIONAL SOLDIER" (20th-Fox)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $7,100. (Average, $7,300)

"CEILING ZERO" (W.B.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $9,300. (Average, $7,300)

"CHARLIE CHAN'S SECRET" (20th-Fox)
"SHIP CAFE" (Para.)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,800. (Average, $5,800)

"MR. HOBO" (G.B.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $9,500. (Average, $6,000)

"TOGETHER WE LIVE" (Col.)
GAYETY — (1,600), 15c-25c-35c, 7 days, vaudeville. Gross: $3,400. (Average, $3,600)

Just Another Fire

Kansas City, Feb. 6.—Kansans are calm. They were showing a film in the Whiting, Kan., township hall recently when the building caught fire.

Members of the audience calmly picked up a chair apiece and other furniture they could carry handily, and moved out of the flaming building. They then watched the building burn to the ground for a loss of $4,000. The town has no water facilities.

"Anything" on Dual Best in New Haven

NEW HAVEN, Feb. 6. — Milder weather brought the hibernating movie audiences out to the tune of good business all around. The Paramount led the way with a $3,200 increase over the normal $4,800 on "Anything Goes" and "Confidential."

"Strike Me Pink" at the Poli topped ordinary $7,000 business with a $7,300 take. The Roger Sherman stole a march by opening a day early with "Ceiling Zero" and "Hitch Hike Lady," the results being $2,000 better than par. Standing room on amateur night brought the College gross on "Charlie Chan's Secret" and "Three Live Ghosts" up to $3,600.

Total first run business was $25,600. Average is $19,300.

Estimated takings for the week ending Jan. 31:

"CHARLIE CHAN'S SECRET" (20th-Fox)
"THREE LIVE GHOSTS" (M-G-M)
COLLEGE—(1,499), 25c-35c, 7 days. **Gross:** $3,600. (Average, $2,800)

"ANYTHING GOES" (Para.)
"CONFIDENTIAL" (Mascot)
PARAMOUNT—(2,400), 35c-50c, 7 days. **Gross:** $8,000. (Average, $4,800)

"STRIKE ME PINK" (U. A.)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $7,300. (Average, $7,000)

"CEILING ZERO" (F. D.)
"HITCH HIKE LADY" (Republic)
ROGER SHERMAN—(2,200), 35c-50c, 8 days. **Gross:** $6,700. (Average, $4,700)

Plan a Television Film

HOLLYWOOD, Feb. 6.—Columbia has scheduled a picture called "Trapped by Television" for early production. The story is an original by Al Martin and Sherman Lowe. Lee Loeb and Harold Buchman are now working on the screen play, and the cast will include Mary Astor, Lloyd Nolan, Jean Dixon and Gene Morgan. Del Lord will direct.

Ted Holt Breaks Wrist

BRIDGEPORT, Feb. 6.—Ted Holt, former manager of the Majestic and Globe here, and now a member of the Loew's New England maintenance staff, fractured his wrist when he fell on the ice in front of the Globe. He was taken to Bridgeport Hospital.

Hub Rebooks "Informer"

BOSTON, Feb. 6.—A new experiment, locally at least, is being conducted by the M. & P. Theatres Corp. in rebooking "The Informer" day and date at the first run Fenway and Paramount. The picture is part of a double-feature bill and is being given top advertising.

"Rose Marie" Heavy Grosser On the Coast

LOS ANGELES, Feb. 6. — "Rose Marie" was in the big money in two spots here last week. It ran up to $14,500, over the line by $2,500, at the Chinese, and at the same time piled up $17,500 at Loew's State downtown. This was $3,500 to the good.

"Strike Me Pink" was nearly 100 per cent over normal with $6,200 in its second week at the Pantages. It fell over to $7,000, however, in its holdover at the Hillstreet.

"Ceiling Zero" was a profit-maker at both Warners' Hollywood and Downtown. At the former it was $1,000 over the line on a take of $15,000, and at the latter it was $4,000 over to the good on a gross of $16,000.

Total first run business was $101,450. Average is $86,150.

Estimated takings for the week ending Feb. 5:

"ROSE MARIE" (M-G-M)
CHINESE—(2,500), 30c-55c, 7 days. **Gross:** $14,500. (Average, $12,500)

"THE GHOST GOES WEST" (U.A.)
4 STAR—(900), 30c-55c, 7 days. **Gross:** $5,800. (Average, $3,250)

"FRONTIER" (Amkino)
GRAND INTERNAT'L—(750), 35c-40c, 7 days. **Gross:** $2,200. (Average, $1,200)

"STRIKE ME PINK" (U.A.)
HILLSTREET—(2,700), 25c-40c, 7 days. 2nd week. **Gross:** $7,000. (Average, $8,000)

"ROSE MARIE" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $17,500. (Average, $14,000)

"STRIKE ME PINK" (U.A.)
PANTAGES—(3,000), 25c-40c, 7 days. 2nd week. **Gross:** $6,200. (Average, $3,200)

"ROSE OF THE RANCHO" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Al Lyons & orchestra, F. & M. revue, Judy Starr, Nick Cochrane. **Gross:** $17,250. (Average, $18,000)

"CEILING ZERO" (F.N.)
WARNER BROS. (HOLLYWOOD) — (3,000), 25c-40c, 7 days. **Gross:** $15,000. (Average, $14,000)

"CEILING ZERO" (F.N.)
WARNER BROS. (DOWNTOWN) — (3,400), 25c-40c, 7 days. **Gross:** $16,000. (Average, $12,000)

"Burlesque" Gets $4,000, Charlotte

CHARLOTTE, Feb. 6.—"King of Burlesque" was the top draw last week with a take of $4,000 in four days at the Carolina, average is $2,000 for three days. "The Bride Comes Home" got off to a good start at the Carolina grossing $2,000 in two days, and is expected to continue to make money next week.

Bad weather all week held down attendance at other first run houses, and no other picture broke average.

Total first run business was $11,000. Average is $11,000.

Estimated takings for the week ending Feb. 1:

"SYLVIA SCARLETT " (Radio)
BROADWAY—(1,114), 25c-40c, 3 days. **Gross:** $1,500. (Average, $2,000)

"THE MURDER OF DR. HARRIGAN (F.N.)
BROADWAY—(1,114), 25c-40c, 3 days. **Gross:** $1,000. (Average, $2,000)

"KING OF BURLESQUE" (20th-Fox)
CAROLINA — (1,400), 25c-40c, 4 days. **Gross:** $4,000. (Average for three days, $2,000)

"THE BRIDE COMES HOME" (Para.)
CAROLINA — (1,400), 25c-40c, 2 days. **Gross:** $2,000. (Average for three days, $2,000)

"THE MELODY LINGERS ON" (U.A.)
IMPERIAL—(989), 30c, 3 days. **Gross:** $1,500. (Average, $1,500)

"PADDY O'DAY" (20th-Fox)
IMPERIAL—(989), 30c, 3 days. **Gross:** $1,000. (Average, $1,500)

"Widow" and Show Top in Philadelphia

PHILADELPHIA, Feb. 4. — Cold weather continued to hit grosses with the result that only one house, the Earle, made much of a profit. It had a combination of "Widow from Monte Carlo" and a stage show headed by Frank Parker. The $15,500 take was over normal by $1,500.

"Strike Me Pink," in its second week at the Aldine, was good for $10,000, over the line by $1,840. Only one other house, the Fox, reached par. It took $14,000 on a combination of "Paddy O'Day" and a stage show.

Total first run business was $75,250. Average is $82,230.

Estimated takings for the week ending Jan. 30:

"STRIKE ME PINK" (U.A.)
ALDINE—(1,200), 40c-55c-65c, 7 days, 2nd week. **Gross:** $10,000. (Average, $8,160)

"RIFFRAFF" (M-G-M) (2nd run)
ARCADIA—(600), 25c-40c-50c, 5 days. **Gross:** $1,750. (Average, 7 days, $2,800)

"MAGNIFICENT OBSESSION" (Univ.)
BOYD—(2,400), 40c-55c, 7 days, 2nd week. **Gross:** $11,000. (Average, $14,000)

"WIDOW FROM MONTE CARLO" (W.B.)
EARLE — (2,000), 35c-40c-50c, 7 days. Stage: Frank Parker, Bob Hall, Stone and Lee, Virginia Bacon, Emerald Sisters. **Gross:** $15,500. (Average, $14,000)

"PADDY O'DAY" (20th-Fox)
FOX—(3,000), 40c-55c-65c, 7 days. Stage: Three Wiere Brothers, Shandor, Twelve Aristocrats. **Gross:** $14,000. (Average, $14,000)

"DANGEROUS" (W.B.) (2nd run)
KARLTON—(1,000), 25c-35c-40c, 9 days. **Gross:** $3,600. (Average, 7 days, $4,000)

"COLLEGIATE" (Para.) (2nd run)
KEITH'S—(2,000), 30c-40c-50c, 7 days. **Gross:** $2,100. (Average, $4,000)

"CEILING ZERO" (F.N.)
STANLEY — (3,700), 40c-55c, 7 days. **Gross:** $13,000. (Average, $14,000)

"INVISIBLE RAY" (Univ.)
STANTON—(1,700), 30c-40c-50c, 7 days. **Gross:** $5,300. (Average, $7,000)

"Pink" Beats Out Indianapolis Cold

INDIANAPOLIS, Feb. 4. — Sub-zero weather in this city's bitterest cold wave in many years pounded down theatre attendance last week. Only one, Loew's, which was showing "Strike Me Pink," ran appreciably over normal. The gross was $6,000.

Total first run business was $26,500. Average is $26,500.

Estimated takings:

Week Ending Jan. 31:

"STRIKE ME PINK" (M-G-M)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $6,000. (Average, $4,500)

"THE WIDOW FROM MONTE CARLO" (W. B.)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)

"FANG AND CLAW" (Radio)
"ANOTHER FACE" (Radio)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"CAPTAIN BLOOD" (F. N.)
INDIANA—(3,300), 25c-40c, 7 days. **Gross:** $7,500. (Average, $7,000)

"CHARLIE CHAN'S SECRET" (20th-Fox)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $6,000. (Average, $7,000)

Custer Gets Two More

ATHENS, O., Feb. 4.—E. R. Custer, manager of the Athena, will also manage the Court and Ohio, recently acquired by the Schines.

"Burlesque," Beatty Again Lead Detroit

DETROIT, Feb. 4.—"King of Burlesque," in its second week at the Fox, with Clyde Beatty and his animals on the stage, was away out front as a money-maker last week, the take going to $19,400, over normal by $4,400.

"Rose of the Rancho," helped by Jackie Coogan and Betty Grable on the stage, ran into heavy money, too, $23,500. This was up by $3,500. Other houses felt the competition.

Total first run business was $69,000. Average is $65,000.

Estimated takings for the week ending Jan. 30:

"CHARLIE CHAN'S SECRET" (20th-Fox)
"YOUR UNCLE DUDLEY" (20th-Fox)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $3,200. (Average, $5,000)

"KING OF BURLESQUE" (20th-Fox)
FOX—(5,100), 15c-65c, 7 days. Stage: Clyde Beatty's animals, 2nd week. **Gross:** $19,400. (Average, $15,000)

"ROSE OF THE RANCHO" (Para.)
MICHIGAN—(4,100), 15c-65c, 7 days. Stage: Jackie Coogan & Betty Grable in "Hollywood Secrets." **Gross:** $23,500. (Average, $20,000)

"MISS PACIFIC FLEET" (W. B.)
"IT'S A GREAT LIFE" (Para.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $3,300. (Average, $5,000)

"AH, WILDERNESS" (M-G-M)
UNITED ARTISTS—(2,070), 15c-65c, 7 days. **Gross:** $9,200. (Average, $10,000)

"ANOTHER FACE" (Radio)
RKO DOWNTOWN—(2,950), 15c-65c, 7 days. Stage: Earl Carroll's "Vanities." **Gross:** $10,400. (Average, $10,000)

Bitter Cold Hits Takes in Lincoln

LINCOLN, Feb. 4.—Bitter cold sent business down. The only spot on the street to come through was the Orpheum with two stage shows and three pictures during the seven-day stretch. The films were "Kind Lady" (3 days with "Passing Parade" unit), "Hitch Hike Lady" (2 days, with Major Bowes' Amateurs) and "Great Impersonation." The take was $3,400, which was $1,300 up.

"The Bride Comes Home" was average at the Stuart with $3,100; "Dangerous" was down at the Lincoln with $1,900, $300 below par, and the Varsity took it on the chin with "Lady of Secrets" and got $750, down $550.

Total first run business was $9,950. Average is $9,850.

Estimated takings:

Week Ending Jan. 28:

"NEW FRONTIER" (Republic)
"HIS FAMILY TREE" (Radio)
"TIMBER WAR" (Ambassador)
LOUIS-RETZLAFF FIGHT
COLONIAL — (550), 10c-15c, 7 days. **Gross:** $800. (Average, $850)

Week Ending Jan. 29:

"BRIDE COMES HOME" (Para.)
STUART—(2,000), 10c-25c-40c. 7 days. **Gross:** $3,100. (Average, $3,100)

"DANGEROUS" (W.B.)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $1,900. (Average, $2,200)

"KIND LADY" (M-G-M)
"HITCH HIKE LADY" (Republic)
"GREAT IMPERSONATION" (Univ.)
ORPHEUM — (1,350), 10c-15c-20c-25c-35c-40c, 7 days. Stage: Three days with "Passing Parade" unit, two with Major Bowes' Amateur unit No. 5, and two with straight film. **Gross:** $3,400. (Average, $2,100)

"LADY OF SECRETS" (Col.)
VARSITY—(1,100), 10c-20c-25c, 7 days. **Gross:** $750. (Average, $1,300)

No Radio Then

Providence, Feb. 4. — A reviewer here, apropos of "A Midsummer Night's Dream," wrote: "The work of the lovers, with the exception of Powell who brought his microphone manners into play, is satisfactory."

Back came a letter from an irate feminine fan. "What do you mean, 'microphone manners'? Everybody knows there was no radio in Shakespeare's time."

"Obsession" Hits Denver High Points

DENVER, Feb. 4.—"Magnificent Obsession" packed the Denver every day with holdouts usually twice a day, with some of them extending across the sidewalk and furnishing an overflow for the Paramount across the street. The $15,500 take broke house records every day except Saturday. It was $10,500 over average.

The picture was moved to the Aladdin for a second week.

In spite of this terrific competition "Anything Goes" did a whale of a business at the Denham, the $9,500 take being more than double normal. "King of Burlesque" and "Crime and Punishment" both were in the profit column.

Total first run business was $34,500. Average is $19,500.

Estimated takings for the week ending Jan. 29:

"CALLING OF DAN MATTHEWS" (Col.)
ALADDIN—(1,500), 25c-40c-50c, 7 days. **Gross:** $2,000. (Average, $2,000)

"KING OF BURLESQUE" (20th-Fox)
BROADWAY—(1,500), 25c-40c, 7 days. Following week at Denver. **Gross:** $1,500. (Average, $1,000)

"ANYTHING GOES" (Para.)
DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $9,500. (Average, $4,000)

"MAGNIFICENT OBSESSION" (Univ.)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $15,500. (Average, $5,000)

"SYLVIA SCARLETT" (Radio)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. Gross: $3,500. (Average, $5,000)

"CRIME AND PUNISHMENT" (Col.)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $2,500. (Average, $2,500)

Cannot Bar Cripples From Houses, Ruling

OKLAHOMA CITY, Feb. 4.—Crippled persons have the right to attend theatres in wheel chairs, the attorney general has ruled in an opinion to W. C. Theimer, state fire marshal. Theimer declared that a Bristow, Okla., exhibitor sought to have him take action on the ground a wheel chair might be a fire hazard by blocking exits. The attorney general decided he had no authority in the matter, and that it rested with the exhibitor to refuse to sell a ticket to anyone whom he wished to exclude.

Sid Jacobs in Hospital

PITTSBURGH, Feb. 4.—Sid Jacobs, acting district manager for Warners in the West Virginia territory, is in the Passavant Hospital suffering from blood poisoning in one arm.

"Two Cities" Fair as Rain Hurts Frisco

SAN FRANCISCO, Feb. 4. — Rainy weather hit grosses all along the line, with "The Tale of Two Cities" the only first run attraction to reach par. It garnered $7,000 at the St. Francis.

"Magnificent Obsession" at the Orpheum was good for $4,500 in its third week. The first week's take at the Golden Gate was $13,200; second week, $9,274.

Total first run business was $62,800. Average is $76,800.

Estimated takings:

Week Ending Jan. 28:

"MELODY LINGERS ON" (U. A.)
UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days. **Gross:** $4,500. (Average, $9,000)

"SO RED THE ROSE" (Para.)
GOLDEN GATE—(2,850), 25c-35c-40c. 7 days. Stage, band. **Gross:** $11,800. (Average, $14,500)

Week Ending Jan. 29:

"MAGNIFICENT OBSESSION" (Univ.)
ORPHEUM—(2,440), 15c-30c-35c-40c, 7 days, 3rd week. **Gross:** $4,500. (Average, $6,800)

"PADDY O'DAY" (20th-Fox)
"ROSE OF THE RANCHO" (Para.)
PARAMOUNT—(2,740), 15c-30c-35c-40c, 7 days. **Gross:** $11,000. (Average, $11,500)

Week Ending Jan. 30:

"CEILING ZERO" (F. N.)
WARFIELD—(2,680), 30c-35c, 7 days. **Gross:** $18,000. (Average, $21,000)

"TALE OF TWO CITIES" (M-G-M)
ST. FRANCIS—(1,470), 15c-30c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"DANCE BAND" (First Div.)
"WATERFRONT LADY" (Mascot)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $4,800. (Average, $6,000)

Week Ending Jan. 31:

"NEW GULLIVER" (Amkino)
CLAY—(400), 35c, 7 days. **Gross:** $1,200 (Average, $1,000)

"Obsession," At $7,500, Omaha Top

OMAHA, Feb. 4.—"Magnificent Obsession" was the big draw of the week here. Topping a dual with "Here's to Romance," it garnered $7,500, up by $2,000 at the Omaha, in spite of seven days of sub-zero weather. On the opening night the mercury was 15 below.

"Ceiling Zero" pulled a strong $6,000, up by $2,000, at the Brandeis. At the Orpheum "King of Burlesque" and "Dr. Socrates" were good for a par $8,000.

Total first run business was $21,500. Average is $17,500.

Estimated takings:

Week Ending Jan. 29:

"CEILING ZERO" (F.N.)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $4,000)

"MAGNIFICENT OBSESSION" (Univ.)
"HERE'S TO ROMANCE" (20th-Fox)
OMAHA — (2,200), 25c-40c, 7½ days. **Gross:** $7,500. (Average, $5,500)

Week Ending Jan. 30:

"KING OF BURLESQUE" (20th-Fox)
"DR. SOCRATES" (W.B.)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $8,000. (Average, $8,000)

Mulloney, Deery Jailed

BOSTON, Feb. 4.—John A. Deery, theatre circuit head, and Daniel C. Mulloney, former bank president, have been transferred to Plymouth County Jail to begin serving sentences of one year and a day.



Announcing

. . . . The Removal of the Publication Offices of Motion Picture Daily to Rockefeller Center, New York

MOTION PICTURE HERALD

•

MOTION PICTURE ALMANAC

MOTION PICTURE DAILY

•

BOX OFFICE CHECK-UP

BETTER THEATRES

AGAIN "WARNER BROS. HAVE MADE A TRULY GREAT PICTURE"

SAYS VARIETY DAILY

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With Josephine Hutchinson • Anita Louise • Donald Woods • Fritz Lieber • Henry O'Neill • Porter Hall
Akim Tamiroff • Directed by William Dieterle • A Cosmopolitan Production • A First National Picture

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 33 NEW YORK, SATURDAY, FEBRUARY 8, 1936 TEN CENTS

City Asks for Dismissal of Sale Tax Stay

Exchanges Inform Court Of Their Appeal

The city yesterday asked for dismissal of a motion for a temporary injunction against the levying and collection of the city sales tax on film rentals at a hearing before Justice Callaghan in N. Y. Supreme Court. The court reserved decision.

The injunction is sought by Harlou, Inc., and Quinral, Inc., operators of Brooklyn theatres, as a test action on behalf of the I.T.O.A. The two plaintiffs are represented by Weisman, Quinn, Allen & Spett, attorneys for I.T.O.A., who, in supporting their application for the injunction, argued that the imposition of the sales tax on film rentals placed an undue burden on interstate commerce, involved the taxing by the city of a Federal instrumentality and was injurious to exhibition in that it might force the closing of theatres.

New York exchanges, which are opposing the tax independently with the city's assessment against the United Artists' exchange rentals accepted as their test case, advised the court through Edward Raftery of O'Brien, Driscoll & Raftery, that an appeal was being taken to the Appel-

(*Continued on page 4*)

"Rose Marie" Leads B'way with $61,000

"Rose Marie" was the topnotcher on Broadway last week, tallying a profitable $61,000 for the first seven days. The picture garnered the largest take of any house, including the Music Hall, despite the slippery streets and sub-zero weather.

"Collegiate" in its second week at the Paramount ended with a nice $30,000, while the third stanza of "Ceiling Zero" at the Strand wound up with approximately $16,000. The first two days of "Anything Goes" at the Paramount showed close to $17,000 on the books.

Essaness-RKO Row Is Reported Ended

CHICAGO, Feb. 7.—It is understood that the Essaness-RKO booking difficulty was straightened out today, but that no progress has been reached toward an agreement with Warners.

Essaness objects to one week clearance for Warner product playing the Warner Metropolitan.

Justice Department Declares New St. Louis Case Is in Work

BY CLARENCE LINZ

Washington, Feb. 7.—Far from abandoning the St. Louis case, the Department of Justice is definitely engaged in making preparations for a new suit, it was declared by officials today.

Denying rumors that the department was holding back and intended to undertake further consideration of the facts before proceeding, officials asserted that the matter is "all set" and that while the new suit may not be filed immediately, it will be delayed no longer than is necessary to line it up.

It was explained at the department that the Attorney General yesterday, in response to a question at his press conference, repeated his announcement of some days ago that the Government had secured dismissal of the suit without prejudice and planned to bring a new case with additional defendants so as to get into the record certain conversations which were barred by rulings of Judge Molyneaux. By no stretch of imagination, it was declared today, could this be construed as meaning that the department was quitting.

The department has all the facts necessary for the new suit, but requires a little time in which to arrange its campaign. Attorney General Cummings was consulted before the suit was withdrawn last month and gave his approval to the motion as an advisable strategic move to secure the introduction of testimony which the Government considers vitally important.

U.S. Firms Resume Selling in Mexico

American distributors in Mexico resumed selling activities in that country yesterday following upon the publication in the Mexican Official Gazette of the recent settlement decree entered into between the Government and the distributors. The publication of the decree automatically makes it a law, officially permitting the resumption of business.

The settlement involved a favorable adjustment of import duties on American films and income tax schedules of the companies operating in Mexico. A settlement of an employes' strike which closed the offices of eight distributors in Mexico City last Sept. 27 preceded the agreement with the government by about 10 days. Under the strike settlement the employes received a 25 per cent wage increase and 80 per cent of their pay for the time they were out.

Equity-Guild Merger Is Asked at Meeting

HOLLYWOOD, Feb. 7.—Demands for an amalgamation of the Actors' Guild with Equity were voiced here last night at a general meeting at which Frank Gillmore, Equity head, was one of the speakers. Morgan Wallace was chairman.

The meeting was marked by arguments for and against the move.

In explaining the agreement existing between Equity and the guild, Gillmore said that Equity's jurisdiction over screen actors had been aban-

(*Continued on page 4*)

Nat'l Board Hears Censorship Attack

"Censors have two purposes, to hold their jobs and to save people's souls. The former requires that they find occasion for the latter," declared Arthur Garfield Hays, attorney connected with the American Civil Liberties Union, in an address last night before the delegates to the 12th annual conference of the National Board of Review.

Hays' address, on "The Problem of the Censors," was delivered at the New School for Social Research, in the closing session of the third day of the four-day meeting. The two earlier sessions at the Hotel Pennsylvania were devoted to a discussion of "The Cultural and Teaching Applications of

(*Continued on page 4*)

Indies Plan Split From Conn. MPTO

NEW HAVEN, Feb. 7.—Independent members of the M.P.T.O. of Connecticut are expected to form their own exhibitor organization, separate from the affiliated theatre members, within the next few weeks, according to some independents. Consideration is being given to an affiliation with Allied by the independent group.

There is said to be a feeling of resentment against Edward G. Levy, general counsel of the M.P.T.O.A. and reelected secretary of the Connecticut group. It is claimed by the independents that he has attempted to bring the local unit into line with the larger organization.

LeBaron Head, Para. Studio; Unit Plan In

Lubitsch Has Own Unit To Produce 4 Yearly

HOLLYWOOD, Feb. 7.—William LeBaron today became head of all production at Paramount studios by appointment of John E. Otterson, company president. LeBaron succeeds Ernst Lubitsch who relinquished the title of studio managing director. Lubitsch, however, steps into a unit producing berth which provides for the heading of his own unit and for his production of four pictures annually, with the possibility that he will direct two of them himself.

LeBaron's post was announced here as a temporary arrangement during the establishment of several other units similar to the one headed by Lubitsch. Following the completion of the transition to the new system, LeBaron will be placed in charge of one of these units. Today's appointment, however, is effective immediately. The decision to establish the unit system is the result of several weeks of executive conferences at the studio during which time the changes which are now confirmed have been constantly reported as imminent.

Lubitsch leaves for London next week on a three-month hunt for talent and story material.

Paramount-Schine Dicker Is Delayed

Paramount's deal with the Schine circuit of upstate New York and Ohio has been delayed until next week when George Lynch and Louis Schine will return from Gloversville, N. Y.

One hour after Lynch arrived from Gloversville Wednesday he received a telephone call that his wife had to undergo an operation for a ruptured appendix. Both Lynch and Schine left for their upstate headquarters and are due back either Tuesday or Wednesday.

Enjoin Warners in Cagney Pact Action

LOS ANGELES, Feb. 7.—James Cagney today obtained from Superior Court Judge Douglas L. Edmonds a temporary order restraining Warners from interfering with his attempts to obtain a contract elsewhere, in the player's action to cancel his Warner contract. The order is returnable Feb. 14, when Warners must show

(*Continued on page 4*)

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O. P. Heggie, Actor, Dies in California

HOLLYWOOD, Feb. 7.—O. P. Heggie, English stage and screen character actor, died here today of pneumonia at his hotel. He had been a resident of the United States for about 20 years, having come here following a successful career on the English and Australian stage. He was born in south Australia. Private funeral services will be held here Monday, and will be followed by cremation.

Among the American pictures in which Heggie appeared were: "Anne of Green Gables," "Peck's Bad Boy," "The Count of Monte Cristo" and the recently completed "Shark Island."

The ashes will be scattered from an aeroplane over Great Island near Hyannis, Mass., where he had a home. He is survived by his wife, Lillian Clara Heggie; two daughters, Barbara and Kean, and a son, Peter.

Second Variety Club Jubilee Is Planned

PHILADELPHIA, Feb. 7.—Plans were launched today for a second annual Showman's Variety Jubilee and Miss America contest to be held at Atlantic City Labor Day week. Ed Corcoran was named general maanger, with Lenore Slaughter as parade director.

The commitee will include Earl Sweigart, James Clark and one more to be selected from the Variety Club tent. Mayor White and three other Atlantic City men will also be members.

Allied Is "Company" Union, Court Rules

"Allied at all times was and still is a company union," Supreme Court Judge Frank F. Adel in Brooklyn yesterday held in denying Allied M. P. Operators an injunction against Terminal Associates and DeGrow Amusement Co., operating the Terminal, Atlantic and National in Brooklyn. Local 306 intervened through its attorney, Matthew Levy.

The three theatres have been employing Local 306 operators and some time ago joined the I.T.O.A. Allied, which has a 10-year master contract covering all members of the exhibitor organization, demanded that its projectionists replace Local 306.

Continuing in part, Judge Adel said: "Allied was organized by the I.T.O.A. and was sponsored by them.

"Allied never selected a committee to negotiate with the I.T.O.A. for the master contract," he said, adding, "prior to said contract there never was a 10-year contract in the industry and the usual terms of labor contracts prior thereto was for two-year periods. The contract, dated Aug, 21, 1933, is against public policy."

In denying the injunction the court also assessed Allied for costs.

Political Pictures Get Chicago Permit

CHICAGO, Feb. 7.—After delaying his decision 24 hours Police Lieutenant Harry Costello has granted a permit for the showing of "Amateur Fire Brigade" and other political anti-New Deal pictures to start Feb. 10 at the Grand Opera House.

Costello, who is head of the censor board, asked a final decision from Police Commissioner Allman.

"As the pictures violate no law," Allman said, "we cannot refuse a permit."

Costello's explanation of the delay was: "I thought the pictures disrespectful. They hold the President up to ridicule. After all, he's our President and he shouldn't be held up to ridicule."

Shubert Sues Authors

A suit for $5,000 damages alleging conspiracy and fraud was filed in the N. Y. Supreme Court yesterday by Lee Shubert against Basil Dean and Dorothy Gladys Smith, the latter half owner of "Autumn Crocus."

The complaint sets forth that on Aug. 15, 1931, Schubert and Dean & Reed, Ltd., entered into a contract for exclusive producing rights and was to get one-quarter of the film rights. Shubert sets forth that in February, 1933, the defendant sold the film rights to Associated British Film Distributors, Ltd., for £3,000. He charges that this caused Dean & Reed, Ltd., to breach an agreement with him.

RKO to Have a Drive

March will be Bob Wolff Month at the local RKO exchange. The special sales drive will begin Feb. 28 and end April 3. It's an annual event with Wolff.

Goldwyn Signs Huston

HOLLYWOOD, Feb. 7.—Walter Huston has been signed by Samuel Goldwyn to play the role of Dodsworth in "Dodsworth." Ruth Chatterton has been cast to play opposite him.

Extensions Granted In Broadcast Suits

Extensions of from 10 and 20 days to file answers to suits instituted against local and national broadcasting stations have been granted by Warner music companies, it was stated yesterday by Wattenberg & Wattenberg, attorneys for the plaintiffs.

Among the stations getting 20 days were NBC, CBS, WHN and WNEW. WMCA in New York and WIP, Philadelphia, have been allowed 10 days.

"At first the companies were very anxious to have the suits filed so that they could answer them, but now they are asking for delays," a representative of Wattenberg & Wattenberg said yesterday.

Two new actions were filed yesterday for alleged damages totaling $25,000. The first was Witmark & Sons against WNEW for $5,000 for broadcasting without permission "I Like Mountain Music." This is the third suit filed against this station, the total damages sought being $15,000.

The second complaint was lodged by Remick against Knickerbocker Broadcasting Co., Inc., WMCA, for $20,000 for using without Remick's consent "Chinatown, My Chinatown," "Crying for the Carolines," "Nagasaki" and "I Want to Bounce Around with You." Previously Warners filed three suits for $15,000 damages against this station.

Nathan Burkan is reported representing all defendants. His firm also is counsel for Ascap.

Precedents Cited In F. W. C. Hearing

LOS ANGELES, Feb. 7.—Walter K. Tuller, continuing arguments here today in the Fox-West Coast bankruptcy hearing before Judge James Alger Fee, cited many instances to prove that the courts have refused to reopen closed bankruptcies. Tuller claimed that the present case parallels that of the Lerner chain stores bankruptcy even to the inclusion of a dividend payment such as is now questioned. He stated that in claims for future rents the courts have maintained that landlords have no provable claim.

Judge Fee will study the records of the case over the week-end and will hear further Tuller arguments on Monday.

M-G-M Studying Appeal

M-G-M is considering applying for a writ of certiorari to appeal to the U. S. Supreme Court the recent decision of the U. S. Circuit Court of Appeals here holding that "Letty Lynton" is an infringement of the play, "Dishonored Lady" by Edward Sheldon and Margaret Ayer Barnes. The Circuit Court yesterday denied M-G-M's petition for a rehearing. The U. S. District Court here had decided the picture was not an infringement but an appeal was taken to the higher court by Sheldon and Mrs. Barnes.

Goetz Talking Plans

HOLLYWOOD, Feb. 7.—Ben Goetz is here conferring with M-G-M heads on the company's production plans in England. Nothing as yet has been definitely formulated.

Purely Personal

EDDIE CANTOR, GEORGE SKOURAS, CLAYTON BOND, A. H. SCHWARTZ, HERMAN STARR, BOB WOLFF, MAX A. COHEN, MILTON C. WEISMAN, HUGO BRYK, and J. ARTHUR HIRSCH gathered at the Astor Hunting Room yesterday noon.

•

ARTHUR G. DOYLE, who has been a student in training in Twentieth Century-Fox domestic branches for two years, has been assigned to foreign service. He will sail today from San Francisco for Shanghai.

•

ABE MONTAGUE, due back last Thursday, has delayed his return from the coast until Monday at which time he will appoint a successor to EDWARD M. SCHNITZER, former local exchange manager for Columbia.

•

HARRY BUXBAUM plans on flying to Miami Beach after the Chicago Twentieth Century-Fox mid-winter sales meet in Chicago on Feb. 22-23. He's taking his wife and son HARRY, JR., with him.

•

WILLIAM GERING of Twentieth Century-Fox will leave for Cleveland over the week-end. He will relieve GEORGE ROBERTS, local manager, who will take a vacation.

•

GINGER ROGERS left for the coast yesterday on the 20th Century after a holiday here. At noon she was the luncheon guest of W. G. VAN SCHMUS.

•

W. RAY JOHNSTON, president of Republic, will return from Miami Tuesday. He has been recuperating from pneumonia.

•

CHARLES REAGAN, western division manager for Paramount, has returned from Indianapolis. His right arm is still in a cast.

•

FRED SCHWARTZ, son of A. H., was given a bachelor dinner last night at the Park Central.

•

JAN KIEPURA arrived from the coast yesterday en route to Europe to fill a series of concert engagements.

•

SAM JAFFE will leave soon for the coast to appear in "The Scarlet Empress" for Paramount.

•

BRET HARTE'S "M'liss" has been acquired by Radio as a starring vehicle for ANNE SHIRLEY.

•

NEIL F. AGNEW will leave tomorrow for a tour of Paramount exchanges.

•

JOE MOSKOWITZ and BOB GOLDSTEIN went playgoing in Philadelphia last night.

•

AL ADAMS yesterday resigned from the U. A. advertising department.

•

SAM RINZLER will return Monday from an 18-day cruise.

•

CHARLES MOSES is in the sick bay with intestinal grip.

•

GEORGE J. SCHAEFER returns from Florida today.



Red Kann

Is on his way!

- - - On a roving assignment, heading for where the news may be breaking, including a closeup of the Hollywood situation. - - - - - - -

MOTION PICTURE DAILY

Nat'l Board Hears Censorship Attack

(*Continued from page* 1)

the Motion Picture: Progress and Possibilities." The morning and afternoon meetings were presided over by Professor Robert A. Kissack, Jr., of the University of Minnesota, and Dr. Frederick M. Thrasher of New York University, respectively. Dr. Claude Hardy, superintendent of White Plains schools; Dr. Walter S. Barnes, N. Y. U.; Dr. V. C. Arnspiger, of Erpi; John E. Abbott, of the Museum of Modern Art Film Library, and Dr. J. F. Montague, editor of the *Health Digest,* were among the speakers.

The conference yesterday afternoon adopted five resolutions: (1) endorsing the program of the National Board; (2) urging the further development of local film councils; (3) endorsing the program designed to give young people the opportunity to select and evaluate films; (4) urging all efforts to educate the public to the value of films as aids in education; (5) endorsing the National Board's refusal to accept censorship in any form, and opposing any extension of legal censorship "which might be applied to the selection or classification of films either for children or adults."

In his attack on censorship, Hays said, "The demand for censorship legislation and its discriminatory enforcement shows a desire to control morals and thoughts by law and to save people from themselves. The crusaders would set up a howl if anyone suggested that a law be passed compelling them to see something they disapprove. But they actually exercise this power on others."

Today's closing conference session will be featured by the twenty-first annual National Board luncheon at the Pennsylvania.

City Asks Dismissal Of Sales Tax Stay

(*Continued from page* 1)

late Division on the city's recent decision that rentals are subject to the tax. Raftery stated that the distributors felt that their procedure was the one most likely to be successful and feared that the injunction proceedings might prejudice their appeal. He asked the court to fix bond for exhibitors in the amount for which they might be liable under the tax in the event the injunction was granted. This was done because the city sales tax law provides that the tax must be passed on to the ultimate consumer and if the tax on film rentals is not invalidated exhibitors would be liable to distributors, under the city's interpretation of the law, for a two per cent tax on their film rentals from Dec. 28, 1934. The city's contention is that the exhibitor and not the public is the ultimate consumer.

The city based its plea for dismissal on the grounds that the tax law itself provides for a review by certiorari of the city's decisions on the applications of the sales tax, which makes an injunctive proceeding unnecessary if not improper.

The state supreme court yesterday granted United Artists' application for a writ of certiorari under which it will take its appeal from the city's tax decision to the Appellate Division.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Shadows of the Orient"

(*Larry Darmour Prod.*)

HOLLYWOOD, Feb. 7.—Providing the maximum amount of thrill action, embellished by romance, drama, melodrama and comedy, this is geared to appease the appetites of the excitement-adventure fans as well as those who like a little freshness in their entertainment fare.

It's a story of Chinese smuggling. It tells of the activities of a new kind of G-man, a young immigration inspector, an in-the-rut veteran who was just smart enough to be on the job at the right moment, a suave behind-the-scenes racketeer and a girl who had a penchant for getting herself in all kinds of romantic and dramatic trouble.

Moving rapidly, it spends no time beating around the bush, but plunging right into the plot, makes good use of rigid suspense to carry it through realistically and logically. The story centers on a drive to break up the smuggling ring. How the young inspector adapts new-fangled detective methods to amaze the veteran and put the finger on the villain are continual sources of interest. How he brings the full force of his magnetic romantic personality to work on the girl is equally so. How he gets her out of a serious jam in the finale is bold and intriguing.

Regis Toomey is the inspector, J. Farrell McDonald the old stager, Sidney Blackmer the heavy and Esther Ralston the girl. Eddie Featherstone, Matty Fain, Kit Guard and James Leong are an assortment of gangsters.

Production, which is ample in its suggestion for interest-creating showmanship is based on a story by L. E. Heifitz, with screen play by Charles Francis Royal and direction by Burt Lynwood concentrating on thrill action elements.

Production Code Seal, No. 1,928. Running time, 65 minutes. "G."

Enjoin Warner In Cagney Pact Action

(*Continued from page* 1)

cause why the court should not make the order permanent.

Cagney charged that his Warner contract, signed in October, 1932, provided for his appearance in only four pictures a year. His complaint said that during the first year he appeared in only four, but during the following two years he was assigned to five pictures each year. He claimed that the number of roles assigned him resulted in overwork and was detrimental to his popularity.

No statement on the Cagney action was obtainable at the Warner home office yesterday.

Koplar Suit Hears Catchings, Koplar

WILMINGTON, Feb. 7.—Harry Koplar and Waddill Catchings, director of Warner Bros., were the only witnesses to be heard today in the Koplar-Warner trial. Time consumed by the plaintiff in presenting the case was surprisingly short, Koplar being the only witness. The rest of the time was taken by the introduction of the plaintiffs, exhibits, documents and records pertaining to the Koplar acquisition of stock through the Skouras deal. There were additional exhibits concerning the Goldman-Sachs deal.

Koplar, on the stand to establish himself as a stockholder, testified that he now owns 15,181 shares.

There was read into the testimony during the afternoon session, parts of the Warner Bros. "Biography" to show how Goldman-Sachs came to undertake the floating of securities for the company and to show the extent of the services rendered by the financial organization.

Equity-Guild Merger Is Asked at Meeting

(*Continued from page* 1)

doned in favor of the guild. He also said that applications for relief work could be granted only to those on relief prior to Nov. 1. This had been appealed to Washington, Gillmore said, without success.

Kenneth Thompson, president of the guild, explained the reasons for the present affiliation with Equity, and said that attorneys were now clarifying the agreement and making changes wherever they were found to be necessary.

Bank Night Cleared In Two N. E. States

BOSTON, Feb. 7.—Bank Night is now legal in two New England states as a result of a ruling by the New Hampshire Supreme Court that it is no violation of the lottery laws there. Maine prosecutions were withdrawn a few days ago.

In this state two Superior Court decisions have recently gone against the giveaway.

Radio Re-Signs Jason

HOLLYWOOD, Feb. 7.—Radio has signed Leigh Jason, director, to a new long term contract. His next will be a musical tentatively titled "Make a Wish."

Flash Review

"Tango"—A well directed story on the time-tried thesis of the working girl who marries into the wealthy family.

This film will be reviewed in full in a later issue of MOTION PICTURE DAILY.

Short Subjects

"Mickey's Polo Team"

(*Disney-United Artists*)

There can be no comparison of this cartoon series. Each is as good as the last and then becomes better. The whirlwind action and splendid animation of a burlesqued polo game here leaves audiences breathless and then revives them to applaud. The team is spotted with various film personalities in good-natured satire. Gable, Shirley Temple, W. C. Fields, Garbo, Oliver Hardy with Stan Laurel and many others are in the stands and on the field. The game is a fast, hilarious and spectacular picture of action, with Jack Holt as referee. The usual comic invention and clever sound effects bring the game to a close, with the mounts riding the riders. Production Code Seal No. 1,570. Running time, 8 mins. "G."

Repeat on "Obsession"

KANSAS CITY, Feb. 7.—"Magnificent Obsession" began a repeat run at the Tower today, following a record-breaking two-week run at the house two weeks ago.

Don Marquis Ill

Don Marquis, humorist and playwright, is ill at his home, following a cerebral hemorrhage. His right side is reported paralyzed.

Wall Street

Warners Pfd. Leads Stock Gains

	High	Low	Close	Net Change
Columbia, vtc	44	43	44	+1
Consolidated	6¾	6½	6⅝	.....
Consolidated, pfd.	19½	19	19	— ¼
Eastman Kodak	159	158	159	+1¼
Loew's, Inc.	52⅜	51⅝	51¾	— ⅛
Loew's, pfd	105⅛	105⅛	105⅛	s15
Paramount	12	11½	11⅝	.....
Paramount 1 pfd.	87¾	85½	86½	.....
Paramount 2 pfd.	12¾	12¼	12½	+ ⅛
Pathe Film	8⅞	8⅛	8⅜	— ⅜
RKO	7⅞	7⅝	7⅝	.....
20th Century-Fox.	27	26½	27⅞	+ ⅛
20th Century, pfd.	34⅝	34¼	34½	— ¼
Warner Bros.	13⅜	12¾	13	— ⅛
Warner, pfd	57½	55½	57½	+3½

Most Curb Issues Up

	High	Low	Close	Net Change
Sentry Safety	1⅜	1¼	1¼	+ ¼
Sonotone	2½	2⅜	2½	+ ¼
Tecbnicolor	23⅜	21⅜	23¼	+2
Trans-Lux	5⅛	4⅞	4⅞	— ¼

Fractional Rise Spots Bonds

	High	Low	Close	Net Change
General Theatre 6s '40	24¼	23½	23½	— ⅞
General Theatre 6s '40 ctf	24¼	23½	23½	— ⅞
Keith B. F. 6s '46	94	93½	94	+ ½
Loew's 6s '41 ww deb rights	103⅛	103⅛	103⅛	+ ⅛
Paramount B'way 3s '55	59	59	59	— ⅝
Paramount Pict. 6s '55	96¾	96½	96¾	.....
RKO 6s '41 pp	76	76	76	+ ½
Warner Bros. 6s '39 wd	95⅜	94½	95⅜	+1⅜

(Quotations at close of Feb. 7)

CLASSIFIED

POSITIONS WANTED

NEWSPAPERMAN, YOUNG; 10 YEARS experience; Columbia graduate; press contacts Long Island; valuable in publicity department; low salary. Box 655, Motion Picture Daily.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 34 NEW YORK, MONDAY, FEBRUARY 10, 1936 TEN CENTS

Warners May Move to End Music Taxes

Studying Plan to Have Producers Pay Costs

Warners favors the elimination of the music tax for all theatres and believe that the entire music royalties levied against films should be paid by the producers, it was learned yesterday from an authoritative source.

Warners are now studying the theatre music tax situation with a view to putting their policy into work, and, if they are successful in this, there is reason to believe that other major producers as a matter of policy might be obliged to follow suit. A successful development of the policy by Warners reasonably could mean that exhibitors within a short time would be relieved of the music tax.

While Herman Starr, vice-president of Warners and in charge of its music publishing subsidiaries, could not be reached yesterday for a statement on the information given to MOTION PICTURE DAILY, the current issue of *Metronome*, a professional

(*Continued on page* 6)

Censorship Hit by Post at Board Meet

A general attack on censorship and praise for the work done by the National Board of Review keynoted a talk by Langdon W. Post, tenement house commissioner of New York City, at the concluding four-day session of the 12th annual conference and 21st luncheon of the national board on Saturday.

Post told conventionites assembled that "the people who sit in judgment on these films are in my opinion incompetent and completely without ability to tell the people in this state what they shall and shall not see." He added that only the work of pre-

(*Continued on page* 13)

"Obsession" Holding Up All Over Chicago

CHICAGO, Feb. 9.—"Magnificent Obsession" with the thermometer below zero continued to pack them in at the Garrick. Standouts (mostly women) at the peak hours proved the great draw the picture has, as those standing outside a theatre with the thermometer well below zero, must have wanted to see it pretty badly.

The picture played its first two weeks in the Loop at the Palace and

(*Continued on page* 13)

Moss to Seek Stoppage for All Giveaways

Will Appeal to Theatre Men at Meeting Today

License Commissioner Paul Moss today will appeal to major and independent circuit operating heads to voluntarily abandon all games in metropolitan theatres.

Notices have been sent out by the commissioner for all circuits to be represented at a meeting scheduled for 10:30 o'clock this morning at his office at 6 Reade St. Practically every circuit, large or small, will be represented, it was learned Saturday. John Manheimer, secretary of the I. T. O. A., also will be on hand as the official representative for members of the organization.

Commissioner Moss has made various efforts to have the numerous types of games eliminated from theatres, contending that they violate the lottery laws. Many suits have been instituted and where exhibitors have

(*Continued on page* 13)

Paramount Circuit Buy-Back Deal Set

A new agreement under which Paramount is given the right to exercise an option to purchase the 50 per cent stock interest in the A. H. Blank and Karl Hoblitzelle circuits from the operators has been concluded. The original buy-back privilege expired last Dec. 31 after having been extended several times.

Under the agreement Paramount is privileged to purchase from Blank his 50 per cent stock interest in the Iowa-Illinois circuit up to April 1, and from Hoblitzelle a 50 per cent interest in the Texas circuit up to April 4. The new buy-back arrangements were consented to recently by the operators following negotiations with Paramount.

To Allow "Write-in" Academy Award Vote

HOLLYWOOD, Feb. 9.—The 1936 Academy Awards Committee has declared that Academy members will have the privilege of "write-in" balloting in all divisions except art direction, making it possible that the four actors and six actresses who were nominated for the 1935 awards and other nominees will encounter new competition in the final balloting.

The First

Col. Harry A. Cole, head of Allied unit in Texas, spent an hour in Motion Picture Daily's new quarters in Rockefeller Center Saturday morning.

He was the first official visitor to the new offices.

Chicago Gains 19 Theatres; 20,060 Seats

CHICAGO, Feb. 9.—How far theatres in this territory have progressed on the road back to prosperity is shown in the annual theatre guide of the Film Board of Trade. Nineteen more theatres are open this year than there were the year before, the new total being 708, with a seating capacity of 495,192. This is an increase of 20,060 in seats.

The total of theatres in this territory is 895 with a seating capacity of 652,710. Of these, 776 are in Illinois and have a seating capacity of 584,552. In Indiana there are 118 theatres with seats for 67,923. In Michigan one theatre is listed with a seating capacity of 235.

Affiliated circuit theatres in Illinois number 117 with 188,851 seats. In Indiana there are six theatres seat-

(*Continued on page* 13)

Roxy Bondholders Still Ask RFC Aid

The Roxy bondholders' committee is continuing its negotiations with the RFC for a $750,000 loan to finance its own reorganization of the theatre and may ultimately adopt this procedure unless proposals which are more inviting to the creditors are received in the near future, it was stated on Saturday at the offices of White & Case, attorneys for the committee.

A number of proposals for reorgan-

(*Continued on page* 13)

Nebraska Cold Hits Small Town Houses

OMAHA, Feb. 9.—Constant sub-zero weather for two weeks has kept exhibitors confined to their home towns, leaving Film Row here with scarcely a visitor. Showhouses in small towns have been closing because of the intense cold.

Film delivery trucks were halted Monday night on their northern routes

(*Continued on page* 13)

Trans-Lux Has Plan to Cover All Key Spots

Arthur Mayer Will Have General Supervision

With a handful of theatres spotted in New York and Pennsylvania, Trans-Lux plans an expansion move which will provide for the establishment of a short subject unit in every key city, it is learned by MOTION PICTURE DAILY.

In line with the plan, Arthur Mayer will supervise management of all new theatres. Parcels are now being assembled in two eastern cities and deals are expected to be closed within a fortnight. Because of competitive bidding for properties in the same cities, no sites will be revealed until negotiations are completed.

Mayer's deal with Trans-Lux gives him a 25 per cent interest in all Trans-Lux houses with the exception of the Brooklyn show window which was turned down by Mayer and subsequently taken over by Henry Seigel. In return for the one-fourth interest, Trans-Lux has received a 25 per cent equity in the Rialto.

The two Trans-Lux theatres in Manhattan now are being operated by Mayer and it is expected that the Philadelphia unit will soon come under his management.

Transfer of Trust Case Here Rumored

The scene of the Government's civil action against Warners, Paramount and RKO for allegedly refusing to service F. & M.'s Ambassador, Missouri and New Grand Central in St. Louis may be shifted from the Mound City to New York, according to unconfirmed reports circulated over the week-end.

Carrying with the rumors is the additional understanding that the hear-

(*Continued on page* 6)

Report Warners to Get Cleveland Spot

Warners are reported interested in a new theatre to be constructed in Cleveland. While not concerned with the building, interests which are backing the project have approached the company to take over the structure when completed.

The Lake, on 19th and Euclid, a Warner unit, has been closed for sev-

(*Continued on page* 13)

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John F. Cronin, Long At Film Board, Dead

John P. Cronin, office manager of the Film Board of Trade, died Saturday from a heart ailment. He had been sick four weeks at his home, 247-19 13th Road, Rosedale, L. I.

Cronin, who was 61, had been with the Film Board of Trade since its inception and prior to that had been with the Hoey System which preceded it.

He is survived by his widow, Jennie; one son, John, and one daughter, Marion.

Funeral services will be held tomorrow from the home, and burial will be at Monticello, N. Y.

Rites for Sam Wolf

CHICAGO, Feb. 9.—Funeral services were held Friday for Sam Wolf, veteran exhibitor, who opened his first theatre at Halstead and Monroe Sts., in the nickelodeon days.

Vic Moran Recovering

NEW ORLEANS, Feb. 9.—Vic Moran, Republic-Bromberg Exchange booker, is recovering after a major operation. He expected to be back at work in a week or two.

Carolina Meet March 1

CHARLOTTE, Feb. 9.—The annual convention of the M.P.T.O. of North and South Carolina, which has been postponed several times, is now scheduled for March 1 and 2, at Pinehurst. Major Edward Bowes will be a guest of the meeting and Ed Kuykendall, M.P.T.O.A. president, is also expected to attend.

Insiders' Outlook

By RED KANN

Chicago, Feb. 9.

THE western legal slant on the incorporation in exhibition contracts of clauses having an actual, regulatory effect on the theatre's minimum admission and playing policies differs widely from the eastern version, as exemplified by the recent U. S. Circuit Court of Appeals decision at Philadelphia holding the anti-double featuring clauses in contracts to be illegal. . . .

▼

The still more recent decision of Judge Gunnar H. Nordbye in U. S. District court at Minneapolis in the case of Shubert Theatres Players Co. against major distributors, involving the 15-cent minimum admission clause as well as the duals clause, is in sharp contrast and was rendered by the Minneapolis court after attention had been given by it to the Philadelphia appeals court's ruling. Judge Nordbye held the distributor has an interest in theatre policy where his pictures are played and that the safeguarding of this interest by contract clauses which regulate policy may be valid; that, when those clauses are similar to clauses contained in the contracts of other distributors this, in itself, is not evidence of concerted action in violation of the anti-trust laws. . . .

▼

Excerpts from this decision follow:

"The high cost of production of the modern motion picture film requires an arrangement between the distributor and exhibitor, whereby the former may be assured of a sufficient source of revenue to repay the costs of production with a profit. The distributors, therefore, have a direct interest in the admission price of a theatre where its pictures are exhibited. . . ."

"The court finds . . . that the policy of these defendants with respect to the establishment of a minimum admission price and the prohibition of double features in the theatres in this vicinity where their films may be licensed, is predicated on long years of experience in the moving picture field, and that such policy has for its purpose, and does tend to secure to the defendant distributors, a better remuneration for their copyrighted motion picture films, so licensed and to be licensed."

"That none of the defendant distributors individually produce or distribute a sufficient number of motion picture films to monopolize or control the available motion pictures for license among the various theatres in this vicinity, and the restrictions in the license contracts regarding the admission prices and double features do not tend to substantially lessen competition in contravention of the Sherman Act or the Clayton Act, and do not tend to create an illegal monopoly in interstate commerce, if it be a fact that such contracts are promulgated by their own individual experience and uninfluenced or supported by any arrangement, understanding or contract, express or implied, with any other distributor." . . .

▼

The Shubert petition for a temporary injunction, therefore, was denied. Thus, indicating something or nothing about the judicial system of the nation, two diametrically opposite decisions emerge to further confuse the ultimate outcome on the vexatious problems of low admissions and double features. But there is something beyond law courts and citations and it leaves a mighty impress on the practicalities of the twin bill complexity. Major distributors rant against the system and apply all of the well-known arguments, not the least significant being the effect on the lowering of production standards. That's the one side. Many theatres owned, controlled or operated by distributors, nevertheless, play them. That is the other side and reduces their first contention to *reductio ad absurdum* with devastating, and little room for counter, argument. . . .

▼ ▼

During the changeover from The Century to The Chief today, an interesting report was dumped in this traveler's lap. It stems to comment in this space recently about the increased tempo which is marking the expansion of major circuits and sheds an arresting light on ways and means. The report comes down Lake Michigan from Milwaukee and has to do with the growth in that area of Wisconsin Amusement Enterprises, one of the units in National Theatres which means Twentieth Century-Fox. There, Harold J. Fitzgerald is understood to be acquiring more houses, with still more to come, under a booking arrangement which keeps the original operators at the helm and charges a five per cent fee for the privilege of playing on and with National Theatres' buying power. Profits, if any, divide evenly both ways. . . .

▼

It is said for Wisconsin independents that they are kicking up dust over the method and out of that something may come although perhaps nothing more than a good deal of yelling. As a cited instance of how it appears to be working out is the case in hand of the Sherman in Milwaukee, which is advertised as a Fox theatre. Home towners there, however, seem to be convinced it is actually operated by George Levine and Etta Weisner under an agreement with Fitzgerald. The booking combine angle itself revives several fond recollections. One: That distributors at large say they refuse to deal with them. This incidentally, is another example of fluctuating technique, as witness the trouble Aaron Saperstein long had right here in Chicago, whereas Ray Moon in overnight Detroit had little except with M-G-M. Two: The days, dim now, when the industry was rocked by the ambitious plans, engendered by the old Stanley Company of America, to organize a national booking circuit. You can't tell about these things. Either can we. That's why we're returning to window gazing. . . .

Board of Education Takes Chicago House

CHICAGO, Feb. 9.—The Board of Education has taken possession of the McVickers Theatre building at 17-27 West Madison St. on an eviction order signed by Judge Stephen Adamowski. The court order was directed against the McVicker Theatre Co., headed by Aaron Jones, Sr., which held a 99-year lease on the property.

The order followed the theatre company's failure to pay rental to the school board for 1935. In addition a judgment for $66,878, the amount of unpaid rent for the year, was entered. Bids for leasing the theatre will be accepted shortly, the board stated. The house has been dark for some time.

Fox in 157 Chicago Spots for One Day

CHICAGO, Feb. 9.—A new booking record was set here one day last week when Twentieth Century-Fox pictures were shown in 157 Chicago theatres. This is the largest number of bookings any one company has had in local history. Practically all "C" week and first and second week release houses played the company's pictures.

Advertising in the papers showed that 95 theatres out of 124 advertising, were playing product from the company. Most of the bookings were on "Old Kentucky," "The Littlest Rebel" and "Thanks A Million."

Lottery Charge Up In East Cleveland

CLEVELAND, Feb. 9.—Stuart Cagney, manager of the Windamere, East Cleveland, has been arrested on a charge of running a lottery. A hearing has been set for Feb. 14 before Police Justice Myran J. Penty.

This arrest is independent of the activity of Police Prosecutor Perry A. Frey, who has been gathering evidence against Bank Night and other giveaways for a week.

Richards Optimistic

NEW ORLEANS, Feb. 9.—E. V. Richards has this to say about 1936:

"I think that 1936 will be an excellent year for the picture business."

AGAIN WARNER BROS. HAVE A SENSATIONAL HIT AT THE N.Y. STRAND

PAUL MUNI in "THE STORY OF LOUIS PASTEUR"

With Josephine Hutchinson • Anita Louise • Donald Woods • Fritz Lieber • Henry O'Neill • Porter Hall
Akim Tamiroff • Directed by William Dieterle • A Cosmopolitan Production • A First National Picture



WHAT THE

"Splendid. 'Next Time We Love' is another gem in the already studded crown of Universal."

—Jimmy Starr, Los Angeles Herald Express

"Heart-warming, human and understandably emotional . . . a generally superior attraction."

—Red Kann, Motion Picture Daily

"A natural for women, fully as strong in this respect as U's current heavy grosser, 'Magnificent Obsession.'"

—Arthur Ungar, Daily Variety

MARGARET SU

"NEXT TIME W

BIG-TIMERS SAY

ABOUT UNIVERSAL'S SUCCESSOR TO "MAGNIFICENT OBSESSION"

"Ranks high among the finer examples of cinematic entertainment." —*Regina Crewe, N. Y. American*

"'Next Time We Love' has been made into a beautiful, thoughtful film . . . expertly acted, sympathetically directed."

—*Carol Frink, Chicago Herald and Examiner*

"A grand picture for women to cry over and generally enjoy themselves . . . Miss Sullavan has never looked so lovely nor acted with more sureness . . . provides sighs, romance and tears."

—*Eileen Creelman, N. Y. Sun*



L. AVAN
LOVE"

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Tango"
(*Invincible*)

HOLLYWOOD, Feb. 9.—Good direction and a competent cast greatly help this twice-told tale.

Marian Nixon plays the poor, but honest, working girl who marries Matty Kemp, rich, but easily influenced younger brother of George Meeker, who also has an eye on Miss Nixon. Meeker, enraged at being rebuffed by Miss Nixon, conspires to have the marriage annulled and there are plenty of misunderstandings over stolen letters before all ends happily when Miss Nixon turns up to remarry Kemp with a surprise in the shape of a little stranger clutched in her arms.

This tale is well played and directed and such good actors as Warren Hymer, Herman Bing, Franklin Pangborn and Marie Prevost aid materially in the comedy roles. Chick Chandler as the loyal family friend, draws plenty of sympathy. So does Miss Nixon as the sincere bride. Meeker is smoothly caddish as the menace. Phil Rosen's direction keeps action progressing at a satisfactory speed. Arthur Horman wrote the screenplay from Vida Hurst's novel. Credit goes to Rosen for able direction and to Lon Young for producing such an adequate film on a limited budget for Maury Cohen.

Production Code Seal, No. 1,861. Running time, 68 minutes. "G."

"Song and Dance Man"
(*20th Century-Fox*)

HOLLYWOOD, Feb. 9.—This modernized version of George M. Cohan's stage success should please, although it lacks the fire of the original. Adapter Maude Fulton has made the title role, played by Paul Kelly, secondary, dividing the focus between Clair Trevor, Kelly's dancing partner, and Michael Whalen, wealthy playboy.

Whalen places Miss Trevor in a show he is backing after persuading Kelly it is best to split their dancing act. Left to drift, Miss Trevor is all but forced from the show by Ralf Harolde, stage director, who seeks her numbers for his sweetheart. At dress rehearsal Kelly returns, exposes Harolde and leaves Miss Trevor to Whalen after the opening.

Director Allan Dwan frequently interrupts the main trend of the story and inserts comedy, which is ably handled by James Burke and Ruth Donnelly as comedy lovers, and Helen Troy in an amusing switchboard operator routine. Three musical numbers written by Sidney Clare and Lou Pollack are tuneful, but the dances staged by Fanchon are not impressive. In general the production is good, however. The love scene and comedy offer the best exploitation angles.

Production Code Seal No. 1,824. Running time, 72 minutes. "G."

Short Subjects

"Toonerville Trolley"
(*Radio*)

The characters of Fontaine Fox's comic strip are vividly brought to animated life in this color effort. The Skipper, the powerful Katrinka, and the trolley car all go to make an amusing few minutes with a new set of figures. The plot centers around the Skipper's attempt to get to the depot on time to meet the daily train. Aided by Katrinka, he bests a cow who goes after the car and with some toreador tactics outwits a bull also bent on mischief. It is a good cartoon offering. Production Code Seal, No. 0758. Running time, 7 mins. "G."

"Winter Sports"
(*Radio*)

Bill Corum takes the audience to the parts of Canada where the best of winter sports are in sway. Well photographed, there are seen champion skiing, curling, figure skating. It closes with a day in the life of a set of champion Siberian sled dogs. A short that fills a demand due to its timeliness. Production Code Seal, No. 0838. Running time, 10 mins. "G."

"Dr. Bluebird"
(*Columbia*)

One of the Color Rhapsody cartoons, this is an entertaining number, with the bluebirds rallying to cheer the small boy whose sprained foot makes fishing impossible. The characterizations of the Marx Brothers, Mae West, Laurel and Hardy and Charlie Chaplin in bluebird form are well done, and the subject should fill a spot on any program. Production Code Seal No. 1,419. Running time, 9 mins. "G."

"Bird Stuffer"
(*Columbia*)

Krazy Kat, taxidermist, is ordered by the bulldog to stuff a fish and make it look like a bird. His dog steals the fish and, chasing him, Kat is knocked out. His dream has all the stuffed animals coming to life and trying him before the owl judge for his treatment of them. When he comes to be puts to rout the fussy customer. The subject is of average quality with others of its type. Production Code Seal No. 1,898. Running time, 7 mins. "G."

"Winter at the Zoo"
(*Van Beuren-RKO*)

The Easy Aces pull gags about what the title implies as scenes of the New York Zoological Park are shown. There are some interesting shots of feeding time and winter pastimes of the animals winding up with Jane Ace, who has been sitting uncomfortably all through it discovering that she has been on a man's lap. Excellent photography accompanies the piece which should be found entertaining by most audiences. Production Code Seal, No. 0872. Running time, 12 mins. "G."

"Ice Cut-Ups"
(*Columbia*)

With the narrative delivered by Ford Bond, this World of Sport subject offers interesting shots of various forms of fun on the ice. Included are racing and stunt skating, trotting races in sleds and sulkies, ski racing behind horses, iceboat sailing and handsail skating. The feature of the subject is a recent professional hockey match at Madison Square Garden, when the boys became "annoyed" at each other and sticks and fists were flying with reckless abandon. A good subject. Production Code Seal No. 0,839. Running time, 10 mins. "G."

"Screen Snapshots No. 6"
(*Columbia*)

In this number of the Seeing Hollywood with Harriet Parsons group, the audience is given glimpses at home of Bette Davis, Hal Mohr and his wife, Evelyn Venable, Ken Maynard, Arthur Rankin and Gloria Shea. The reel features the opening of Max Factor's beauty salon, attended by dozens of stars. For audiences who like to see the players in off moments this subject should be satisfactory. Production Code Seal No. 1,913. Running time, 11 mins. "G."

"Radio Barred"
(*Radio*)

Johnny Arthur, Landers Stevens, Ruth Hiatt, Maxine Jennings and Ed Kane act out a typical comedy plot in this short. Revolving around the theme of too smart neighbors, the story has Arthur, promoted to sales manager at the office, replacing a fellow who entered a contest run by the firm. Arriving home he finds himself in a similar predicament due to his wife. There follows a free for all in which a prize, a gift and a dog all make for ordinary comedy fare. Production Code Seal, No. 1847. Running time, 15½ mins. "G."

"All Business"
(*Radio*)

This is a dull treatment of a comic theme that is tarnished from constant rewriting. It concerns the efforts of Ford Sterling to sell a line of diamonds to Kitty McHugh and the suspicions of his wife who thinks he is carrying on with another woman. He is also beset with facing his boss and annoyed by the attentions of the house detective. The usual quota of slapstick situations prevails and it ends up with a degree of understanding on all sides. Production Code Seal, No. 1,666. Running time, 18½ mins. "G."

Transfer of Trust Case Here Rumored

(*Continued from page* 1)

ings, when set, will be heard before three judges in the U. S. District Court. It is stated that when the Government brings an anti-trust action in equity three judges instead of one can be demanded for the proceedings.

When the equity case was tried in St. Louis, Federal Judge Joseph W. Molyneaux of Minneapolis was called in to decide the issues at stake. Just as Russell Hardy, chief Government attorney in the matter, was about to wind up his presentation with Harry C. Arthur, chief Government witness, a dismissal was sought and granted without prejudice to again file and name individuals as supplementary defendants. The hearings had been on for three weeks.

One of the reasons given for the possible change in states is said to be the fact that all of the individuals to be named as defendants are in New York. Many of the witnesses called to St. Louis were inconvenienced no end, having to report daily to the attorney general's office and then remain in the corridors because they were excluded from the courtroom. This, it is stated, would be done away with if the case is transferred.

Warners May Move To End Music Taxes

(*Continued from page* 1)

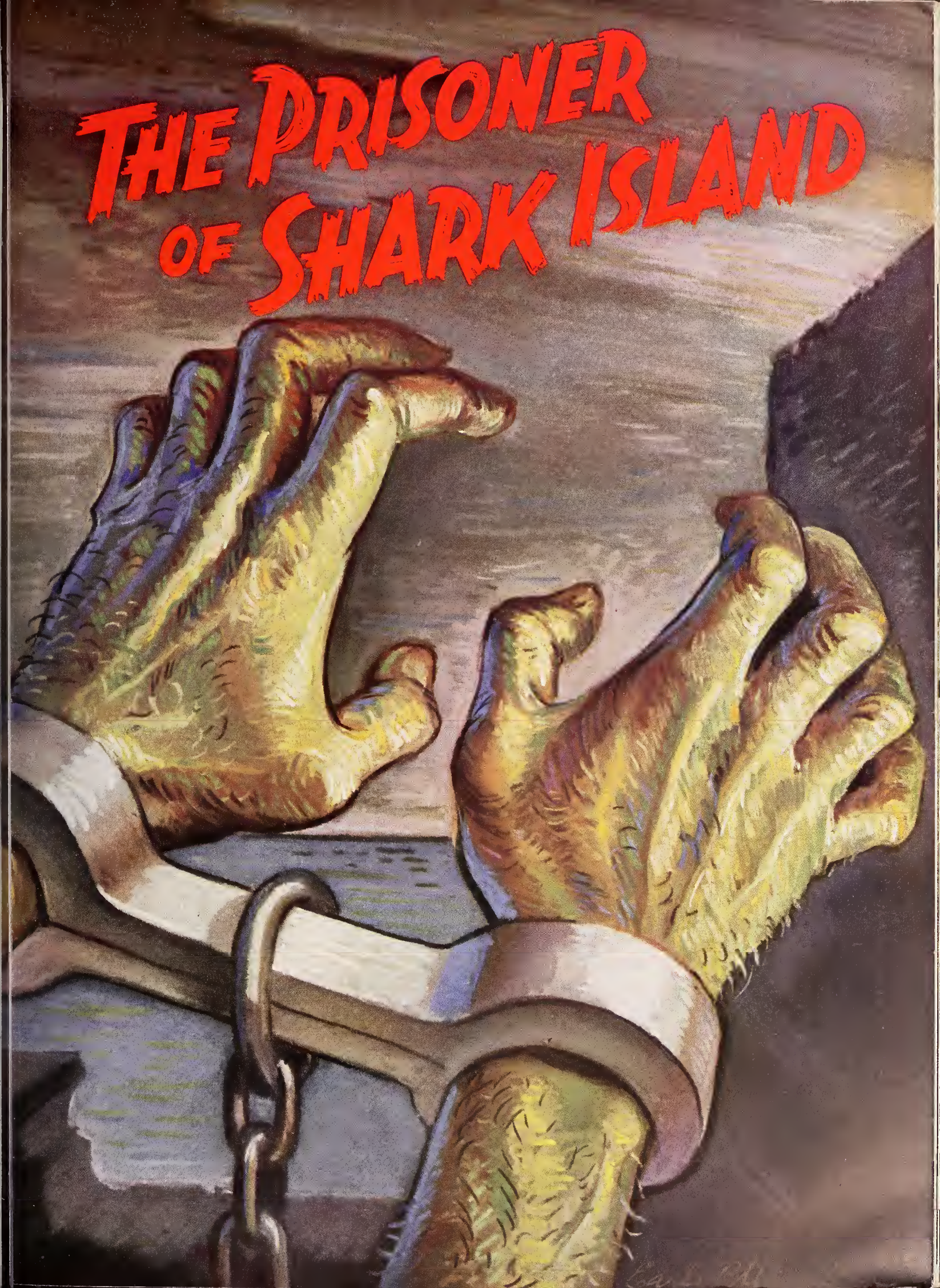
musicians' publication, carries an interview with Starr in which he is quoted along lines which substantially verify this information.

"The performing rights business is a new one with us," Starr is quoted as saying, "and we are studying a number of angles at the present time. We believe, for instance, that all performing rights fees should be paid at the source and for that reason are not interested in whether hotels have radios in their rooms or not. What's the difference if a man catches a radio program in his home or in a hotel room? We do not propose to tax hotels for the use of our music. Likewise," Starr is quoted as saying, "we see no point in imposing a double tax on pictures—at the source and in the theatres where they are showing—and are studying this situation with a view to simplifying the matter. While the ultimate amount paid for the use of music in pictures should not be any less, we believe the producer should pay the whole amount."

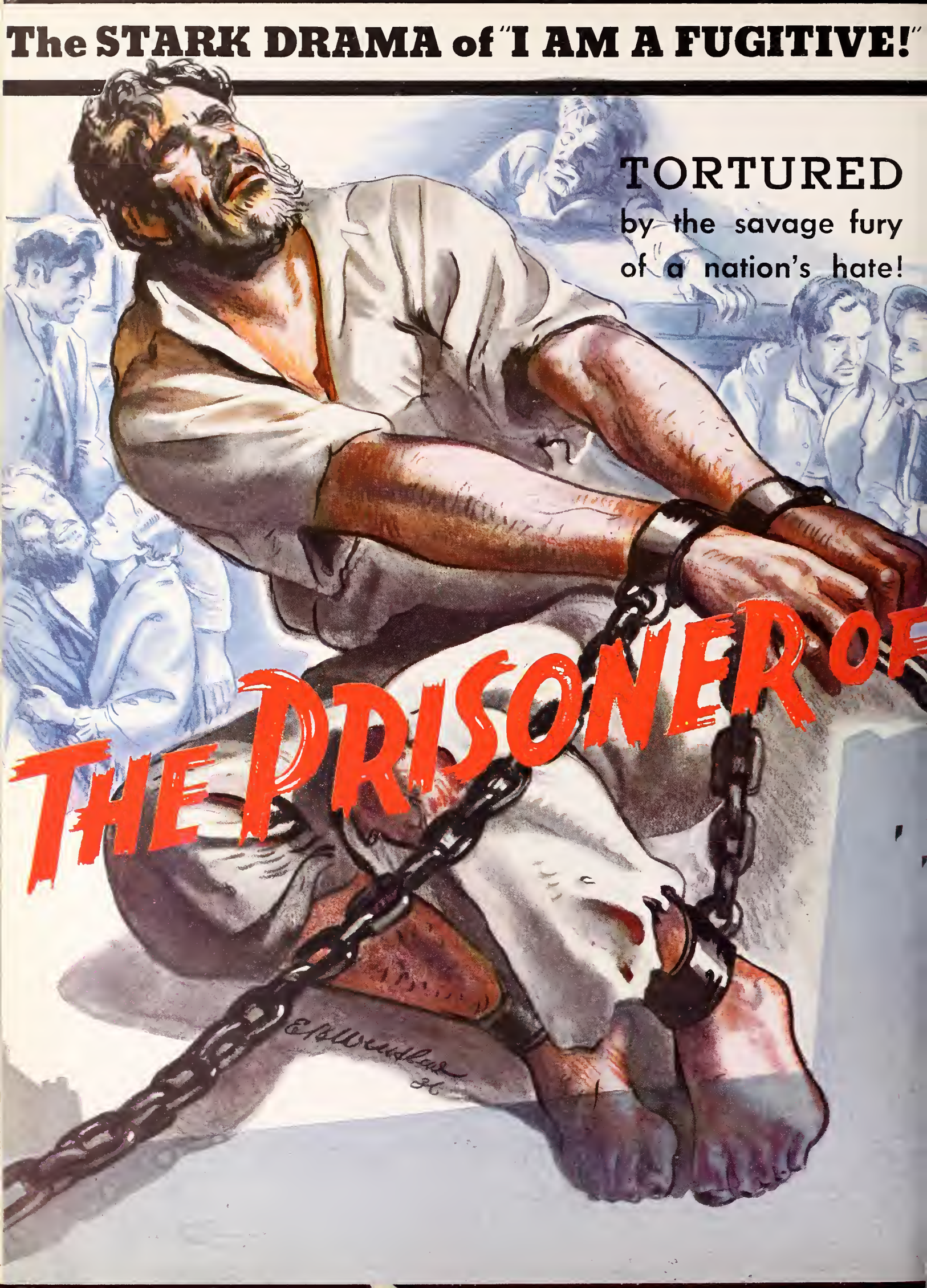
Greenwich Opening Set Despite Strike

Despite differences with Local 306 over an operators' agreement, Ben Knobel will open the new 600-seat Greenwich in Greenwich on Wednesday, as originally planned.

Construction on the theatre was halted last week when crafts affiliated with the A. F. of L., of which Local 306 is a member, walked out on the job. However, equipment dealers and others interested in completing the work, appealed to the A. F. of L. and after a few days men who had been employed on the theatre were called back.


THE PRISONER
OF SHARK ISLAND

The STARK DRAMA of "I AM A FUGITIVE!"



The MIGHTY POWER of "LES MISERABLES!"

All that... and more... in this spectacular production vibrant with every emotion... ablaze with nerve-tearing suspense. An unforgettably moving document of courage prevailing over unbearable cruelty . . . unshakable faith triumphing over man's basest betrayal.



SHARK ISLAND

One of the "Best Ten" of all time!

starring

WARNER BAXTER

with

GLORIA STUART

CLAUDE GILLINGWATER

ARTHUR BYRON • O. P. HEGGIE

HARRY CAREY • and cast of 1000

a

DARRYL F. ZANUCK

20th CENTURY PRODUCTION

Presented by Joseph M. Schenck

Associate Producer and Screen Play:
Nunnally Johnson

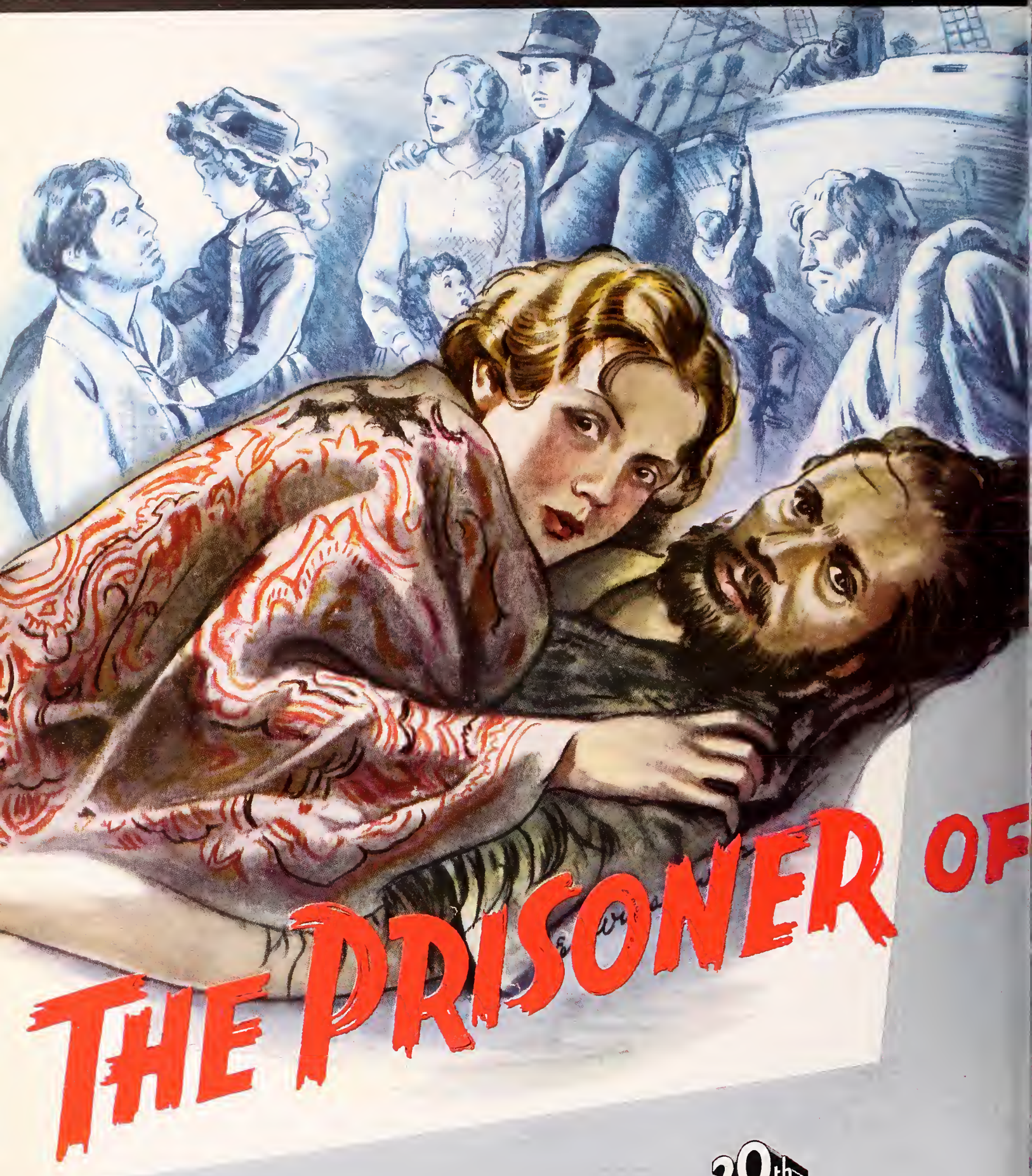
Directed by John Ford

Based on the life of Dr. Samuel A. Mudd

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

TEARS WILL GLISTEN



THE PRISONER OF

20th CENTURY FOX

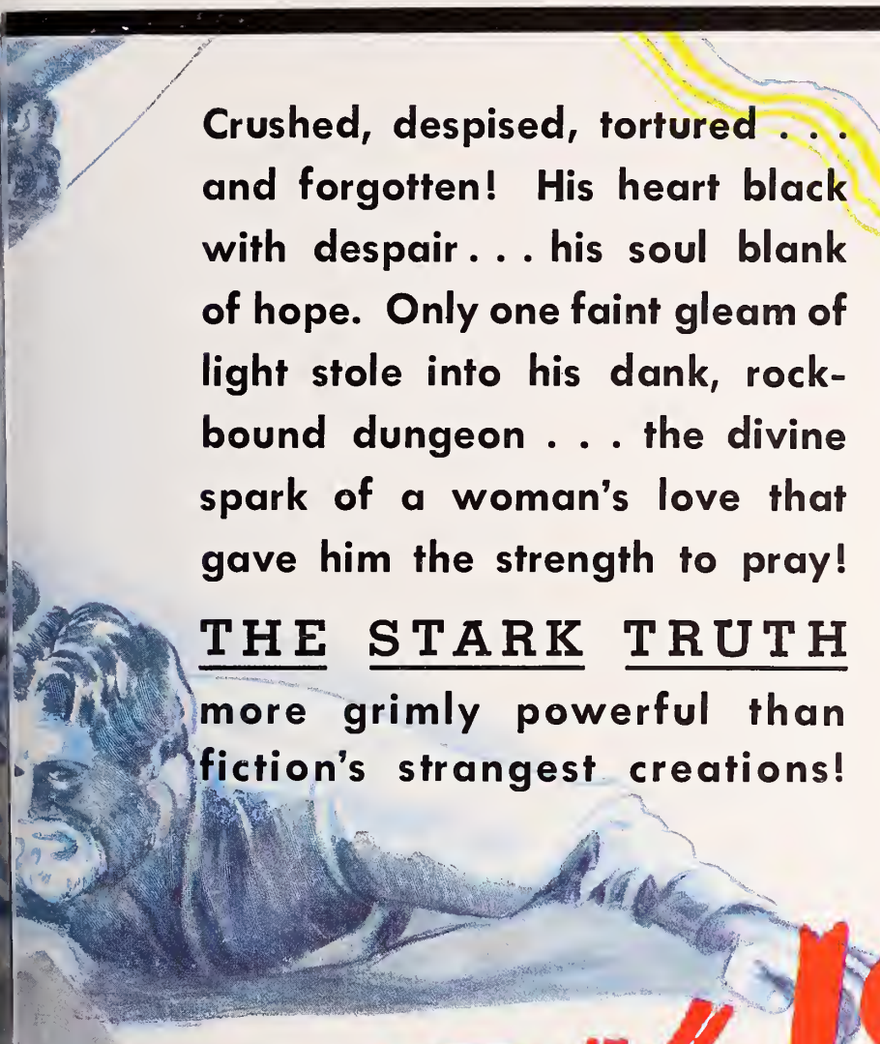
THE KEYSTONE OF YOUR FUTURE

IN A MILLION EYES!...

Crushed, despised, tortured . . . and forgotten! His heart black with despair . . . his soul blank of hope. Only one faint gleam of light stole into his dank, rock-bound dungeon . . . the divine spark of a woman's love that gave him the strength to pray!

THE STARK TRUTH

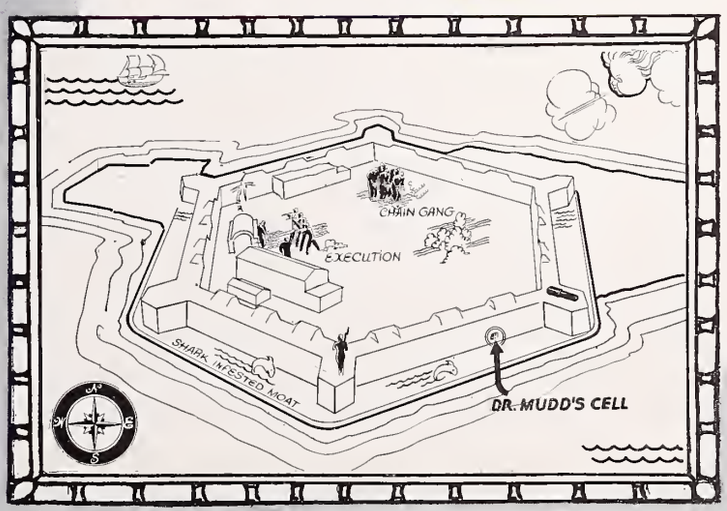
more grimly powerful than fiction's strangest creations!



SHARK ISLAND

The true story of a nation's crime!

. . . scene of the blackest blot on a nation's honor . . . locale of the most thundering drama in screen history!



America's Devil's Island...a bit of burning white hell in the Gulf of Mexico called the Dry Tortugas, where life imprisonment was an ironic term for slow death!

A STATEMENT TO THE TRADE

Hollywood, Calif.

ANY six-page insert should have a serious purpose and carry a proportionately important message to our customers.

In my eighteen years in this business I have personally endorsed very few productions; but I feel that "The Prisoner of Shark Island," which I have just viewed at the studio, deserves everything that I shall say about it.

Not only is it Darryl Zanuck at his best, but the work of John Ford, the director, Warner Baxter and the entire cast is so outstanding as to label it definitely one of the three great pictures of the year.

"The Prisoner of Shark Island" is a true page from our own history. It could be properly labeled our own American "Les Miserables" and Dr. Samuel A. Mudd, its chief character, could well be called our own Jean Valjean.

The story is that of the tragic fate of Dr. Mudd, who lived through many hells because he dared to serve the highest ethics of his calling – only to be saved when, under circumstances that will wring your heart, he answered the call again to save hundreds of helpless, as well as his own worst enemies.

Only recently our government has taken action to pay proper honor to this hero – the victim of mob hysteria – a sacrifice thrown to an inflamed and prejudiced public.

What a price! What a story!... and what a picture!

The holders of 20th Century-Fox contracts should approach the handling of this subject in their theatres with the same responsibility as I feel for its proper handling the world over.

President, 20th Century-Fox Film Corp.

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Purely Personal

GEORGE WEEKS and ARTHUR LEE are due back from the south either Feb. 15 or Feb. 17. Accompanied by A. P. WAXMAN and REG WILSON, WEEKS and LEE are now in Miami Beach for the opening of "Rhodes" today. After the opening they will visit Atlanta, Charlotte and Washington exchanges. WILSON, who has been transferred to the home office, will be succeeded by SCOTT CHESNUTT, who will supervise G. B. sales in Charlotte, Atlanta, New Orleans and Memphis.

•

EDWIN L. WEISL, personal attorney to FLOYD B. ODLUM, Paramount director and head of Atlas Corp., returned Saturday from a visit of several weeks at the Paramount studio during which he conferred with JOHN E. OTTERSON.

Quip of the Day

Dear MOTION PICTURE DAILY:

I received your note about lifting yourself up bodily and moving over to Rockefeller Center.

I don't think that's such a tremendous stunt.

Now, if you could lift Eddie Edelson bodily and move him out of Sardi's reach—that would be something.

MONROE GREENTHAL.

GEORGE J. SCHAEFER returned to New York from Florida on Saturday for a couple of days, after which he returns to that sunny clime. In answer to reports that he had made a new deal, he declared this was not so.

•

COL. HARRY A. COLE left for Dallas Saturday after coming on from Washington, where he attended the two-day Allied directors' meet. AL STEFFES and H. M. RICHEY were in town also and left a day before COLE.

•

DOROTHY J. BAYLESS, secretary to A. H. MCCAUSLAND, RKO trustee's representative, will be married on Wednesday to CHARLES OATLEY of Great Neck, L. I.

•

JOE S. HUMMEL, foreign sales manager for Warners, has left Rio de Janeiro for Buenos Aires where he will remain until Feb. 20.

•

MARVIN SCHENCK, assistant to CHARLES C. MOSKOWITZ, left Wednesday for Hot Springs, Ark., and a vacation. He'll be gone until March 1.

•

DOUGLAS FAIRBANKS, JR., will entertain the press in his penthouse suite at the St. Regis tomorrow afternoon.

•

MORT SINGER left Saturday for Chicago, where he will remain for a week and then head for the coast.

•

FRANK M. THOMAS, stage player resently signed by Radio, is en route to Hollywood by motor.

•

BORIS KARLOFF will be host at a cocktail party to be given this afternoon at the Algonquin.

•

PETE MAYER is on the bounding main and heading for the West Indies. Away until the end of March.

Chicago Gains 19 Theatres; 20,060 Seats

(*Continued from page* 1)

ing 11,262. Unaffiliated circuit theatres in Illinois total 197 with 181,574 seats and in Indiana 22 theatres with 16.728 seats. This makes a total of 342 circuit theatres with a total seating capacity of 398,415, an increase of 26 theatres and 14,291 over last year.

Independent houses total 553, a decrease of 34 compared with the previous year. There are 254,295 seats compared with 277,416 a year ago, a decrease of 3,121.

Independent theatres are located as follows: Illinois—462, with 214,127 seats; Indiana—90 theatres, 39,933 seats; Michigan—one theatre, 235 seats.

The total number of sound theatres is 782, one less than a year ago. Silent theatres total 113, as compared with 120 the previous year. Closed theatres at present total 187, which is 27 less than a year ago.

This year there are 74 sound theatres closed against 94 for the same period last year. Silent theatres total 113 and all are closed.

Six theatres were dismantled or demolished during the year.

B. & K., with 39 theatres seating 92,816, heads the circuit list. Publix-Great States is second with 51 theatres, seating 62,187.

Other affiliated circuit details are: Blank Theatres, Davenport, Iowa, three; LaSalle-Peru Theatre Corp., Peru, four.

Unaffiliated circuit details are: E. E. Alger, Peru, nine; F. W. Anderson, Morris, 11; Harry Balaban, Chicago, eight; Bikos Theatres, Gary, Ind., four; Bland Bros., Chicago, six; M. & B. Brotman, Moline, five; L. Cochevety, Mishawaka, Ind., four; G. C. S. Circuit, Inc., Chicago, five; Essaness Theatres Corp., Chicago, 27; D. Frisini, Mattoon, seven; Goodman & Harrison, Chicago, four; Gumbiner Theatre Interests, Chicago, seven; Charles House, Rockford, eight; Jones, Linick & Schaefer, Chicago, five; Jacob Lasker Theatrical Managers, Chicago, six; C. G. LeKander, Geneva, four; B. A. Lucas, Chicago, seven; Van Meter Theatres, Galesburg and Rockford, four; Midwest Theatre Corp., Chicago, 14; A. B. McCullom, Hoopeston, six; L. Reinheimer, Chicago, 11; Jack Rose, Chicago, 20; H. Schoenstadt & Sons, Chicago, 16; Stern Theatre Interests, Chicago, eight; Simansky & Miller, Chicago, five; Van Nomikos Theatres, Chicago, seven.

Nebraska Cold Hits Small Town Houses

(*Continued from page* 1)

by a blizzard that struck northeast Nebraska and southeast South Dakota. Deliveries beyond Norfolk, key city of the northeast, were in peril. Exchanges were receiving film cancellations from many small towns marooned by snow and cold.

The loss in confused bookings and lost time is expected to reach a tidy sum.

They Confer

Miami, Feb. 7.—Spotted at Hialeah track yesterday in serious conference were: W. Ray Johnston, president of Republic; C. C. Ezell, southwestern district head; William G. Underwood, Dallas manager, and Irving Mandel, central district manager.

Giveaway Stoppage Sought by Moss

(*Continued from page* 1)

lost in the preliminary stages appeals have been taken to the higher courts. The commissioner's new move, it is said, is designed to do away with further legal actions.

One of the most important circuits in the local territory has advised MOTION PICTURE DAILY it will not discontinue the practice. A high official of the circuit will attend the session this morning and express his views, it was stated.

Pending before the Bronx Special Sessions Court are three hearings involving Loew units playing Screeno. Arguments will be heard on Feb. 21 on the Grand and Elsmere. The Paradise case is scheduled for Feb. 28.

Leave to file an appeal in the Court of Appeals in Albany on a decision handed down by the Appellate Division of the Supreme Court, Brooklyn, in connection with a Farmer Miller game at the Winthrop was recently granted Weisman, Quinn, Allen & Spett, attorneys for the I. T. O. A., of which the theatre is a member.

Roxy Bondholders Still Ask KFC Aid

(*Continued from page* 1)

ization of the property have been received by the committee, it was stated, but none offer sufficient advantages to warrant abandonment by the committee of a plan of its own. Among other proposals known to have been submitted are those of F. & M., Howard S. Cullman and Haring & Blumenthal. Recent interest in the house displayed by Paramount ended with the death of Samuel L. (Roxy) Rothafel, who would have returned as operator under Paramount's proposal.

Report Warners to Get Cleveland Spot

(*Continued from page* 1)

eral weeks. This is due to a pooling arrangement with RKO. However, since the pool became effective, RKO has taken over the Lincoln, a neighborhood unit, and Warners, likewise, have decided to take on additional representation.

Representatives of the Warner home office have made several trips to the Ohio city in connection with the deal and are slated to make the trip again this week.

Take Hoffberg Shorts

J. H. Hoffberg's 1936 short product has been taken by the Capital Film Exchange of Philadelphia, by Elliott Film in Minneapolis and Sack Amusement for Texas, Oklahoma and Arkansas.

Censorship Hit by Post at Board Meet

(*Continued from page* 1)

censorship should exist in this country, if at all.

Applauding the work of the board, Post continued: "It seems to me that the National Board of Review is based on a correct and proper principle and I commend it for its stand against silly and stupid censorship laws which exist in this country."

Messages were read by Wilton A. Barrett, executive secretary of the board, and President Roosevelt. The president said, in part: "I believe our motion pictures should be sane and salutary, enlightening and mentally stimulating. This can be accomplished without subjecting the industry to onerous restrictions." A message from Mayor LaGuardia also was read. He, likewise, praised the efforts of the organization. R. H. Cochrane, vice-president of Universal, highly lauded the group's activities in his message.

Harry M. Warner spoke in eloquent defense of the screen.

At the speakers' table were Edward G. Robinson, John Beal, William Bakewell, Douglas Fairbanks, Jr., Harriet Hilliard, W. G. Vam Schmus, Ernest Truex, Tilly Losch, Ed Kuykendall, Dr. A. A. Brill, Dr. John Rathbone Oliver, Mrs. Oliver Harriman and others.

"Obsession" Holding Up All Over Chicago

(*Continued from page* 1)

then was rushed into the Garrick where it did record business. Bookings made previously caused it to be taken out of the Loop after this engagement and put in the "big three," the Tivoli, Marbro and Uptown, B. & K.'s deluxe neighborhood houses. Heavy advertising campaigns were launched on the playdates.

Wall Street

Trading Irregular on Board

	High	Low	Close	Net Change
Columbia, vtc	43½	43½	43½	— ½
Consolidated Film.	6¾	6½	6⅝	.....
Consolidated, pfd.	19¼	19¼	19¼	+ ¼
Eastman Kodak	157	157	157	--2
Loew's, Inc.	51¾	51⅝	51⅝	— ⅛
Paramount	11¾	11½	11⅝	.....
Paramount 1 pfd.	86¼	86	86	— ½
Paramount 2 pfd.	12½	12¼	12¼	— ¼
Pathe Film	8⅝	8⅜	8½	+ ½
RKO	7½	7⅜	7¼	— ⅜
20th Century-Fox	26⅞	26¾	26¾	— ⅛
20th Century, pfd.	35	34½	35	+ ¼
Warner Bros.	13	12⅝	12¾	— ¼
Warner, pfd.	57⅞	57⅜	57¾	+ ¼

Few Curb Gains

	High	Low	Close	Net Change
Sentry Safety	1½	1⅜	1½	+ ¼
Sonotone	2½	2½	2½	.....
Technicolor	23⅜	23¼	23⅜	+ ⅛
Trans Lux	4¾	4¾	4¾	— ⅛

Little Bond Activity

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	24	23¼	23½	.....
General Theatre Equip. 6s '40 ctf.	24	23½	23½	.....
Paramount Broadway 3s '55	59	59	59	.....
Paramount Pictures 6s '55	96⅝	96½	96½	— ¼
Warner Bros. 6s '39 wd	96¼	95½	96¼	+ ⅞

(Quotations at close of Feb. 8.)

"Anything" Is Kansas City's Top, $10,600

KANSAS CITY, Feb. 9. — Grosses followed the thermometer down. "Anything Goes" at the Newman had the best showing with $10,600, compared with an $8,000 average for eight days.

In spite of excellent promotion, "Strike Me Pink" at Loew's Midland fell $300 under par $11,500.

"Crime and Punishment," plus a stage show at the Tower, took $6,000, which was $1,000 under average; and a combination bill with "Another Face" at the Mainstreet pulled $7,100. Average is $9,000.

The Fox Uptown's first week under a new policy of single bills for a straight 25 cents was considered fair when "Paddy O'Day" took $2,900. Average under the 25c-40c schedule was $3,500.

Total first run business was $38,800. Average is $39,000.

Estimated takings:

Week Ending Jan. 30:

"ANYTHING GOES" (Para.)

NEWMAN—(1,900), 25c-40c, 8 days. **Gross:** $10,600. (Average, $8,000)

"STRIKE ME PINK" (U.A.)

MIDLAND—(4,000), 25c-40c, 7 days. **Gross:** $11,200. (Average, $11,500)

"CRIME AND PUNISHMENT" (Col.)

TOWER—(2,200), 25c-35c, 7 days. Stage: Chic Kennedy, Louie's Chinese Revuette, Stalac Brothers & Pearl, and Rodney & Gould. **Gross:** $6,000. (Average, $7,000)

"ANOTHER FACE" (Radio)

MAINSTREET — (3,100), 25c-35c-50c, 7 days. Stage: Duke Ellington and His Orchestra, with Ivie Anderson, Four Step Brothers, Jigsaw Jackson. **Gross:** $7,100. (Average, combination bill, $9,000)

Week Ending Jan. 31:

"PADDY O'DAY" (20th-Fox)

UPTOWN—(2,000), 25c, 7 days. **Gross:** $2,900. (Average, undetermined under new policy)

Two "U" Releases Set

HOLLYWOOD, Feb. 9. — Universal will release "Love Before Breakfast" and "Sutter's Gold" in March. The first picture, in which Carole Lombard plays the leading role, is tentatively set to open in New York March 2. The other, which features Edward Arnold, Lee Tracy and Binnie Barnes, will probably be released right after Easter.

Pick Santley's Third

HOLLYWOOD, Feb. 9.—When Joseph Santley finishes "Laughing Irish Eyes" for Republic, he will start on "The Gentleman from Louisiana" as the third picture on his contract. Lee Freeman, Andre Boehm and Reginald Hammerstein are working on the script.

Switch Yuma Bookings

YUMA, Feb. 9.—Product scheduled to play Mike Rosenberg's Yuma, which burned down last Saturday night, will be booked into the Lyric. The Lyric is a smaller house. Both theatres were operated by Rosenberg in connection with F. W. C.

She's Now "Carrol"

HOLLYWOOD, Feb. 9.—Kay Hughes, recently made a featured player by Warners for "The Golden Arrow" will be known hereafter as Carrol Hughes.

"Pink" Leads Seattle for Second Week

SEATTLE, Feb. 9.—"Strike Me Pink" in its second week more than doubled average at the Liberty by getting $8,150 in a week of extreme cold and snow. It was held over for a third stanza.

"Magnificent Obsession" held up to $3,100 in its third week on an extended run from the Fifth Ave. All other spots were in the doldrums.

Total first run business was $34,550. Average is $33,500.

Estimated takings for the week ending Feb. 3:

"CAPTAIN BLOOD" (F.N.)

BLUE MOUSE—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Fifth Ave. **Gross:** $3,400. (Average, $4,000)

"ANYTHING GOES" (Para.)
"TWO IN THE DARK" (Radio)

FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $6,700. (Average, $7,000)

"STRIKE ME PINK" (U.A.)

LIBERTY—(1,800), 15c-25c-35c-50c, 7 days, 2nd week. **Gross:** $8,150. (Average, $4,000)

"MAGNIFICENT OBSESSION" (Univ.)

MUSIC BOX—(950), 25c-40c-55c, 5 days, 3rd week, extended run from Fifth Ave. **Gross:** $3,100. (Average, $4,000)

"ROSE OF THE RANCHO" (Para.)
"INVISIBLE RAY" (Univ.)

ORPHEUM—(2,450), 25c-30c-40c, 7 days. Gross: $5,200. (Average, $6,000)

"WIDOW FROM MONTE CARLO" (W.B.)
"WE'RE ONLY HUMAN" (Radio)

PARAMOUNT — (3,050), 20c-25c-30c, 8 days. **Gross:** $4,900. (Average, $5,000)

"FRISCO WATERFRONT" (Republic)

REX—(1,500), 15c-25c-35c, 7 days. Stage: "Blue Paradise Revue." **Gross:** $3,100. (Average, $3,500)

"Splendor," Bowes Unit, Omaha High

OMAHA, Feb. 9.—"Splendor," with a Major Bowes amateur unit on the stage, overcame the effects of sub-zero weather by running the Orpheum take up to $10,000. This was $2,000 over par.

"Magnificent Obsession," in its second week at the Omaha on a dual with "Coronado," went into the profit column on a gross of $5,200, and "Ceiling Zero" got off to a fast start in four days at the Brandeis. The $2,900 gross was $400 over normal for a week.

Total first run business was $23,300. Average is $21,000.

Estimated takings:

Week Ending Feb. 2:

"CEILING ZERO" (F.N.)

BRANDEIS—(1,200), 25c-35c-40c, 4 days, 2nd week. **Gross:** $2,900. (Average, $2,500)

Week Ending Feb. 5:

"A MIDSUMMER NIGHT'S DREAM" (W.B.)

BRANDEIS — (1,200), 50c-75c-$1.00-$1.50, twice daily, 3 days. **Gross:** $5,200. (Average, $5,500)

"MAGNIFICENT OBSESSION" (Univ.)
"CORONADO" (Para.)

OMAHA—(2,200), 25c-40c. 2nd week for "Magnificent Obsession." **Gross:** $5,200. (Average, $5,000)

Week Ending Feb. 6:

"SPLENDOR" (U.A.)

ORPHEUM — (3,000), 35c-55c, 6 days. Stage: Major Bowes' Amateur Unit No. 5. **Gross:** $10,000. (Average, $8,000)

Lightman in Kiwanis

JONESBORO, Ark., Feb. 9.—M. A. Lightman was elected honorary member of the Jonesboro Kiwanis Club

Florida Again

Miami, Feb. 9. — Governor Schulz and Joseph P. Kennedy conferred here the other day on the possibility of transferring a portion of production to Florida.

It is understood the state will go fifty-fifty with the industry on any studio venture.

"Strike Me" Pulls $9,500 in Houston

HOUSTON, Feb. 9.—In spite of sleet and rain, unusual here and continuing most of the week, "Strike Me Pink" at Loew's State ran above the $7,000 average by $2,500, grossing $9,500.

"Magnificent Obsession," in its second week at the Majestic, had a take of $6,500. Average is $7,000.

"Music in the Air" at the Kirby also bettered the $1,500 par slightly, grossing $1,700. Other pictures dropped. "I Dream Too Much" at the Metropolitan proving a disappointment with $6,700, which was low by $300, and "Stormy" falling to $2,700 at the Kirby where the week-end figure is $3,000.

Bank Night, combined with "Personal Maid's Secret," brought a one-day take to the Kirby of $1,500, of which the matinee trade of $400 was credited to the picture.

Total first run business was $28,600. Average is $26,000.

Estimated takings for the week ending Jan. 30:

"STORMY" (Univ.)

KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $2,700. (Average, $3,000)

"PERSONAL MAID'S SECRET" (W. B.)

KIRBY—(1,450), 15c-35c, 1 days. **Gross:** $1,500. (Average, $500)

"MUSIC IN THE AIR" (Fox)

KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,700. (Average, $1,500)

"STRIKE ME PINK" (U. A.)

LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $9,500. (Average, $7,000)

"MAGNIFICENT OBSESSION" (Univ.) (2nd week)

MAJESTIC—(2,250), 25c-50c, 7 days. **Gross:** $6,500. (Average, $7,000)

"I DREAM TOO MUCH" (Radio)

METROPOLITAN—(2,600), 25c-50c, 7 days. **Gross:** $6,700. (Average, $7,000)

Wasserman Aids Benefit

BOSTON, Feb. 9.—Harry I. Wasserman, M. & P. district manager, heads the entertainment committee for the fifth annual benefit performance of the Menorah Institute, to be held Sunday on the stage of the Colonial. Hy Fine, M. & P. stage show director; Harry Goldstein, Samuel Kraft, Harry Harris, Charles Van, Ralph Harris and Joseph and Mrs. Silverman complete the committee. Gene Raymond is expected.

Hamrick in Opera Deal

SEATTLE, Feb. 9. — Hamrick-Evergreen has just closed a deal to bring the San Carlo Opera to the Music Hall the week of March 15. It is understood to be a percentage deal in order to use a dark house. Seating capacity is 2,280.

"Let's Sing" New Title

HOLLYWOOD, Feb. 9. — Sol Lesser has changed the title of the Bobby Breen picture, "The Show Goes On" to "Let's Sing Again." Breen sings a song with that title in the film.

"Rose Marie" Denver Smash; Gets $14,000

DENVER, Feb. 9. — "Rose Marie" went into the record-smashing division in a hurry at the Orpheum. It set up new attendance marks and passed the top-money classification when it reached $14,000, over normal by $8,000. It was held.

"Strike Me Pink" had repeated holdouts at the Denver before it reached $8,000, up by $2,000. It was moved to the Paramount for a second week. "Magnificent Obsession" was moved to the Broadway for a third week after a fair second week at the Aladdin, during which it grossed $3,500.

"The Milky Way" got off to a good four-day start of a 10-day run at the Denham, the $4,000 take being within $500 of a week's normal gross. The temperature was around zero for the entire week.

Total first run business was $38,500. Average is $23,000.

Estimated takings for the week ending Feb. 5:

"MAGNIFICENT OBSESSION" (Univ.)

ALADDIN—(1,500), 25c-40c-50c, 7 days. Followed a record-breaking week at the Denver. **Gross:** $3,500. (Average, $2,500)

"MIDSUMMER NIGHT'S DREAM" (W.B.)

BROADWAY—(1,500), 50c-75c-$1-$1.50, 7 days, roadshow engagement, twice daily. **Gross:** $4,000. (Average, $1,250)

"ANYTHING GOES" (Para.)

DENHAM—(1,500), 25c-35c-40c, three-day holdover after a big $9,500 week. **Gross:** $2,000.

"MILKY WAY" (Para.)

DENHAM—(1,500), 25c-35c-40c, 4 days, but will stay at least a full week. **Gross:** $4,000. (Average for week, $4,500)

"STRIKE ME PINK" (U.A.)

DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $8,000. (Average, $6,000)

"ROSE-MARIE" (M-G-M)

ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $14,000. (Average, $6,000)

"DANGEROUS" (W.B.)

PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $3,000. (Average, $2,750)

Circuit Shifts Managers

DES MOINES, Feb. 9. — Tri-State Theatres has made the following managerial changes. Harry Holsberg has quit the management of the Spencer at Rock Island, Ill., and has been succeeded by R. J. Wernimont. James Silvers has been promoted to Wernimont's former place as assistant manager at the Paramount, Cedar Rapids, Ia. Locally, Forrest H. Largent has been moved from assistant manager at the Paramount to the Des Moines. Henry Workman, assistant at the Des Moines, is now manager at the Garden. Harry Laster, former assistant at the Strand, is now at the Paramount.

Group Protests Shows

OTTUMWA, Iowa, Feb. 9. — The District Ministerial Ass'n., has passed a resolution attacking the presentation of shows at the new armory-coliseum on Saturday nights, as "an affront to the religious people of the community."

"Music" Set for Miami

MIAMI BEACH, Feb. 9.—Columbia will hold the premiere of "The Music Goes 'Round" at the Lincoln Feb. 19. Harry Richman, star of the picture, will be present.



"Hitch Hike Lady" Wins in a Walk!

SYRACUSE HERALD

'Hitch Hike Lady' Holds Entertainment

Alison Skipworth Heads Lengthy Cast in Strand Film

By CHESTER BAHN
Cinema Critic of the Syracuse Herald

"Hitch Hike Lady," found currently at Robert Pekin's R-K-O Schine Strand, is important for two reasons. First, because it is spritely entertainment, unfolding a story as rich in human interest as May Robson's cinematic success of a few years back, "Lady for a Day."

Secondly, because, for once, a cast of seasoned players recruited by an independent studio (Republic) has not figuratively bitten the hand feeding it, but instead has earnestly and unanimously proceeded to turn in performances of major studio caliber.

Miss Skipworth is corking, Miss Clarke, splendid, and the others, whether carrying a light or heavy histrionic load, exceedingly capable. Mr. Scotto has paced the story with ... and guided the action ... precisely the right touch. ... major studio who could have done a better job in this instance than Republic.

She's marching at the head of Republic's Hit Parade . . . winning acclaim throughout the country . . . and earning a claim to the Comedy Sensation of 1936!

★★★½★
"HITCH HIKE LADY"
A really grand comedy
Screen Book Magazine, March, 1935.

with
ALISON SKIPWORTH
MAE CLARKE · ARTHUR TREACHER
JIMMY ELLISON · BERYL MERCER
WARREN HYMER

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with Donald Cook, Jean Rouverol

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with Esther Ralston, Onslow Stevens

FRISCO WATERFRONT
with Ben Lyon, Helen Twelvetrees, Rod La Rocque

NOW IS THE TIME TO BOOK REPUBLIC PICTURES

REPUBLIC PICTURES

Business in New England On Up Trend

BOSTON, Feb. 9.—The film business in New England is heading up hill at an encouraging clip on the whole, according to a cross-section of industry members. Distributors, exhibitors, premium men and the equipment field join in the prediction.

"The year 1936 should prove memorable in the annals of our country," declared Gov. James M. Curley of Massachusetts, "marking as it will the end of the greatest depression ever visited upon the American people."

Theatre openings in the territory in 1935 showed an increase of at least four per cent over 1934, records indicate. The new product available this year is pointed out as important to the expected gains in business. Thomas Woodbury, city manager for the Ramsdell Brothers circuit, cited a need for fewer and better pictures, and predicted that this year "film fare is going to be more important than dishware."

On the other hand one exhibitor foresaw giveaways as being a mainstay of theatre business in 1936, while another showman, Al Somerbee, of Lothrop Theatres Corp., expressed the belief that vaudeville will have difficult sledding during the year.

Substantial gains in repair and replacement of equipment are anticipated. Martha W. Ferris and Joseph Brennan, executive secretaries of the Film Board of Trade and the M.P.T.O., respectively, were cheerful in their forecasts of business for the year. Brennan pointed out that in Gov. Curley's message to the legislature he proposed no new taxes on the film business.

1936 Outlook in Bridgeport Bright

BRIDGEPORT, Feb. 9.—Local exhibitors are agreed that the box-office prospects for 1936 are bright and that indications point to the best year since the depression. Business has been on the gain since early last fall and is expected to hold a high level through the winter months.

Matt Saunders, manager of Poli's Palace, says, "Business is far ahead of last year and taking into consideration the large increase in factory payrolls here there should be a growing attendance at the theatres during the coming months." The neighborhood houses are feeling the pickup in business and a number are erecting new marquees and fronts and redecorating interiors with confidence that business will remain good.

The larger factories here are employing more hands and have returned to the policy of vacations with pay for employes starting next summer. Theatre men feel this is an indication that more film money will be spent.

Theatre business in Norwalk has proved a bit disappointing. Even such stars as Lily Pons have failed to increase receipts.

Stamford and Danbury report business gaining slowly, but exhibitors do not look for any spectacular increase during the year.

Washington Sees Big '36 Advance

WASHINGTON, Feb. 9. — The enthusiastic expectations of the leaders of the industry are reflected in this exchange territory by distributors and exhibitors alike. It is the consensus that the gains registered in the year just closed are as nothing compared with the tremendous strides forward which will be made in all film branches in 1936.

Many observers characterized the year just passed as one of the best since 1928, and the productions thus far this year as superior to those of any similar period. Production schedules of both major and independent producers are pointed to as further evidence of continued high quality.

During the past year exhibitors have spent freely improving theatres and building new ones, principally Warners' Penn and Sidney B. Lust's Milo, Rockville. The major construction program for 1936 is the $4,000,000 Warner project, calling for six new houses during the year.

During 1935, postal receipts, sales of electricity, telephone installations, originating telephone calls and earnings of utility corporations indicated a resumption of commercial activity and presaged still greater expansion of trade in 1936, an expansion which cannot but materially assist the theatres—and through them the exchanges—in forging ahead to bigger and better things.

Predict '35 Gains Will Hold in Iowa

DES MOINES, Feb. 9.—Reports of a 20 per cent increase in business of Tri-States Theatres Corp. for the last 14 weeks of 1935 and expectations that this percentage will be maintained during 1936 are typical of the reports by other theatres in this territory and of the business indices in the state.

Business prospects are excellent throughout Iowa, according to W. E. Banford, manager of the M-G-M exchange here. He based his opinion on the general business improvement and the quality of product.

General increases were noted in business indices. New theatres, six new suburban houses having been opened locally, played a part in the increased building permits issued. The value of building permits for 1935 was $2,083,765, compared with $1,145,284 in 1934. Bank deposits showed an increase, postal receipts gained, and increases in new car and truck sales were taken as indicative of the improved farm situation. Significant was the increase in farm income, $43,000,000 in 1935 over 1934.

Indicating that Iowans are spending more money, car registrations showed a distinct gain, as did the revenue from the gasoline tax. Members of the Allied Theatre Owners of Iowa, in general, reported favorable business gains.

"U" Gets Comic Strip

HOLLYWOOD, Feb. 9.—Universal has purchased screen rights to the King Features comic strip, "Secret Operator No. 9," and will make a screen serial from the series. The deal was set by the William Morris office.

Prospects Hit New High on the Coast

LOS ANGELES, Feb. 9.—If signs mean anything in southern California, Los Angeles and particularly Hollywood stand on the threshold of an unprecedented prosperity. The area's basic industries are on a sounder basis than ever before. Optimism runs high. Leaders in the film industry have voiced their future plans and anticipations. Business, finance and commercial executives are confident.

All point to the millions spent on the recent Pasadena Tournament of Roses pageant, and the thousands that are daily going into the Santa Anita race track parimutuels as evidence of the territory's willingness to spend. Film Row is one long chorus of enthusiasm, a spirit tunefully reflected by theatre people, circuit managers and independent operators.

Yet there are a few flies in the ointment. Business generally is fearful of new taxes. Almost every important leader qualifies his statement with an "if" or "but." The implied question is: "In view of the Federal, state and local tax threat, if we make any money, can we keep it?"

Exhibitors are hoping for the best. Sure that their patronage has the money to spend, and is willing to spend it, if the right sort of screen merchandise is to be available, they know they can take care of themselves, given any sort of a break.

Optimism Stressed By Houston Houses

HOUSTON, Feb. 9.—The general attitude in this territory is one of optimism for 1936, with planned construction to add three to the present total of eight neighborhood houses, and four planned in outlying sections, indicating the feeling of confidence. Houston's leadership during 1935 among cities of Texas in building, as an inland port and its position as the focal point for the oil fields of the Gulf Coast region, are other indications of a pickup.

Postal receipts here were $2,240,460 in 1935, an increase of $168,074 over 1934. Theatre operators are optimistic but stress the importance of good product from Hollywood. The improvement in films in the past few months is viewed as a hopeful sign.

Will Horwitz, head of a downtown circuit of subsequent runs, and L. O. Daniel, Jr., manager of the Delman, were among the exhibitors who expressed optimism over the prospects for 1936. It is pointed out that general building plans for the city this year, already involving a total outlay of $15,000,000, should have a helpful effect on theatre business here.

Theatre Gain Seen For Albany Houses

ALBANY, Feb. 9. — Theatres here look for an upturn in business during the year, since increased activity of the state government is expected to bring nearly a thousand new employes, and their families, to the city.

Theatres during the past year have been somewhat affected by the city's over-seating problem, although it is said that giveaways of various sorts have been of value to exhibitors in stimulating business.

Vancouver Is In Sight of Better Times

VANCOUVER, B. C., Feb. 9.—For perhaps the first time in six years Vancouver and British Columbia theatre men are optimistic about their prospects. British Columbia has been slow to feel recovery, just as it was slow to feel depression, but it appears certain now that the entertainment business is at least within sight of good times.

Concrete proof of this is shown in a review of theatre receipts for 1934. While Canada as a whole showed a 1.5 per cent increase over 1933, B. C. came through with a gain of 6.6 per cent, the largest of any province in the Dominion. Exact figures for 1935 are not yet available, but B. C. again will lead the field in gains over 1934.

Nearly all reliable trade and commerce indices explain this gain. B. C.'s major industries—lumbering, mining, agriculture and fishing—all made a striking improvement. Forest products show a gain of $5,000,000 over 1934, with employment in mills, camps, and agencies up by 2,500. Mining authorities estimate that 1936 will show at least a $6,000,000 gain. Agriculture is looking more healthy now than for years, and the biggest salmon run in years has put new blood into the fishing business.

In Vancouver, bank clearings showed a gain of $25,000,000 over 1934, and last year local building was the highest in three years. During 1935, five new independent suburban theatres were built here, and an additional seven were constructed in smaller towns in British Columbia, and at the present time only one house out of 36 is dark.

With a year as promising as 1935 under their belts, exhibitors and exchange men are optimistic about 1936.

A promised property tax reduction of two mills this year will make it easier to keep down the overhead.

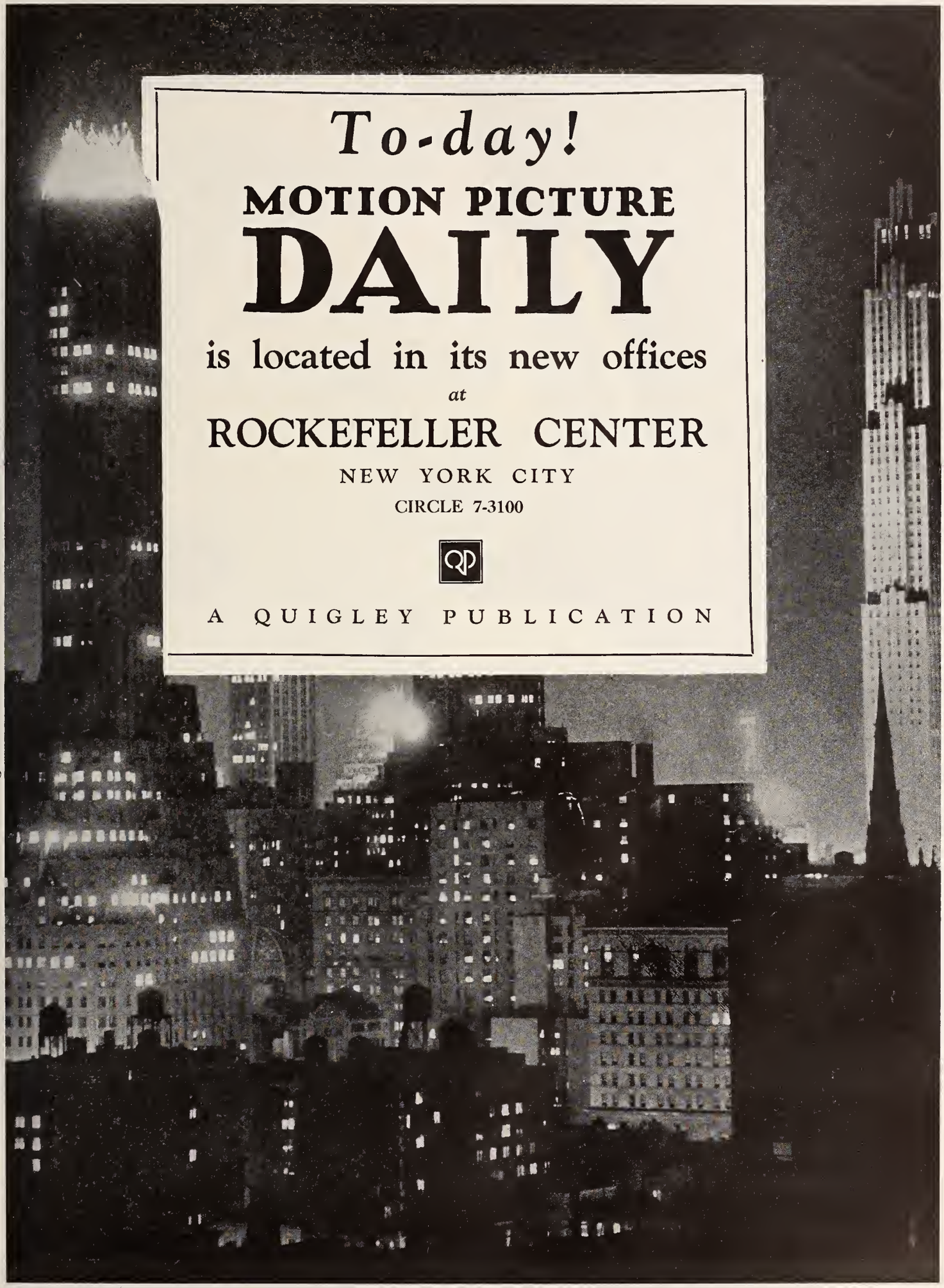
The old lineup—sometimes a half-block in length—is coming back again, and that is the surest indication of all.

Encouraging Signs Increase in Tampa

TAMPA, Feb. 9. — Business locally and in the Tampa territory is showing definite signs of improvement. This winter the tourist activity increased grosses by a greater percentage than last year.

The cigar-making industry, this locality's leading business, showed a gain of 15,000,000 cigars in 1935 over 1934. The local chamber of commerce, in support of the general belief that conditions are better, points to an increase in postal receipts of 12 per cent in 1935 over 1934, a gain of 10 per cent in retail business, and corresponding increases in bank deposits, building permits, automobile sales and other activities.

Although actual figures are not available, it is generally agreed that theatre grosses are on the way up, despite severe competition in the form of slot machines, now legalized in the state, dog races and the like.


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VOL. 39. NO. 35 NEW YORK, TUESDAY, FEBRUARY 11, 1936 TEN CENTS

Circuit Court Rules Against Wiseman Plea

Directors Examination of Former Para. Officer

The U. S. Circuit Court of Appeals yesterday affirmed a decision by Federal Judge Alfred C. Coxe which held that Sir William Wiseman, partner in Kuhn, Loeb & Co., and a former Paramount director, must submit to examination in connection with suits instituted by the Paramount bankruptcy trustees to recover from former officers and directors of the company for losses involved in certain official actions prior to the bankruptcy.

Wiseman had appealed from Judge Coxe's decision on the grounds that with the approval of the Paramount reorganization plan by the Federal court all litigation begun by the trustees was automatically ended. Root, Clark, Buckner & Ballantine, counsel to the trustees, successfully contended tain official actions prior to the bankplan specifically retained for the trus-

(*Continued on page* 12)

Warners File NBC Suit for $995,000

Warners yesterday filed suit against NBC for $995,000, claiming damages to this amount for the use without consent of "Painting the Clouds with Sunshine" on a program emanating from the NBC studio in Chicago on Jan. 1 and 2.

In the papers filed by Wattenberg & Wattenberg, attorneys for Warners in the handling of the music suits, it is claimed that there have been 199 uses of the song from "Golddiggers of Broadway."

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CIRCLE 7-3100

New England Houses Gain 8% for Year

Territory Ranks Second In National Rating

BOSTON, Feb. 10.—Better than eight per cent more theatres are now operating in New England than were in lights one year ago, according to the local Film Board of Trade, of which Martha W. Ferris is secretary. Whereas 708 houses were open in Massachusetts, New Hampshire, Maine, Vermont and Rhode Island last year, a total of 768 were doing business at the close of the present year. This is an increase of 8.51 per cent.

The jump of 60 houses puts the northeastern territory in a strong position, inasmuch as it ranks a strong second nationally, both in the total number of theatres and in capacity. The theatres booked from Boston number only 40 less than those covered from New York.

A market trend was shown in independent control. New England ranked first nationally a year ago in the number and total capacity of independent theatres. Although it still tops the field in independent seatage, it now ranks second in the number of independent houses. Whereas unaffiliated circuits took on 30 additional

(*Continued on page* 6)

Loew's Gets Chaplin For the N. Y. Houses

Loew's will get "Modern Times" for its metropolitan New York theatres as well as for its out-of-town group, it was learned yesterday. A deal between the circuit and United Artists for the New York playing time has just been completed.

On Dec. 26 Joseph R. Vogel completed negotiations with Charles Chaplin over the long distance telephone whereby the picture would play in Loew theatres in 46 key cities exclusive of New York. The latest pact gives the circuit 100 per cent playing time.

Mexico Sees Gains For Sound on Film

By JAMES LOCKHART

MEXICO CITY, Feb. 10.—The installation of new sound on film equipment in Mexican theatres is expected to follow upon the application of the new film import duties established recently by the Government.

The new duties on discs are in-

(*Continued on page* 12)

Small Parcel

Seneca Holding Corp., Paramount subsidiary, is offering for sale one of the smallest parcels of real estate available in Manhattan. It is six inches by 100 feet and is located on 44th St., between the property formerly occupied by the Criterion and New York Theatres and the adjoining property at 153 W. 44th St. It is the result of carelessness in surveys of the properties some years ago.

British CEA Ends Move to Impose Fines

By BRUCE ALLAN

LONDON, Feb. 1.—Cinematograph Exhibitors' Ass'n. has abandoned the suggestion for an amendment to its constitution to permit imposition of cash penalties against members who fail to comply with officially approved policies.

The proposal arose in connection with C.E.A. decisions that 40 per cent should be a maximum film rental. Exhibitors were to be asked to make cash deposits with the association which would be forfeited if they paid rentals above this rate.

Legal advice was that these penalties could not be constitutionally imposed. From a practical point of view, according to T. H. Hartley, a member of the general council, it would have meant members as a whole depositing $5,000,000 with the associations, with owners of big houses called upon to pay $2,500 per theatre.

To combat high rental demands, Hartley urges local agreements among exhibitors conducted "without ostentation."

* * *

Norman Hulbert, M.P., news theatre chief, is prominent in a move to make new representations to the Gov-

(*Continued on page* 5)

Insurance Covers English Fire Loss

By BRUCE ALLAN

LONDON, Feb. 10.—Insurance completely covered the $2,500,000 loss suffered in the disastrous fire which swept the British film center at Elstree early yesterday. Three stages of British & Dominions and three of British International were damaged by the flames, which destroyed sound and lighting equipment. A defective

(*Continued on page* 5)

Move by Moss To End Games Strikes Snag

Exhibitors Air General Industry Complaints

Efforts by License Commissioner Paul Moss to put an end to games in all New York theatres yesterday simmered to a free-for-all on admissions and clearance and zoning when 25 representatives of major and independent circuits convened at Moss' office.

Loew's, RKO, Springer & Cocalis, Cohen and Seigel and Consolidated Amusements agreed to drop the practice provided all theatres would unite in the move. Bernard Barr, representing the I. T. O. A., said all members of the organization would go for the plan only if certain changes in scales and protection were made.

Charles C. Moskowitz of Loew's and A. Burns of Century questioned the illegality of games as played in their circuits and also held that the problem was one which should be worked out by the industry itself.

Basing his opinion on recent decisions of the Appellate Division of the Brooklyn Supreme Court and the

(*Continued on page* 5)

Majors to Rush New Philadelphia Plea

Major distributors expect to file their application for a rehearing of the Perelman double feature case in the U. S. Circuit Court of Appeals at Philadelphia late this week, it was learned yesterday. The distributors have until Saturday to make their application.

The Circuit Court of Philadelphia last month affirmed a decision of the U. S. District Court there holding the exhibition contract clause which prohibits the playing of a second feature with any other covered by the contract to be a violation of the anti-trust laws. Indications are that if the motion for a rehearing is denied distributors will take the case to the U. S. Supreme Court.

Mickey Mouse Lost

Omaha, Feb. 10.—A call has gone out from United Artists exchange to be on the lookout for "Mickey Mouse's Polo Team." Mickey and the team disappeared while aboard a train en route to the World at Kearney. That was on Jan. 25.

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Allied Union Sues Cohen on Operators

Allied M. P. Operators yesterday filed an action against Max A. Cohen, operator of the George M. Cohan, to prevent him from replacing Allied men with Local 306 members.

Cohen took the Cohan about a week ago and served notice on Allied he would not need the men.

Erpi Wins Judgment

Erpi yesterday stated that a judgment of $1,499 had been awarded it in Boston following trial of a suit against Wilbur M. Peterson of the Orpheum, Somerville, Mass., for delinquent payments under a contract with the company. The judgment included damages of $1,477 and costs of $22.

Laughton to Broadcast

LONDON, Feb. 10.—Charles Laughton will broadcast Lincoln's Gettysburg Address tomorrow on a trans-ocean and coast-to-coast NBC network. New Yorkers will hear the program at 6:15 P. M.

ILKA CHASE
"THE LADY CONSENTS"
WILLIAM MORRIS OFFICE

Purely

LAURENCE STALLINGS, TRUMAN TALLEY, LEW LEHR, ED THORGESON, HARRY GOLD, PAUL LAZARAS, LYNN FARNOL, CHARLES CURRUN, MONROE GREENTHAL, ARTHUR M. KELLY, AL SINDLINGER, A. MIKE VOGEL, AL FRIEDLANDER, JOHN CURTIS, IRWIN KLEEBLATT, CHARLES MOSES, CHARLES PAINE, A. HOVEL, JACH W. SPRINGER, HARRY SHIFFMAN, BUDD ROGERS, PAUL GRAETZ and ED FINNEY at the Tavern yesterday.

•

JOSEPH BERNE has signed contracts with Puritan Pictures and the Mercury Film Lab. to produce four Potash and Perlmutter films featuring ALEXANDER CARR.

•

STANLEIGH FRIEDMAN and JOSEPH HAZEN of the Warner legal staff are in Wilmington combatting the latest HARRY KOPLAR suit against the company.

•

CHARLES KOERNER of Boston and JACOB GOLDEN of Rochester arrived in town yesterday for RKO home office meetings.

•

BOB COCHRANE canceled his Bermuda reservations at the last minute. Too much to do around Universal was the reason.

Quip of the Day

Joe: Where did Sir William Wiseman get that sir?
Lou: He's a bank knight.

MAX REINHARDT will leave for Hollywood later in the week to confer with JACK L. WARNER on his next picture.

•

AL FRIEDLANDER, who returned yesterday from Buffalo, will take a plane for the same city tomorrow.

•

HARRY H. THOMAS is due back from a circuit of First Division exchanges on Friday.

•

CHARLES MOSKOWITZ is acquiring a home-made tan with the use of lamps. He's too busy to go to Miami.

•

LAURENCE BOLOGNINO has a bad cold and will have to keep away from his office for the next few days.

•

ROBERT WOLFF will leave for Key West on Feb. 28 on a fishing vacation.

•

MAX A. COHEN will sail for Honolulu on Feb. 16. He'll be gone several weeks.

•

HUGO BRYK, European representative for Ascap, will sail for Paris on Feb. 15.

•

JOSEPH BERNHARD will return this week from Miami. MORT BLUMENSTOCK got back the other day.

•

MIRIAM HOPKINS is on her way here from the coast via the sea route. She will visit the West Indies.

•

DAVE BADER, back from Hollywood, will leave for London in a few weeks as representative of ZEPPO MARX.

•

LOU KAUFMAN will leave for Cleveland tomorrow.

Personal

ED KUYKENDALL leaves for Washington tonight and plans to return to his Columbus, Miss., home from there but will probably return here in advance of the Carolina Theatre Owners' meeting at Pinehurst, Mar. 1 and 2, which he will attend.

•

HARRY H. BUXBAUM, local Twentieth Century-Fox sales head, will talk on film salesmanship at Dartmouth on Feb. 14. About three weeks ago he gave a similar dissertation at New Utrecht High School, Brooklyn.

•

ARTHUR TRACY will get in on the *Champlain* tomorrow. He finished a picture for G. B. while in London. TRACY will be on the Vallee Hour Thursday.

•

ANTON LITVAK, European actor and director, arrives tomorrow on the *Champlain*, en route to Hollywood to direct "Sahara" for WALTER WANGER.

•

MARTIN S. BENNETT, Jr., of the Warner home office theatre sound department, will marry KATHLEEN CHAMBERLAIN tomorrow at Hewlett, L. I.

•

W. RAY JOHNSTON, Republic president, is expected back from Miami today. He has been recuperating from bronchial pneumonia.

•

AL FRIEDLANDER of First Division is due back from a trip around eastern exchanges the end of the week.

•

JACK TOWNLEY and JOHN TWIST have sold their original story, "The Last Outlaw," to Radio.

•

FRED BAEHLER and HERB BERG caught eating fish and beans at the Harvard Club.

•

JOHN BOLES, here for a vacation, will be HELEN MORGAN's guest tonight at the House of Morgan.

•

JOHN CRONIN of the New York Film Board is seriously ill at his home.

•

BORIS KARLOFF will hold a cocktail party this afternoon at the Algonquin.

•

MORT SPRING returned yesterday from a Miami vacation.

•

BOB BENJAMIN plans to leave for the coast Friday.

•

. . . Hartford

I. J. HOFFMAN is due back at his desk Thursday after two weeks of golf at Hollywood, Fla.

The following will join the exodus from New Haven to Miami in the course of this month:

J. B. FISHMANS, NAT FURST, SAM ROSEN, BARNIE HOFFMAN will soon shove off for the South.

EARL WRIGHT and BEN LOURIE are the latest contenders to challenge JACK BYRNE's handball championship.

LOU SCHAEFER recently addressed the Civitan Club and sized up the movie and vaudeville situation.

RUTH BERNSTEIN, for many years with the Warner Theatre office, has joined G. B. as booker and secretary.

Leeds Resignation Immaterial—Tuller

LOS ANGELES, Feb. 10.—Walter K. Tuller, testifying today in the Fox-West Coast bankruptcy hearing, maintained that the resignation of Arthur W. Leeds as officer and director of F.-W.C. prior to the original bankruptcy proceedings makes no difference in the present status of the case. The petition of T. L. Tally and the Corbar Corporation charges that Leeds resigned because the bankruptcy was scheduled to come before his father-in-law, Federal Judge William P. James. Tuller claimed that relationship is immaterial.

Tuller further attacked the conspiracy claim in the petition, quoting numerous court decisions to show that conspiracy is not subject to civil action although damages resulting therefrom may be. He denied the existence of intrinsic fraud.

William Neblett, counsel for the petitioners, is expected to testify at tomorrow's sessions.

Catchings Testifies On Warner Finances

WILMINGTON, Feb. 10.—The financial side of the film industry was discussed in United States District Court here today in the continuation of the trial of Harry Koplar against Warners. Waddill Catchings, Warner director and a partner in Goldman-Sachs Co., told how he and his financial organization labored to obtain loans for Warner pictures and to obtain licenses for the use of equipment in the production of talkies. Catchings went carefully into detail, telling how financiers were taken to experimental talkies in order that they might appreciate the possibilities of the new form. He testified to frequent conferences with Owen D. Young and other G.E. officials in an effort to obtain exclusive use of the sound recording devices controlled by their organization.

Koenig a Director Of Producers' Ass'n

HOLLYWOOD, Feb. 10. — William Koenig will represent Universal on the board of directors of the Producers Ass'n., it was announced here today following the meeting of the coast producers called by Will Hays. Koenig succeeds Fred Meyer and is the only change in the personnel of the board, the other members being Louis B. Mayer, president; Jack L. Warner, vice-president; Joseph M. Schenck, second vice-president, and Fred W. Beetson, secretary and treasurer.

The current budget was submitted and adopted.

Columbia Appoints Four New Executives

HOLLYWOOD, Feb. 10. — Columbia today promoted H. A. MacDonald, former comptroller, to the newly created post of assistant studio manager. R. J. Abshire, former auditor, stepped into MacDonald's post. T. C. Pontier of the accounting department succeeded Abshire. Another personnel shift brought Vincent L. Martin, formerly with the California State Sales Tax Division, to Columbia as assistant to William Holman, studio manager.

camera!

Sylvia Sidney and Henry Fonda thrill to one of the glorious natural color vistas in "THE TRAIL OF THE LONESOME PINE"



Paramount Pictures

"THE TRAIL OF THE LONESOME PINE"

The whole sweep of mountain country in a succession of breath-taking views of scenic glory . . . vista after vista which in black and white would mark this picture as a sensational advance in the art of motion picture photography.

All made even more thrilling by natural color in this first outdoor feature picture ever completely filmed in Technicolor.



Sylvia Sidney Fred MacMurray Henry Fonda in

"THE TRAIL OF THE LONESOME PINE"

with Fred Stone, Nigel Bruce, Beulah Bondi, Robert Barrett, Spanky McFarland, Fuzzy Knight.
A Walter Wanger Technicolor Production. A Paramount Picture. Directed by Henry Hathaway.

Move by Moss To End Games Strikes Snag

(*Continued from page* 1)

Bronx Special Sessions, which have held in the cases of Winthrop, Brooklyn, and Tremont, Bronx, that the games were illegal, Commissioner Moss stated: "The giving away of prizes constitutes a lottery."

Declaring he had been advised by the corporation counsel that he would be justified in revoking licenses and closing theatres employing "lotteries," Moss asserted at first that he would set March 1 as the date for all theatres to eliminate games. Moskowitz asked that the order be deferred until cases pending in the Bronx Supreme Court affecting Loew's have been decided.

Ralph Vatner, representing the Yoost circuit, and Barr, held that if the games are ruled out independent exhibitors could not exist because of the competition from major circuits. They sought relief in a re-scaling of admissions and protection. Both Loew's and RKO declined to agree to such a move, contending they had bought and paid for protection and admissions are at their peak.

Moskowitz suggested that every man work out his own problem with his competitor, asserting this has been a long-standing practice of Loew's and that he has never refused to see any man who calls at his office in an effort to work out a strained situation. In some instances, he said, the meetings have been fruitful and in other cases nothing has come of them. He pointed to a recent agreement with RKO as the latest effort between the two circuits to increase admissions. "We have boosted our prices and are giving the plan a trial for several months to see how it works out," he asserted.

Loews Followed Others

Burns said Century was in favor of discontinuing games, but found in a year-to-year comparison that they had helped, improving business to pay for licenses, taxes and other assessments. He said there were 646 theatres locally producing a revenue of $154,000 for the license department.

"Loew's had for many years been limited to entertainment," Moscowitz said, "until we found ourselves confronted with other attractions. About 75 per cent of our competitors had something more than the show.

"We hesitated for several weeks before adopting games because of a legal question. Loew's doesn't want anything in its theatres that isn't 100 per cent according to law," he stated. "We did it to compete with the others," he declared, referring to the adoption of Screeno in most of the circuit's houses. He pointed out that if exhibitors go in for other stimulants, Loew's would follow suit.

Speaking for about 175 independents, Barr, discussing prior runs, said "the situation is an intolerable one." The organization's members are ready to stop games provided there are changes welcome to us. He recommended a revision of admissions from the first run down to the last.

In discussing the futility of several meetings with independents in an effort to boost prices, Moskowitz picked two situations in Brooklyn and said such moves were hopeless. He added: "We set our prices according to the prospective buying power of a neighborhood. The customer decides whether 25 or 40 cents is too much for him.

"We're not going to be driven out of the business," the Loew executive emphasized. "We're going to live and will compete with giveaways. Let's all stick to entertainment and stop giving away things."

Vatner interrupted the general trend of discussion to attack an unnamed exhibitor who lines up a number of theatres and books them for a fee. He said this was a "racket" and should be stopped.

As a gesture to help clean up the muddle, Moss offered his services, telling them his offices could be used for meetings which he hoped would bring about a solution. "I don't see why this business cannot regulate its unfair practices," the commissioner stated, referring to an instance where laundry owners worked out a plan with his cooperation.

"A New Problem," says Moskowitz

Moskowitz definitely refused to increase prices, saying they are at their top. "It is no new problem to us. We have it every day," he said. Turning to Vatner, who broached the subject of protection, Moskowitz said: "I run my business, you run yours. If you want me to sit down and talk about illegal acts, that's all right, but I will continue to buy first runs as I have done in the past."

RKO also declared it had raised its prices to the top and that another move at this time could not be considered.

The meeting broke up with Moss requesting those present to write him suggestions. The commissioner consented to defer action on games until the cases pending before various courts are determined. He indicated he would call another session shortly.

Also attending the meeting were Lou Goldberg, R. H. Emde and William Englander of RKO, Hyman Rachmil, Rudolph Sanders, Gilbert Josephson, Eugene Picker, Irving Renner, John Manheimer, Yoost and attorneys for a number of circuits.

New York Critics Bestow High Praise on "Pasteur"

Practically unanimous in their praise were New York newspaper critics in their evaluation of "The Story of Louis Pasteur."

A consensus of their opinions follows:

American—"The Story of Louis Pasteur" is a cinematic masterpiece. . . . Paul Muni, in the title role, has never given a more vivid, a more impressive, a more vital portrayal than he offers in his powerful, ever discerning characterization of Louis Pasteur.

* * *

Daily Mirror—Stirring, dramatic and exciting, this is the first film drama close to our times and vital to our problems. Handsomely produced, splendidly acted and deftly directed, it is a film to thrill and excite all the thoughtful.

* * *

Daily News—The intensely thrilling story of the enormously important discoveries of Louis Pasteur, the great French scientist who had either direct or indirect effect on the lives of all of us, has been made into a vital motion picture.

* * *

Evening Journal—Intensely impressive and stirring is "The Story of Louis Pasteur." A powerful narrative. . .. It takes its place as the most distinguished screen drama of the season. Emotionally as well as intellectually exciting, the picture is something new in screen writing.

* * *

Herald-Tribune—"The Story of Louis Pasteur," written and directed with honesty and tenderness, and stirringly played by Paul Muni, is not only an exciting and beautiful screen drama, but possesses a quality of heroism and nobility that actually makes you proud of the petty, hapless and bewildered human race.

* * *

Post—The picture moves with a dignity and forcefulness and conviction which should be heartily endorsed by the average movie fan, as well as those in the scientific know. For, besides being a stimulating account of a great man's activities and accomplishments, it is vastly engrossing movie material as just that . . . . There are countless stirring sequences.

* * *

Sun—It is as exciting in its own way as any tale of G-Men . . . and as a dramatic show as well as a noble tribute, is decidedly on the must list.

* * *

Telegraph—It is fine and occasionally really great photoplay. Its merits lie in both the material it has to present and the way in which it is presented. It is a matter of credit to the Warner studios and to the whole motion picture industry that it has been made at all and that it has come out so well.

* * *

Times—"The Story of Louis Pasteur" is an excellent biography, just as it is a notable photoplay, dignified in subject dramatic in treatment and brilliantly played. . . . The Warners have chosen a subject that should speak personally to every audience and should receive, in return, something more than the transient attention accorded the ordinary photoplay.

* * *

World-Telegram—Warner Brothers have screened impressively and excitingly Louis Pasteur's gallant and eventually successful struggle. . . . A thrilling chronicle film founded on fact, it commemorates a great man in simple, human, natural terms, without once becoming hysterical about its lofty theme and its epochal character.

Plan Cleveland Arrests

CLEVELAND, Feb. 10.—Bank Night arrests will be made this week, according to Police Prosecutor Perry A. Frey, who last week told 27 operators of the scheme that he would shut down on them on the ground of operating a lottery. There has been no cessation of Bank Night since then. Police are visiting all operators and reporting to the prosecutor. Frey says he wants reports from all local operators so as to determine whether, in his opinion, all of them are running according to Bank Night rules. After Bank Night, he will go after Movie Sweepstakes, Farm Night and other giveaways.

Bank Night Files Suit

NEW HAVEN, Feb. 10.—Bank Night has instituted copyright infringement suits in Federal court against the Whalley, Howard, White Way and Fishman Theatres in New Haven, the Strand, Wallingford, and the Colonial, Southington.

These are the first theatres in Connecticut featuring Cash Night, against which actual stenographic evidence is alleged to have been gathered. Many other exhibitors in the state, however, are running similar plans.

Boston Case Near Settlement

BOSTON, Feb. 10.—The case against Charles Wilson, manager of the Hamilton, Dorchester, who was found guilty on a lottery charge, may be settled out of court if present conferences are successful. The case was appealed to Superior Court following Wilson's conviction. The suit is regarded as a legality test for Bank Night throughout metropolitan Boston.

British CEA Ends Moves for Fines

(*Continued from page* 1)

ernment in regard to Sunday opening. An appeal for the legalization of universal opening would, he says, meet with a friendly reception in official quarters at this time.

Earl Winterton, M.P. recently offered to initiate action in Parliament with a view to the abolition of the general principle of local control which at present operates under the British licensing laws. The local licensing authorities, he suggested, should be bound by official rules laying down the conditions under which licenses should be granted or refused. At present they have practical freedom of action.

In the case of Sunday opening, however, local option operates in a strict form, a public vote being the deciding factor. Opening, if granted, is subject to a percentage of receipts being paid to charity. Exhibitors as a class are even more anxious to be free of this levy than to see the principle of local decision amended.

* * *

The reconstruction scheme of Baird Television, Ltd., has been approved by the courts. It provides for an increase of capital from £875,000 to £1,087,500 after a devaluation of existing shares on lines already published by the MOTION PICTURE DAILY.

* * *

The adjourned action of Gaumont British against the Kinematograph Renters' Society, which was to have been heard on Jan. 21, was further adjourned owing to the closing of the courts on the death of King George V. Conspiracy in restraint of trade is alleged against the society and its individual members in connection with the refusal to book the H. & G. (Hyams) theatres through G. B.

Insurance Covers English Fire Loss

(*Continued from page* 1)

water supply hampered the work of firemen.

All negatives were saved. Capitol Prod. have taken space at Warton Hall to complete a film, and Paramount is moving a production to Rock Studio. B & D. have no films scheduled for immediate production and plans will depend on what decision is reached in regard to rebuilding. The fire was the most serious in the history of the British industry. Clive Brook, Helen Vinson, Leslie Banks and Tullio Carminati were among the players whose dressing rooms were completely destroyed.

May Drop KRS Action

LONDON, Feb. 10.—The abandonment of the action of Gaumont British against the Kinemotograph Renters' Ass'n, was foreshadoweded here today in the intimation that proceedings against individual companies will be dropped.

New England Houses Gain 8% for Year

(Continued from page 1)

spots during the course of the year and affiliated circuits added one house, the independents dropped 17 situations.

New England holds third place in the United States in total seating capacity in lights. Nevertheless, the division ranks first with the number of closed houses, both sound and silent.

The total number of theatres in the territory is 1,096, with a seating capacity of 801,191. Maine has 253 houses with a seating capacity of 130,473; New Hampshire, 138, seating 73,339; Vermont, 121, seating 57,197; Rhode Island, 88, seating 72,736, and Massachusetts, 496, seating 467,446.

The affiliated circuit houses now number 150 and seat a total of 206,274. Although an increase of one theatre, this is a decrease of 11,457 in capacity. Affiliated circuits control 38 Maine situations, seating 34,269; eight in New Hampshire, seating 20,161; eight in Vermont, seating 9,200; nine in Rhode Island, seating 14,617, and 112 in Massachusetts, seating 140,279.

Indies Numerous in N. E.

Unaffiliated circuit houses total 181 in contrast to 151 12 months ago. The total capacity is 179,927 in comparison to 154,050, a jump of 25,877 seats. Maine has 24 unaffiliated circuit houses seating 13,084; New Hampshire, 26, seating 20,161; Vermont, nine, seating 5,960; Rhode Island, 10, seating 14,617, and Massachusetts 112, seating 126,105.

Although registering a drop during the past year, independent theatres are still the most numerous in New England spots. There are 765 of these against a total of 331 circuit situations. Maine has 191, seating 83,120; New Hampshire, 104, seating 44,571; Vermont, 104, seating 42,037; Rhode Island, 69, seating 44,200, and Massachusetts, 297, seating 201,062.

Affiliated circuit details are: M. & P. Theatres Corp., 90 theatres, of which 59 are in Massachusetts, 18 in Maine, seven in Rhode Island, five in Vermont, and one in New Hampshire; Warners, 17 in Massachusetts; RKO, four in Massachusetts and two in Rhode Island.

Loew-Fox Circuit, seven, of which six are in Massachusetts and one in Rhode Island; and the Maine & New Hampshire Theatres Co., 31, of which 20 are in Maine, three in Vermont, one in Massachusetts and seven in New Hampshire.

Mary T. Broomhall Dead

HAMILTON, O., Feb. 10.—Mary T. Broomhall, widow of John H. Broomhall, formerly an executive of the Jewel Photoplay Co., and manager of the old Jefferson, died at her home here of a heart attack. She was 67.

C. H. Brown, Jr., Dead

CLEVELAND, Feb. 10.—Caldwell H. Brown, Jr., manager of the New Theatre of Bucyrus and son of Caldwell Brown, Zaneville's largest operator, died Saturday of pneumonia.

Looking 'Em Over

"Follow the Fleet"

(Radio)

The Fred Astaire-Ginger Rogers team goes to town again, this time in a yarn of gobs and girls, with emphasis on the comedy element, and, of course, built around the fast and high stepping of the cast's leaders. There is something to sell in addition in the song numbers, with music and lyrics by Irving Berlin. A lively, tuneful, fast-moving light comedy drama, there is plenty of romance in a double combination, and the dancing pair do all that may be expected of them.

The second romantic pair are Randolph Scott and Harriet Hilliard, the latter a newcomer to the screen from the radio, who gives considerable promise both in voice and appearance. Astaire gives further evidence of the fact that he is a first class comedian even without his educated feet, and Miss Rogers is expert playing opposite.

Astaire and Scott, sailor-mates, meet Astaire's old dancing partner of his vaudeville days, Miss Rogers, in a 10-cent dance hall, where she is an entertainer, when they are on shore leave. Be-speckled Miss Hilliard, Miss Rogers' sister, is attracted to Scott, but he is cold to her, until she does a little dress transformation. Astaire and Miss Rogers win a dance contest, and she loses her job when he says the wrong thing.

Miss Hilliard spends all her savings having a boat her father once owned refitted, dreaming of Scott taking command when they are married, and not realizing Scott didn't mean what he said. When the fleet returns, there is comedy and drama and stepping, with Astaire putting on a show to save Miss Rogers and her sister from the loss of their ship. Scott, who has been attracted to wealthy Astrid Allwyn, realizes he loves Miss Hilliard, the show is a success and with a producer looking on, the future is big for the Astaire-Rogers husband and wife team, and Scott is headed for the command of his wife's ship.

Pandro S. Berman produced and Mark Sandrich directed from the screen play by Dwight Taylor and Allan Scott, who adapted the play, "Shore Leave," by Hubert Osborne.

Production Code Seal No. 1,801. Running time, 110 minutes. "G."

Toledo Labor Hits "Amateur Fireman"

TOLEDO, Feb. 10.—On the ground that it showed disrespect to President Roosevelt and discredited certain laws which had helped the cause of labor, the Central Labor Union has voted to employ every possible means to prevent showing of "The Amateur Fireman." They also voted mass picketing and an indefinite boycott of any theatre showing the film. A motion was adopted to notify all Central Labor Unions throughout the United States to take similar action if the picture is booked in their communities.

The picture, tentatively scheduled for local showing Feb. 19 and 20, is sponsored by Sentinels of the Republic, Inc.

Intermountain Joins MPTOA as 21st Unit

The Intermountain Theatre Owners' Ass'n, with headuarters at Salt Lake City, has affiliated with the M. P.T.O.A., as the 21st regional member of the national organization. The unit at one time was affiliated with Allied States.

Charles E. Huish of Eureka, Utah, is president of the organization, which covers Utah, Idaho and Nevada. John J. Gillette is vice-president, John Rugar treasurer and Beverly S. Clendenin secretary and general counsel.

New Salt Lake Exchange

SALT LAKE, Feb. 10.—A new exchange has opened here under the management of Arthur A. Shayer to handle Howard Hughes product in the Intermountain area.

Publix Salt Lake Now Intermountain

SALT LAKE, Feb. 10.—Publix Salt Lake Theatres has changed its name to Intermountain Theatres, Inc., in line with the recent policy of local operation of the 16 Utah and Idaho houses, and affiliation with Paramar Theatre Co., Ogden, Utah, and Menmar Theatre Co., Boise, Idaho. Officers of Intermountain are: Y. Frank Freeman, president; Harry David, vice-president and general manager; Fred J. Ewald, secretary-treasurer.

Roach Starts Building

HOLLYWOOD, Feb. 10.—Hal Roach has started work on his building and expansion program. Stages 1 and 2 will be completely modernized with the latest heating and lighting equipment, a new mill will be built, and a new bungalow to house the Laurel & Hardy unit will be erected. The work will be done under the supervision of Sid Van Kuren.

Navy Previews "Fleet"

WASHINGTON, Feb. 10.—Officials of the Navy Department motion picture board will make a final review of Radio's "Follow the Fleet" tomorrow, prior to release. On Wednesday night it will be shown to President Roosevelt at the White House.

Roach Signs Hatley

HOLLYWOOD, Feb. 10.—Marvin Hatley, composer, has been signed to a long-term contract by Hal Roach. Hatley has done all the music scoring for Roach for seven years, but was called in only when needed.

WLW Organizes New Booking Department

CINCINNATI, Feb. 10.—Program Service, Inc., has been incorporated here with Powell Crosley, Jr., president, Lewis Crosley, vice-president; John L. Clark, general manager, and Edward Wegert, business manager of WLW.

Although a separate organization, the new company will book all talent for WLW, which also will be available for stage presentations, dance spots, carnivals and similar entertainment enterprises. Radio acts, especially musical, will be built into units for film house booking, and the company will act as agent for the artist, regardless of location. The production department, now being organized, will be in charge of a manager to be selected in New York shortly. Headquarters will be maintained here, and offices established in New York, Chicago and the west coast, with others to follow.

Bank Figures Show Gains in Missouri

KANSAS CITY, Feb. 10. — More straws in the wind that point to recovery in this area:

Kansas banks in 1935 increased by $5,000,000 loans and discounts, and decreased by approximately $330,000 in real estate owned. This points to a revival in borrowing by business, and movement of real estate, according to Roy A. Haines, state bank commissioner, who prepared the bank report.

Missouri's income tax collections increased $856,647 during 1935 for a $4,428,698 total, third largest since Missouri started collecting income taxes in 1917.

Halperins Form New Distributing Firm

LOS ANGELES, Feb. 10.—Edward and Victor Halperin today announced the formation in New England of a producing distributing organization to be known as Academy Halperin Pictures. The company now has fifty offices in this country and abroad and employs 450 salesmen in the field, at the present time distributing the company's latest production, "I Conquer the Sea."

Players, Ill, Get Pay

HOLLYWOOD, Feb. 10.—John Hay Whitney, head of Pioneer, has continued the salaries of four players in "Dancing Feet," who are out because of illness, although their contracts are subject to automatic cancellation when they do not appear on the set. The four are Jean Joyce, Art Whitney, Ray Santos and Petro Valencia.

Show New March of Time

The March of Time will give a private preview of the second issue of the reel's second year at the Hotel Madison today. The release includes "Russia Today," "Father Divine" and "The Hartman Solution."

To Hear Technicians

LONDON, Feb. 10.—The Ministry of Labor will receive a delegation from the Ass'n of Cine Technicians, regarding the employment of foreign technicians in British studios.

CAROLE LOMBARD
IN
"LOVE BEFORE BREAKFAST"



IS A

SOCK

IN THE EYE!

UNIVERSAL'S NEWEST COMEDY SMASH!

GB CONGRATULATES THOSE 117 FAST EXHIBITORS WHO ARE CASHING IN OVER "THE YEAR'S FASTEST MOVING

Conrad Veidt

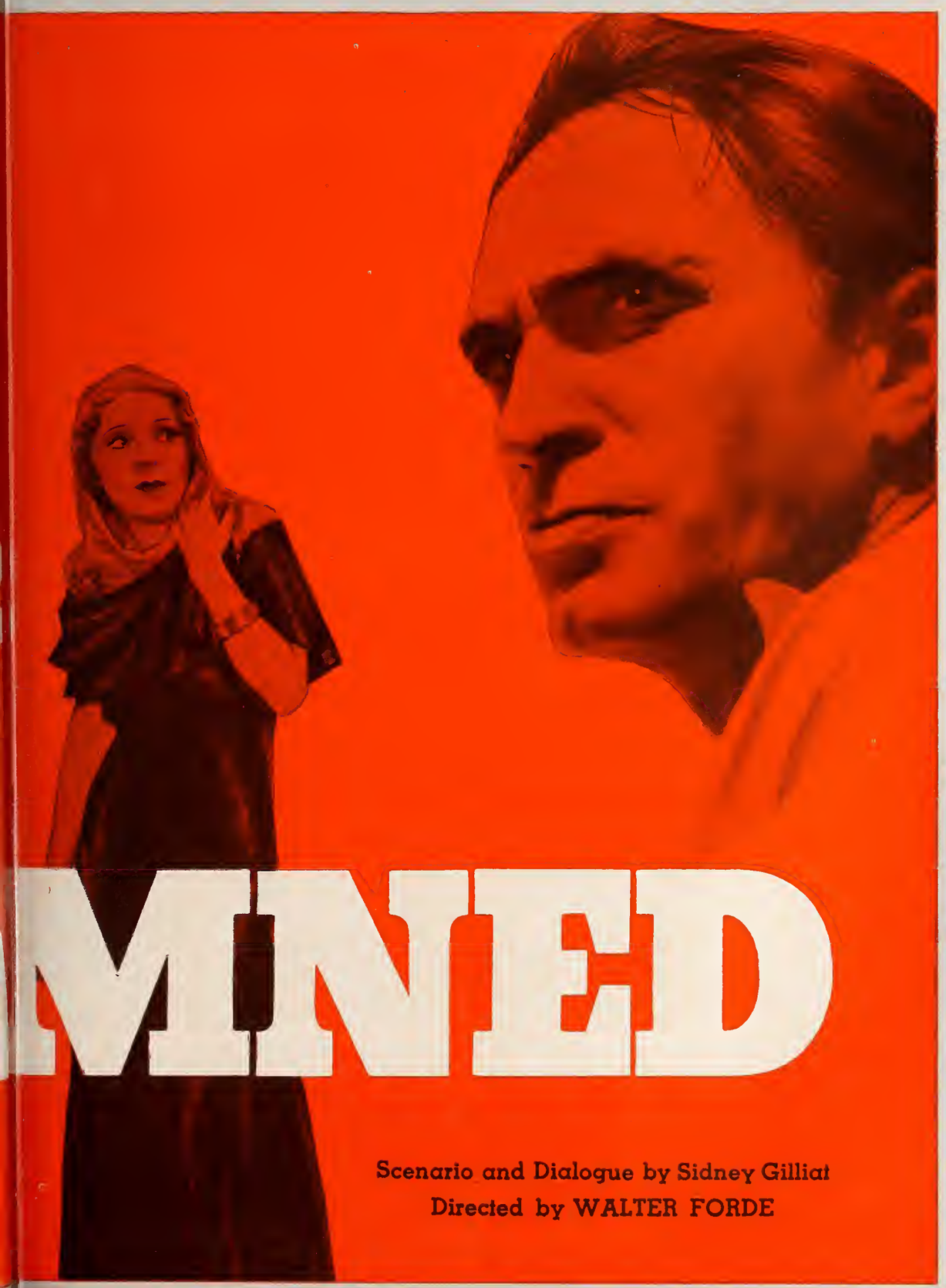
Helen Vinson

in

KING of

THE DA

THINKING . . . FAST MOVING . . . EXTRA DOUGH BY HOLDING MELODRAMA."



MNED

Scenario and Dialogue by Sidney Gilliat
Directed by WALTER FORDE

FIVE IN A ROW

MISTER HOBO
starring George Arliss

FIRST A GIRL
starring Jessie Matthews

TRANSATLANTIC TUNNEL *Eight Stars*

THE 39 STEPS
starring Robert Donat

KING OF THE DAMNED
starring Veidt, Vinson



"Rose Marie" $23,000 Top, Philadelphia

PHILADELPHIA, Feb. 10.—"Rose" Marie" banged through to a top notch $23,000 on its first week at the Boyd, defying the continued subfreezing weather.

The flashy Marcus Revue, with "Charlie Chan's Secret" as the film brought a nice $16,000 to the Fox. A little under, with $15,500, was the figure grossed by the Earle, which had also had a flash stage show and "Dangerous Intrigue" on the screen. Also on the right side of the ledger was the second run of "Tale of Two Cities" at the Arcadia, which got $4,700 in 10 days.

Total first run business was $90,600. Average is $86,160.

Estimated takings for the week ending Feb. 6:

"STRIKE ME PINK" (U.A.)
ALDINE—(1,200), 40c-55c-65c, 7 days, 3rd week. **Gross:** $4,500. (Average, $8,160)
"TALE OF TWO CITIES" (M-G-M) (2nd run)
ARCADIA—(600), 25c-40c-50c, 10 days. **Gross:** $4,700. (Average, 7 days, $2,800)
"ROSE MARIE" (M-G-M)
BOYD—(2,400), 40c-55c, 7 days. **Gross:** $23,000. (Average, $14,000)
"DANGEROUS INTRIGUE" (Col.)
EARLE — (2,000), 25c-40c-50c, 7 days. Stage: Benny Rubin, and unit "Everything Goes." **Gross:** $15,500. (Average, $14,000)
"CHARLIE CHAN'S SECRET" (Fox)
FOX—(3,000), 40c-55c-65c, 7 days. Stage: A. B. Marcus Continental Revue. **Gross:** $16,000. (Average, $14,000)
"HER MASTER'S VOICE" (Para.)
KARLTON—(1,000), 25c-35c-40c, 7 days. **Gross:** $2,300. (Average, $4,060)
"MAGNIFICENT OBSESSION" (Univ.) (2nd run)
KEITH'S—(2,000), 30c-40c-50c, 7 days. **Gross:** $2,400. (Average, $4,000)
"ANYTHING GOES" (Para.)
STANLEY—(3,700), 40c-55c, 7 days. **Gross:** $13,000. (Average, $14,000)
"EXCLUSIVE STORY" (M-G-M)
STANTON—(1,700), 30c-40c-50c, 10 days. **Gross:** $9,200. (Average, 7 days, $7,000)

Original Versions At One Rome House

WASHINGTON, Feb. 10.—A special permit was granted recently to a private firm in Rome, Italy, for the showing of films in original versions without any bar on language, according to a report to the Department of Commerce from Charles A. Livengood, commercial attache at Rome. The first showing received official approval after a private showing to the authorities.

The theatre, a small house seating 350, is designed to serve tourists in Rome who are unacquainted with Italian. The venture is said to be meeting with success.

To Film K. C. Officials

KANSAS CITY, Feb. 10.—City officials are to get "in the movies." A film is to be produced by the city to teach pedestrians traffic safety. The mayor, the city manager, and other city notables, according to present plans, will take the leading roles.

Ann Sothern to Radio

HOLLYWOOD, Feb. 10.—Ann Sothern, who terminated her contract with Columbia this week, has signed a seven-year agreement with Radio. Miss Sothern had announced she would free lance, but signed the new agreement the following day.

"Zero" at $6,000 Milwaukee Leader

MILWAUKEE, Feb. 10.—"Ceiling Zero" and "Freshman Love" at the Warner enjoyed high business for the week with a $6,000 take, just $1,000 above average. This was in spite of another snowstorm and sub-zero weather in a week marked by but one day of mild weather and a five-day Socialist bazaar and carnival at the Milwaukee Auditorium, which attracted 134,500 people.

Second high honors for the week went to "Guard That Girl" and "Redheads vs. Blondes" on the stage at the Riverside, grossing $300 above average, or $5,300. Other business again dropped below par. What downtown exhibitors have had to face in the form of weather can be gleaned from the fact that it has been zero or colder every day in the last 17, except two.

Total first run business was $21,300. Average is $23,000.

Estimated takings for the week ending Feb. 6:

"IF YOU COULD ONLY COOK" (Col.)
"THE LONE WOLF RETURNS" (Col.)
PALACE—(2,800), 25c-40c, 7 days. **Gross:** $4,800. (Average, $5,000)
"GUARD THAT GIRL" (Col.)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: "Redheads vs. Blondes" with Boice and Marsh, Dawn Sisters, Sisson and Neal, Southern Sisters, Babe Leonard. **Gross:** $5,300. (Average, $5,000)
"CEILING ZERO" (W.B.)
"FRESHMAN LOVE" (W.B.)
WARNER — (2,400), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)
"THE MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
"FIRST A GIRL" (G.B.)
WISCONSIN—(3,200), 25c-40c, 7 days. **Gross:** $5,200. (Average, $5,000)

"Ceiling" $10,000 Best in Providence

PROVIDENCE, Feb. 10—"Ceiling Zero" hit the high spot for the week, bringing in $10,000 to the Majestic, which is $3,000 over the usual gross.

The Strand was next in line with "Anything Goes," which caught $9,000, bettering par by $2,500. "The Great Impersonation" and a stage show brought in a normal $7,000 to Fay's.

"Exclusive Story" and "Last of the Pagans" at Loew's was good for only $9,000, which was $3,000 under. The RKO Albee likewise had a poor week with "The Ghost Goes West" and "The Girl Who Came Back," which netted $5,000. The usual take for the house is $7,000.

Total first run business was $40,000. Average is $39,500.

Estimated takings for the week ending Feb. 6.

"ANYTHING GOES" (Para.)
"IT'S A GREAT LIFE" (Para.)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $9,000. (Average, $6,500)
"CEILING ZERO" (W.B.)
"FRESHMAN LOVE" (W.B.)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $10,000. (Average, $7,000)
"THE GREAT IMPERSONATION" (Univ.)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "Melody Lane Revue." **Gross:** $7,000. (Average. $7,000)
"THE GHOST GOES WEST" (U.A.)
"THE GIRL WHO CAME BACK" (Chesterfield)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $5,000. (Average, $7,000)
"EXCLUSIVE STORY" (M-G-M)
"LAST OF THE PAGANS" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $9,000. (Average, $12,000)

To See Their "Boy"

Providence, Feb 10.—Isaac N. Eddy and Mrs. Eddy of Pawtucket, both over 80, don't go to the movies very often, but there is one star they never miss. It's their "boy" Nelson.

Loew's State is planning a big reception for the grandparents of the singing star in connection with the showing of "Rose Marie." Asked if Nelson ever sang when he was a little shaver, Mrs. Eddy answered: "Sing, I should say so! That's all he ever did."

"Marie" Hits Heavy $23,500 in Cincy

CINCINNATI, Feb. 10.—Virtually doubling average in a record week at the RKO Albee, "Rose Marie" sang its way into a tuneful $23,500, compared with a $12,000 normal. It was moved to the RKO Capitol for a second stanza.

"Professional Soldier" marched into $12,000 at the RKO Palace, upping average by $2,000. "If You Could Only Cook" dished up a palatable $14,000 at the RKO Shubert, where it was served with the "Cocktails of 1936" unit, headed by Ada Leonard. Average is $12,000. "Magnificent Obsession" had a third downtown week with $3,200 at the RKO Grand, where par is $2,750. "Strike Me Pink" struck the RKO Capitol's established figure of $6,500, while "Spy 77" reported $500 over the top at the independent Strand on a $2,000 take.

Total first run business was $71,650. Average is $60,200.

Estimated takings:

Week Ending Feb. 4:
"SPY 77" (First Division)
STRAND—(1,500), 15c-25c, 7 days. **Gross:** $2,000. (Average, $1,500)

Week Ending Feb. 7:
"ROSE MARIE" (M-G-M)
RKO ALBEE—(3,300), 35c-42c, 7 days. **Gross:** $23,500. (Average, $12,000) Moved to RKO Capitol.
"PROFESSIONAL SOLDIER" (20th-Fox)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $12,000. (Average, $10,000)
"IF YOU COULD ONLY COOK" (Col.)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: "Cocktails of 1936" unit, headed by Ada Leonard. **Gross:** $14,000. (Average, $12,000)
"STRIKE ME PINK" (U.A.)
RKO CAPITOL—(2,000), 35c-42c, 7 days, 2nd downtown week. **Gross:** $6,500. (Average, $6,500)
"CHARLIE CHAN'S SECRET" (20th-Fox)
RKO LYRIC—(1,400), 35c-42c, 6 days. **Gross:** $3,900. (Average, 7 days, $6,500)
"MAGNIFICENT OBSESSION" (Univ.)
RKO GRAND—(1,200), 25c-40c, 7 days, 2nd downtown week. **Gross:** $3,200. (Average, $2,750)
"CRIME AND PUNISHMENT" (Col.)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,200. (Average, $1,250)
"DANGEROUS INTRIGUE" (Col.)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,100. (Average, $1,200)
"CEILING ZERO" (F.N.)
KEITH'S—(1,500), 30c-40c, 7 days, 2nd week. **Gross:** $3,750. (Average, $6,500)

Start Seaford Rebuilding

SEAFORD, Del., Feb. 10—Work has been started on a new theatre to replace the Palace building destroyed by fire Dec. 23. The destroyed theatre was owned by the Seaford Investment Co., Thomas E. Ayres, manager. The new house will cost approximately $40,000 and is expected to be completed by April 1.

"Dark," King Minneapolis' High, $8,500

MINNEAPOLIS, Feb. 10—"Hwo in the Dark," with Wayne King and his orchestra on the stage at the Orpheum, was the outstanding profit combination of the week with a take of $8,500. This was $3,000 to the good.

"Captain Blood" at the St. Paul Orpheum was strong with $6,000, which was $2,000 over the line. "Magnificent Obsession" held up to $3,000 in its fourth Loop week at the World.

Total first run business in Minneapolis was $29,500. Average is $25,500. Total first run business in St. Paul was $17,500. Average is $16,000.

Estimated takings:

Minneapolis:
Week Ending Feb. 5:
"MAGNIFICENT OBSESSION" (Univ.)
WORLD—(400), 25c-55c, 7 days, 4th Loop week. **Gross:** $3,000. (Average, $3,000)

Week Ending Feb. 6:
"NEVADA" (Para.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Feb. 7:
"ANYTHING GOES" (Para.)
MINNESOTA—(4,000), 25c-55c, 7 days. **Gross:** $10,000. (Average. $10,000)
"TWO IN THE DARK" (Radio)
ORPHEUM — (2,900), 25c-40c, 7 days. Stage: Wayne King orchestra. **Gross:** $8,500. (Average. $5,500)
"ROSE OF THE RANCHO" (Para.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

St. Paul:
Week Ending Feb. 7:
"KING OF BURLESQUE" (20th-Fox)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)
"DANGEROUS" (W.B.)
RIVIERA—(1,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)
"CAPTAIN BLOOD" (F.N.)
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $6,000. (Average, $4,000)
"CHARLIE CHAN'S SECRET" (20th-Fox)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)
"MR. HOBO" (G.B.)
WORLD — (4,000), 25c-35c, 7 days, 2nd week. **Gross:** $1,500. (Average, $1,500)

Golden Gate Shows Set

SAN FRANCISCO, Feb. 10—The Golden Gate, RKO first run, has inaugurated a policy of enlarged stage and band presentations, with the girl-act under the direction of Peggy ONeill, local dance teacher.

Miss ONeill for several years staged the vaudeville-type stage act used by the Warfield, F. W. C. first-run, which recently discontinued all but film presentations. The Golden Gate is now the only first run here offering full stage and band entertainment with films.

"Zero Hour" New Title

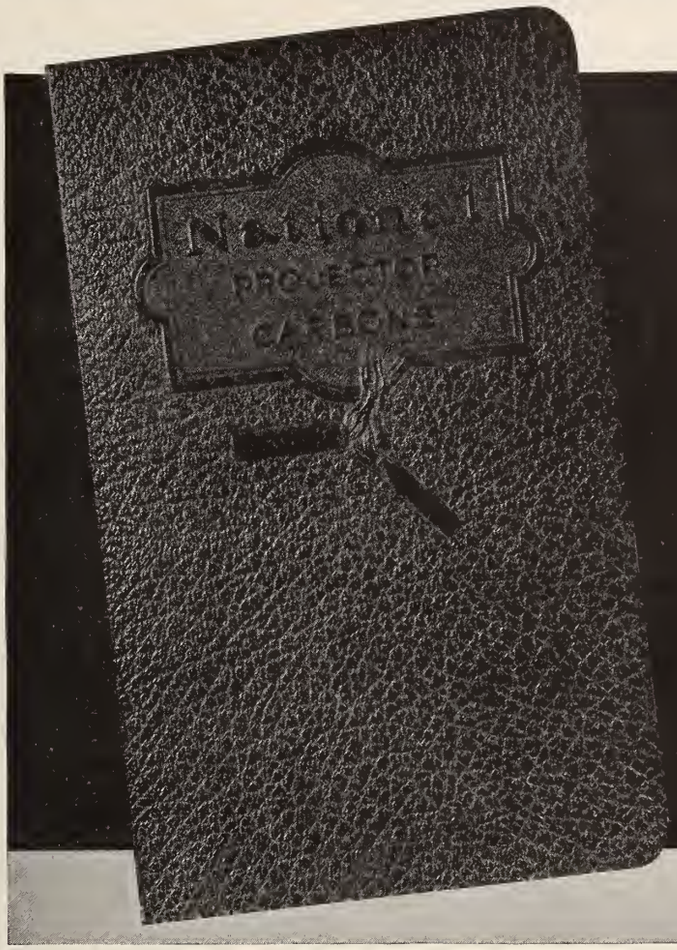
HOLLYWOOD, Feb. 10—"Zero Hour" is the new title of the Twentieth Century-Fox film which has been shooting under the title, "Wooden Crosses," and in which Fredric March, Warner Baxter and Lionel Barrymore have leading roles. It will be the first release for the 1936-37 season.

Custer City Manager

ATHENS, O., Feb. 10.—F. R. Custer has been named city manager in charge of the Ohio, Court and Athena houses recently acquired by Schine.

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Circuit Court Rules Against Wiseman Plea

(Continued from page 1)

tees their causes of action in the suits against the former officers and directors of the company.

The suits brought by the trustees, in both of which Wiseman is a defendant, endeavor to recover for Paramount large sums alleged to have been lost by the company as a result of the theatre acquisition deals of 1927 to 1932 under which Paramount was committed to redeem its stock, issued for the theatres, at guaranteed prices, and for losses alleged to have resulted from the participation of Paramount officials in the company's so-called employes' stock purchase plan.

The circuit court yesterday took under advisement a motion by Samuel Zirn, counsel for Paramount Publix bondholders, for a stay of a U. S. District Court order directing him to abandon litigation instituted by him in the state court in 1932 against a number of banks formerly identified with Paramount financing. The contention of the banks that the settlement of their bankruptcy claims agaist Paramount carried a provision releasing them from litigation was upheld by the lower court, which directed Zirn to withdraw his state court actions or be cited for contempt of court.

In his appeal yesterday Zirn asked for a stay of the lower court order until an appeal has been decided. The court asked for additional briefs.

No Theatres Dark In San Francisco

SAN FRANCISCO, Feb. 10.—With no film theatres dark in the San Francisco bay region, the year has started under most favorable circumstances for exhibitors. Informed quarters estimate that receipts now are averaging at least 15 per cent better than a year ago. Last year at this time there were seven first runs here; today there are nine, and all are successful.

Approximately 20 new theatre ventures have started in the past few weeks, and theatre advertising is approaching the lineage figures of 1928-29. Government spending and the construction of two new bay bridges are held largely responsible for the improvement locally. The completion of the bridges in the fall will mark the beginning of preparations for the new world's fair. The bridges are expected to increase the population of the city from the present 700,000 to over 1,000,000 within a few years.

The unusual activity in theatre building, opening and remodelling is being matched by the growth of exchanges, especially among the independents. Many of them recently have enlarged their quarters.

Light Damage in Lab Fire

HOLLYWOOD, Feb. 10.—Little damage was caused by the fire which swept one of the cutting rooms at the Western Laboratory over the week-end. Several studio rushes were destroyed, but the loss was unimportant.

Variety Club Chatter

Cincinnati

CINCINNATI, Feb. 10.—The membership roster has been increased by three: ARNO BROWN, commercial artist; NAT COMISAR, operator of the La Normandie, and ANTHONY KOGEL, superintendent of a local sporting goods establishment.

MERRELL SCHWARZ has returned from a trip of several days during which he visited a number of the major key cities in the state.

Detroit

DETROIT, Feb. 10.—The third annual ball of Variety Club will be held in the Book-Cadillac March 28. Arrangements are in charge of the entertainment committee, headed by M. GOTTLIEB. It is planned to bring a name orchestra here for the occasion and to have several stage and screen stars present. Proceeds of the affair are to be devoted to the club's welfare work among unfortunate members of the industry.

Omaha

OMAHA, Feb. 10.—D. V. MCLUCAS has been elected first permanent president of Variety Club.

H. J. SHUMOW was the first provisional president. He now takes a place on the board of directors.

EVERT R. CUMMINGS has been elected first assistant barker; JOE SCOTT, second assistant barker; M. G. ROGERS, dough guy; EDWARD SHAFTON, secretary; directors, ROY MILLER, R. S. BALLANTYNE, WILLIAM MISKELL, A. A. MENDENHALL, WALTER GREEN, and SHUMOW.

In an elaborate ceremony, Tent No. 16 was inducted into the national Variety organization.

OMAHA, Feb. 10.—In an elaborate ceremony, Tent No. 16 was inducted into the national Variety organization at 2:30 A. M.

JOHN H. HARRIS, Pittsburgh, national chief barker, and JAMES G. BALMER, Pittsburgh, national dough-guy, conducted the ceremonies.

The induction was preceded by a banquet. HARRIS was caught without a tuxedo. The entire membership of 70 (with one or two exceptions) was in formal dress. The banquet was set on two long tables joined to form a V. A radio program carried part of the entertainment over the air. A full orchestra played throughout the dinner.

At the end of the banquet hall, letters carved out of ice spelled VARIETY. A fountain played in the center of the V-shaped tables.

The meal began at 1 A. M., Harris and Balmer, having been delayed enroute. Following the induction, a business meeting was held. The affair ended at 4:30 A. M.

Among honor guests were D. E. BRADSHAW, king of Ak-Sar-Ben and president of the Woodmen of the World, and HARRIS P. WOLFBERG, district M-G-M manager, Kansas City.

HARRIS, in his banquet address, repeated the story of the start of Variety Club, and told about CATHERINE VARIETY SHERIDAN'S adoption and her present status. He explained how Variety Club's charities have grown to include annual milk fund drives and the placing of children in homes for adoption. The address, as one member put it, was "short, sweet and swell!"

H. J. SHUMOW, local chief barker, made the responses and acted as toastmaster.

Washington

WASHINGTON, Feb. 10.—Works has been started on remodeling the clubrooms of Tent No. 11. Plans include the enlargement of the lounging room and the installation of a modern cocktail bar.

Under the chairmanship of SAM A. GALANTY, with Barkers CHARLES KRANZ, CARTER T. BARRON, HARRY S. BROWN, CHARLES E. SCHULMAN and WILLIAM E. S. WILCOX associated, action has been fast, and in four weeks after the committee was named by Chief Barker J. LOUIS ROME, workmen began knocking down walls.

Barker F. KEMP MOHLER, architect, drew the plans for the cocktail bar.

Standing committees for 1936 have been announced by Chief Barker J. LOUIS ROME. Included in the list this year are social activities and greeters' committees for the first time.

The membership:

Membership—SAMUEL N. WHEELER, chairman; ROBERT M. GRACE, JOSEPH P. MORGAN, HAROLD A. WEINBERGER, SIDNEY B. LUST, GEORGE J. GILL, ROBERT SMELTZER.

House—HARRY S. BROWN, chairman; CHARLES E. SCHULMAN, CHARLES KRANZ, A. E. LICHTMAN, JOHN J. PAYETTE, JAMES B. FITZGERALD, CARTER T. BARRON, EDWARD HEIBER, RUDOLPH BERGER.

Entertainment—PAYETTE, chairman; BARRON, GUY WONDERS, F. EUGENE FORD, HARRY E. LOHMEYER, NATHAN A. STIEFEL, NAT GLASSER.

Ways and Means—HARRY HUNTER, chairman; CHARLES H. OLIVE, ARTHUR A. DETITTA, SAMUEL M. FLAX, JOSEPH P. MORGAN, HARRY P. SOMERVILLE, THOMAS J. CLARK.

Publicity—PAYETTE, chairman; HARDIE MEAKIN, NORMAN PYLE, DON CRAIG, EDWARD DES. MELCHER, ANDREW R. KELLEY, NELSON B. BELL, J. RAYMOND BELL.

Sports—SAM A. GALANTY, chairman; HARRY S. BROWN, ROBERT J. FOLLIARD, JAMES A. PRATT, LICHTMAN, FITZGERALD, BARRON, JOSEPH C. GRANT, FULTON BRYLAWSKI.

Welfare and Public Charities—WILLIAM E. S. WILCOX, chairman; LICHTMAN, HUNTER, CHARLES KRANZ, MORGAN, DR. EDWARD A. CAFRITZ, A. JULIAN BRYLAWSKI.

Social Activities—BRYLAWSKI, chairman; KRANZ, WHEELER, JOSEPH KRANZ, NAT B. BROWNE BERGER, LUST, PYLE, MEAKIN, FORD, SCHULMAN, MAURICE DAVIS.

Greeters—BROWNE, chairman; DR. FRANK T. SHYNE, SOMERVILLE.

While plans are still in the formative stage. Chairman BRYLAWSKI'S social activities committee is considering special Saturday and Sunday events to be held in the club rooms.

Elected to regular resident membership was JACK GOLDBERG of the local M-G-M office.

Mexico Sees Gain For Sound on Film

(Continued from page 1)

creased so as to make their continued importation prohibitive, whereas the duties on sound on film importations are much lower than formerly. They are now $5.60 a kilogram, instead of $9.72 for the annual quota up to 100,000 meters for each importer, and $11.20 per kilogram, instead of $19.85, for each kilogram in excess of the quota. Discs recorded in Spanish are $7 each and in other languages $14.

The distinction is made, according to an official statement, in order to encourage "the most advanced" sound methods of the industry for Mexican theatres. Exhibitors are allowed 90 days in which to install the sound on film process.

A non-progessive income tax of five per cent on gross receipts is established for distributors under the new decrees which have just gone into effect and permitted the resumption of business by American distributors here for the first time since last September. Pictures produced in Mexico are exempt from this income tax.

"Film Survey" Scheduled

A series of special screen programs entitled "A Short Survey of the Film in America, 1895 to 1932," will be presented at the auditorium of the New School for Social Research, 66 West 12th St., under the sponsorship of the Film Group of the New York Adult Education Council, on five Sunday evenings starting Feb. 16. Frederick Lewis Allen, author of "Only Yesterday," will introduce the first program.

Open London House

LONDON, Feb. 10.—The Paramount Theatre here, new 2,500-seat house, was formally opened here tonight. Numerous film celebrities made personal appearances.

Wall Street

Small Losses Dominate Board

	High	Low	Close	Net Change
Columbia, vtc	43	43	43	— ½
Columbia, pfd	49¾	49¾	49¾	— ¼
Consolidated	6¾	6⅝	6¾	+ ⅛
Consolidated, pfd.	19	19	19	— ¼
Eastman	158	156½	157	.....
Loew's, Inc.	52	51½	51½	— ½
Loew's, Inc., pfd	105¼	105	105	— ⅛
Paramount	11¾	11½	11½	— ⅛
Paramount 1 pfd.	85¼	84¾	85	—1
Paramount 2 pfd.	12⅜	12	12¼	.....
Pathe Film	9	8⅜	8¾	+ ¼
RKO	7⅞	7½	7⅝	+ ⅜
20th Century-Fox.	26¾	26⅜	26¾	.....
20th Century, pfd.	36½	34¾	35¼	+ ¼
Universal, pfd.	65	65	65	—1⅝
Warner Bros.	13	12¾	12¾	.....

Sentry, Technicolor Curb Gains

	High	Low	Close	Net Change
Sentry Safety	1⅝	1¼	1½	+ ⅛
Sonotone	2¼	2½	2½	.....
Technicolor	25⅜	24⅝	25	+ ⅝
Trans-Lux	5	4⅞	4⅞	.....

Few Rise on Bonds

	High	Low	Close	Net Change
General Theatre 6s '40	24	23½	23½	.....
General Theatre 6s '40 ctf.	24	23¾	24	.....
Loew's 6s '41 ww deb rights	103	103	103	— ⅛
Paramount Pict. 6s '55	96¾	96½	96½	— ⅛
RKO 6s '41 pp	76½	76½	76½	+ ½
Warner Bros. 6s '39 wd	97¼	96½	97	+ ½

(Quotations at close of Feb. 10)

South, West Shifts Among Theatres Gain

Middle West and southern reports in the past few days show theatre changes are continuing without slackening. This applies both to changes in ownership and new construction.

Cleveland is soon to have a new $200,000 house, work on which will be started in February, according to Louis Israel, president of the Tiffin Amusement Co. A. A. Treuhaft of Keys-Treuhaft Co., is owner and builder.

Work has been started on a 1,000-seat house at Trenton, Mich., which will be ready about April 15. Schreiber, Smiley & London will be the owners.

Ohio is to have a new house at Marietta, to be built by the Marietta Concrete Corp. and leased by Mort A. Shea.

Still another house is to be built in Missouri. This will be at Ferguson, with T. E. and H. E. Huett. It will be a two-story theatre and store building with seats for 650, with the cost estimated at $25,000. At Salisbury, Mo., Elmer Bills is planning to rebuild the Lyric, recently destroyed by fire, and at La Plata V. G. Greer is remodeling the Princess.

M. Kurlan has purchased the New Lyric, Chicago neighborhood house, from Russell Rothrock.

Southern Openings Gain

BIRMINGHAM, Feb. 10.—Southern openings and renovations continue at a fast pace. Latest to be remodeled here is the Five Points, owned by Waters Theatres, Inc.

The new Lyric at Rockwood, Tenn., has opened. Palmetto Theatres Co., has purchased the Ritz at Columbia, S. C. The Lyric at Gordon, Ga., long dark, is being remodeled for early opening.

In Louisiana, E. I. Hawkins has opened a new house at Newellton and alterations have been made in the Blackman at St. Joseph. Cecil Culp also intends to open the Co-Ed at Arkadelphia, Ark.

Central States Adds One

DES MOINES, Feb. 10.—Central States Theatre Corp. has acquired the Grand at Estherville, Ia., from Henry Hower of Omaha and will take possession Feb. 10.

Parker Opening Set

PORTLAND, Feb. 10.—J. J. Parker's new United Artists Theatre will open at Pendleton Feb. 1. It's a 600-seat modernistic structure with Victor M Keady as manager.

Prepare N.O. WPA Shows

NEW ORLEANS, Feb. 10—The WPA theatre project has begun to function here. "After Dark" will be presented at the Little Theatre in about five weeks. John McGee, author of "Jefferson Davis," is southern supervisor.

Sirica City Manager

LOWELL, Feb. 10—John Sirica has been named city manager here for Michael Daly, operating the Capitol and Victory, formerly a part of the Frederick E. Lieberman circuit.

Out Hollywood Way

HOLLYWOOD, Feb. 10.—FARLEY and RILEY, the "'Round and Around" authors, have arrived, a day late. . . . Columbia set to start with HARRY RICHMAN. . . . BOB RISKIN, recovered from tonsil operation, back at his desk at Columbia. . . . DWIGHT TAYLOR threw a party at Del Monte to honor his sister, MARGUERITE.

CHARLES RICHARDS, casting director for DAVID O. SELZNICK, has placed his racing car, a Miller special, on the market and plans to quit racing. . . . IRVIN S. COBB is in Texas on a vacation. . . . SYBIL JASON, Warner child star, is in Hollywood Hospital recovering from a tonsil operation.

BEN HOLMES brought in "Farmer in the Dell" three days ahead of schedule at Radio. . . . COUNT STEPANELLI, wintering here, is to play a bit in "The House of a Thousand Candles" for Republic. . . . JOSEF VON STERNBERG insists upon using helium to blow up the toy balloons used in the GRACE MOORE picture.

KATHERINE DEMILLE cut short her New York vacation to do retakes in "Sky Parade" for Paramount. . . . ELIZABETH RUSSELL, sister of Rosalind, here to begin Paramount contract. . . . NED SCOTT, still photographer, added to publicity staff of PAUL SNELL at Pioneer.

✚

Casting—ROBERT MIDDLEMASS in "Reunion" at Paramount. . . . MAURICE COOK spotted in "Laughing Irish Eyes," Republic. . . . IAN KEITH gets lead in "Angels in White," B. F. ZEIDMAN production. . . . VICTOR VARCONI added to Pioneer's "The Pirate Dances." . . . JEAN ARTHUR assigned to lead in "Bless Their Hearts," Columbia. . . . BARBARA DENNY, daughter of Reginald, signed by DAVID O. SELZNICK for "Little Lord Fauntleroy."

EVE SOUTHERN cast in untitled GRACE MOORE picture, Columbia. . . . CLAUDE RAINS to play Napoleon in "Hearts Divided," EUGENE PALLETTE added to "Golden Arrow," both at Warners. . . . SPENCER TRACY in "San Francisco," with CLARK GABLE and JEANNETTE MACDONALD, M-G-M. . . . JOHN QUALEN cast in "Wooden Crosses," Twentieth Century-Fox.

✚

Contracts—FRANK THOMAS, character actor, and WALTER PLUNKETT, costume designer, given term pacts by Radio. . . . Columbia takes up option on VICTOR KILIAN.

✚

Writers—RICHARD ENGLISH given term pact by Warners. . . . Working on an original. . . . P. J. WOLFSON signed to new agreement by Radio. . . . NORMAN REILLY RAINE doing screen play of "God's Country and the Woman," Warners. . . . HOWARD ESTABROOK working on screen play of "Kim" in collaboration with HUGH WALPOLE, M-G-M. . . . Universal borrows BEN MARKSON from Warners to do script of "Unconscious."

✚

Directors—LOUIS FRIEDLANDER directing chase sequences of "Sutter's Gold." . . . WILLIAM DIETERLE to direct "The Schoolhouse in the Foothills," Warners.

Story Buys—BARRY BENEFIELD'S novel, "Valiant is the Word for Carrie," acquired by Paramount. . . . OCTAVUS ROY COHEN'S "Taxi, Please," purchased by Columbia.

Chicago Tries Out Bank Night Matinee

CHICAGO, Feb. 10.—Bank Night matinees are proving the rage here at present. The afternoon business at theatres using the plan has jumped. Cold weather has hurt the standout trade. All circuits which have been using Bank Night have gone for the matinee plan.

Rosener Buys Another

SAN FRANCISCO, Feb. 10—Herbert Rosener, who operates the Clay International here, has purchased the National in Stockton and is expected to operate it under a similar policy.

Rosener's houses, the Clay here and the Grand International, in Los Angeles, show only foreign product. Henry Pincus, formerly advertising manager of the Clay, was recently transferred to Los Angeles. John Peltret will replace him here.

Form Little Rock Firm

LITTLE ROCK, Ark., Feb. 10.—The Metropolitan Theatre Co. has been granted a State charter. Incorporators are Milton Starr and Alfred Starr of Nashville and others.

Selznick Signs Garrett

HOLLYWOOD, Feb. 10.—David O. Selznick has signed Oliver H. P. Garrett to a term writing contract. As his first assignment, Garrett will prepare an original for Ronald Colman.

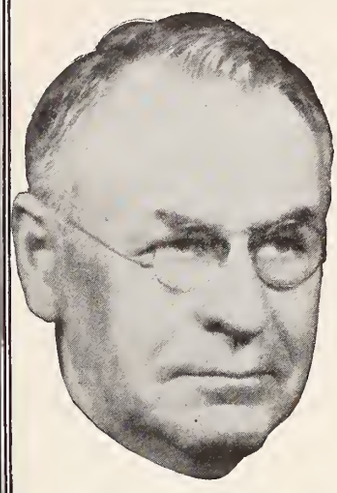
Payment at Toronto Stirs Small Mystery

TORONTO, Feb. 10.—Sensational statements were made by Paul Hinds, lawyer for Patrick Sullivan, in a case involving the estate of Mrs. Teresa Small, widow of Ambrose J. Small, former theatre magnate, who mysteriously disappeared more than 16 years ago after he had received payment of $2,000,000 for his circuit in Ontario.

Famous Players Canadian Corp. sought to pay a $5,000 balance owing on a mortgage against the Regent, to obtain discharge of the mortgage originally held by Small. It was dated Jan. 20, 1916. The company had tried to clear up the obligation over a period of years.

Opposing the payment in court, Hinds alleged there had been perjury and forgery in connection with what purported to be the last will of Small and claimed there was a subsequent will. With regard to the disappearance of Small, which had engaged the police of several countries and private investigators, Hinds asserted he had four persons "who can testify it was cold-blooded murder."

Objection was raised by opposing counsel regarding these statements because Small has long since been declared legally dead and the Government recently declined to reopen the investigation. Justice J. A. McEvoy, who presided, closed the case by announcing he would grant the application of Famous Players to pay the $5,000 balance to the estate of Mrs. Small.



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MPTOA Board Meet Is Set On March 5-6

Varied Problems on Tap; Elections Scheduled

The annual meeting of the board of directors of M.P.T.O.A. will be held March 5 and 6 at the Miami Biltmore Hotel, Miami.

Exhibition problems, distributor policies, conferences on industry self-regulation through conciliation and arbitration of trade disputes and discussions on raising exhibition standards and increasing theatre attendance will occupy the two-day meeting. The annual election of officers also will be held. Advance indications are that Ed Kuykendall, president, and most, if not all other officers, will be reelected. These include M. E. Comerford, M. A. Lightman, W. S. Butterfield, B. N. Berinstein, and A. Julian Brylawski, vice-presidents; Morris Loewenstein, secretary; Wal-

(*Continued on page 6*)

Warner Quarter Net Seen at $1,000,000

Warners are expected to show a net profit of more than $1,000,000 for the quarter ending Feb. 29, it was reported yesterday. The reputed earning power is based on the lineup of pictures released during the current quarter.

For the last quarter the company revealed a net of $1,031,315, after all charges, including interest, amortization, depreciation and Federal taxes.

With the next board meeting scheduled for Feb. 18, routine matters are likely to come up. Harry M. Warner, president, plans to sail for Europe next month on a combined business and vacation trip.

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Kansas Likes Snow

Kansas City, Feb. 11.—Kansas exhibitors are mixed in their attitude toward the heavy snow that is blocking rural highways.

It hurts business now and helps it later, because the wheat crop will be that much better and farmers will have more money to spend.

Blind Buying Hit By Phila. M.P.T.O.

PHILADELPHIA, Feb. 11.—The alleged failure of RKO to deliver product commensurable with promised quality will be the first item of testimony to be submitted to Federal Judge George A. Welsh and Special Investigator Benjamin M. Golder relative to the evils of blind buying. A resolution to this effect was passed today at a meeting of the Independent M.P.T.O. The confab was attended by representatives of 125 houses throughout this territory. The text of the resolution is as follows:

"Whereas, at the beginning of 1935-36 selling season, RKO represented in advertising, advance literature, and by sales representatives that product for 1935-36 would possess definite production quality and box office values, and, whereas, of 16 released so far, only one, "Top Hat" conforms to representation, remaining 15 being far inferior,

"Be it resolved that RKO be requested to revise the terms of existing contracts where such revision is justified, and, be it further,

"Resolved, that a copy of this resolution be forwarded to Judge George A. Welsh and Special Investigator Golder."

Morris Wax presided at the meeting in place of Charles Segall, who is ill.

Ascap Claims Big Block of Herbert Works

Small Rights Claimed to Warner Music

Ascap laid claim yesterday to the performing rights to 63 individual song numbers, all of the separate musical compositions of Victor Herbert except those from "Naughty Marietta," and all of the works of the late Louis A. Hirsch, published by Warner music subsidiaries. The claim that the Ascap license covers the performing rights to these compositions was made in a letter addressed to all broadcasting stations licensed by Ascap advising the stations that their license with the society made the listed compositions available for their use and intimating that additional song numbers pub-

(*Continued on page 5*)

U. A. Seeking Writ On City Sales Tax

Application for a writ of certiorari was made to the State Supreme Court yesterday by the local United Artists exchange in preparation for an appeal of the city's recent decision holding the film rentals of the exchange to be subject to the city's two per cent sales tax. Ordinarily, such applications are granted as a matter of course by the court.

The city will have 20 days in which to file its answer to the writ before a hearing date on the appeal can be set by the appellate division. As the United Artists assessment is the only one to be made by the city against a local exchange the appeal is viewed by distributors here as a test case.

Move to Take Up Film Bills Made in House

Subcommittee Will Hold Pettengill Hearings

By BERTRAM F. LINZ

WASHINGTON, Feb. 11.—Film legislation was given a place on the program of the House Foreign and Interstate Commerce Committee today when the group met to map out a schedule for the session.

The committee approved the holding of hearings on the Pettengill block booking bill, and instructed that a sub-committee be formed to take charge of the measure. Representative Pettengill, a member of the major committee, probably will head the group. It was said it is planned to hold the hearings sometime this month, perhaps in about two weeks.

Congressman Pettengill has expressed confidence that the bill will be favorably reported by the committee and be accepted by the House. It is considered doubtful, however, that the Senate will reach it at this session, especially if an early adjournment is sought.

Gaumont Drops Its Suit Against KRS

LONDON, Feb. 11.—Gaumont British has definitely abandoned its conspiracy in restraint of trade action against the Kinematograph Renters' Society, after several adjournments. The action was brought against the society and its individual members in connection with the refusal of the K. R. S. to book the H. & G. theatres through Gaumont British.

A curious situation has arisen in that K. R. S. is adhering to its resolution only to book the Hyams houses through H. & G., which has legally gone out of existence through absorption in Gaumont British Super Cinemas, Ltd. The deadlock resulting may be ended by the dissolution of Super Cinemas, but this could not be confirmed today.

"Modern Times" Does $65,000 First Week

First week of "Modern Times," which ends tonight at the Rivoli, is expected to show approximately $65,000 on the books. This is considered unusual for the house.

Estimates yesterday were that the Chaplin film will continue at the house

(*Continued on page 6*)

Circuits, Exchanges Cold To Changes in Clearances

Although the I.T.O.A. has invited License Commissioner Paul Moss to act as mediator in an effort to readjust the price and protection schedules in the local territory, no changes are anticipated for some time, according to exchange managers.

It is pointed out that New York is the only city which has a seven-day clearance, all others outside of the local exchange supervision having at least 14 days.

As a result of the 10-year Paramount-Loew franchise, a week's clearance has prevailed in this area during the past nine years. Loew's, during the past eight years, has been playing 50 per cent of Paramount under the seven-day protection proviso, with RKO showing the other half. Earlier in the season a split between RKO and Paramount resulted in Loew's getting the other 50 per cent of Paramount's output for two years.

The 10-year Loew-Paramount pact, which expires next year, is not likely to be followed by any changes in the clearance map, it was asserted. New theatres which may be taken over by

(*Continued on page 6*)

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Barham Conferring Here

Tracy Barham, who operates the Paramount theatres in Middletown and Hamilton, O., and Harry David, in charge of Paramount units in Salt Lake, are in town conferring with Y. Frank Freeman on bookings. David also is discussing a number of improvements planned in the Utah group.

Both Barham and David will remain in town until the end of the week.

Legion Talk for Ampa

Representatives of the Legion of Decency will be guests of honor at the regular weekly luncheon of the Ampa at the Astor tomorrow. Ona Munson and Paul Graetz, the latter featured in "Mr. Cohen Takes a Walk," also will be guests.

Clyde Shyrigh Is Dead

URBANA, Ohio, Feb. 11.—Clyde Shyrigh, 65, formerly in vaudeville under the name Eddie Clifford, died suddenly here today of a heart attack. Shyrigh had been manager of the old Clifford Theatre.

Joseph B. Bracken Dies

KANSAS CITY, Feb. 11.—Joseph B. Bracken, 73, former dramatic critic for the old *Kansas City Times,* died yesterday. He had been a member of the Kansas City Board of Trade 35 years.

Rites for Heggie

HOLLYWOOD, Feb. 11.—Funeral services were held here yesterday for O. P. Heggie. His ashes will be scattered from a plane over his home in Hyannis, Mass.

Insiders' Outlook

By RED KANN

Albuquerque, N. M., Feb. 11

AS Hollywood and the land where they make 'em draws closer, the realization, never slighted in this corner, of the importance of the product becomes keener. There comes bouncing back into mind with a gallop the favorite and constant coast assertion that production is the life-blood of the business. True enough, certainly, but the stream coursing through the body must have an uninterrupted and stimulated flow as a necessary adjunct. And that reminds of an incident and an observation about which Hollywood may or may not have heard. . . .

▼

It has to do with invaluable contact and the confidence breeding from it established over a long period of years with the exhibiting fraternity. It deals with a picture, a good picture, called "Magnificent Obsession," and what Jimmy Grainger did with and about it. He saw it, or enough of it, in Hollywood last fall to launch and complete a selling job which may have been duplicated over the years, but definitely has not been excelled. On the strength of his word, which could be another way of talking about his reputation for honesty, Grainger, sitting at his desk back in New York and by telephone, arranged for one hundred day and date runs; his crew lined up an additional twenty-six, all played off in two weeks. Many of the nation's leading first runs were in that assemblage, including the Music Hall in New York.

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Thereafter and because the attraction rated and because the key city stimulus, as usual, properly excited other showmen, the picture nabbed many immediate dates. In five weeks Universal grossed almost $500,000. Dear reader, that's business, make no mistake. It illustrates several things and, among the pertinent, but aside from the vast credit it reflects upon Grainger and his sales capabilities, the understanding which should be Hollywood's that matters do not quite begin and end when the master print is shipped over the mountains east. . . .

▼

A long train ride such as this never fails to impress anew the desirability of a closer understanding between the two coasts. The very difference, geographically, makes a difference. Considerable has been said about the opposite directions in which Hollywood and New York pull. We should say that was the east's fault, far more than the west's. For the administrative headquarters are and will continue to be in New York. It is from that point that the instructions should be issued and it is in Hollywood where they should be carried out. This is not to say that the arbitrary in attitudes should be struck; these two integral parts of the one business should cooperate understandingly. By this time, you may be scoffing. Or you may be remarking to yourself that all of this is old stuff. It is, but it is very much up front in a number of the industry's better minds. There will be a sequel to this train dispatch one of these days. . . .

▼ ▼

A few days before he left on a South American cruise J. B. Clinton, president of Allied of the Northwest, did what all exhibitor association leaders do from time to time. He issued a bulletin. His, however, was not run-of-the-mine because in it he sent aloft a trial balloon labeled cooperation between Allied and M.P.T.O.A. on problems where the aims of the two organizations do not conflict. At the time, Abram F. Myers, for Allied, had no comment to make. Only recently his board of directors completed a two-day session in Washington. So far as it has come to light, nothing happened with the Clinton suggestion. . . .

▼

This journeyman, for one, was not surprised. He was even less astonished when the idea met with complete silence from the M.P.T.O.A. As a matter of fact, it reminded him that exhibitors, or those who go in for national associations, have had a very persistent habit of damaging their own cause by failing to hang together in sufficient numbers long enough to make their impact felt. That, you might reflect, is an extremely fortunate state of affairs for the distributor, but it does not help the exhibitor. Clinton must be told, if he has not appreciated the facts himself by now, that any ennobling plan to bring about cooperation between the two associations will remain merely an idea until politics is rooted out with the sharpest of scalpels. This department, approaching more pleasant climate now, would wish that Clinton will be of this existence long enough to witness such a miracle. It is only the melancholy truth to observe, however, that he will not.

▼ ▼

These are brave days at United Artists. For the run of "Modern Times," Charlie Chaplin's name blazons forth in large upright signs in place of the Rivoli's at 49th and Broadway.

Sam Goldwyn's next isn't far behind. . . .

Neblett Argues At F.W.C. Hearing

HOLLYWOOD, Feb. 11.—Concentrating on the F.W.C. million dollar dividend and the assignment of its assets to 27 other corporations organized two days after the filing of the bankruptcy petition, William H. Neblett today opened argument for T. L. Tally and Corbar Corp. before Federal Judge James Alger Fee to have the F.W.C. petition set aside. After conceding the right of anyone to file a voluntary bankruptcy petition, Neblett argued that an oath of insolvency does not mean that shifts in assets have been made and further stated that desirable assets of the firm were transferred to these 27 new corporations leaving only worthless properties to bankrupt. He claimed that the dividend was declared solely for the purpose of creating a fictitious condition and added that the dividend was the withdrawal and reduction of capital stock, and as such was a criminal act. He charged also the Federal Judge Henry C. James was not informed of the transactions and particularly scored Charles P. Skouras for this omission.

Cross Examination Of Catchings Starts

WILMINGTON, Feb. 11.—Cross-examination of Waddill Catchings was started by Abraham L. Pomerantz, plaintiff counsel, just before adjournment today in the Harry Koplar action against Warner Bros. directors. Seeking to establish the domination of the directors by the Warners, Pomerantz drew from Catchings the admission that the brothers could have have obtained the resignation of George Quigley, a minority director, although Catchings insisted that this could be done only "for cause."

Prior to this testimony, Joseph M. Proskauer, defense counsel, drew from the witness a lengthy description of the Warners' indispensability to the company, especially during the transition to talkies.

Catchings will resume the stand tomorrow.

Doug., Jr., Goes West

Doug Fairbanks, Jr., following a reception yesterday at the St. Regis left for Hollywood for a series of conferences with owner-producers of United Artists on the distribution of his latest film, "The Amateur Gentleman."

Schine Deal Delayed

Paramount's deal with the Schine circuit on product for next season is off again, due to George Lynch, executive buyer for the circuit, being detained in Gloversville because of the serious condition of his wife after an operation.

Hays Meets Ad Men

HOLLYWOOD, Feb. 11.—Will Hays met with studio publicity directors here today in the regular monthly conference. He may leave for New York the end of this week.



"Let Yourself Go"... with


FRED ASTAIRE
GINGER ROGERS
IN THE SUPER-DREADNAUGHT OF MUSICAL SHOWS...
"FOLLOW THE FLEET"
WITH
RANDOLPH SCOTT
HARRIET HILLIARD
ASTRID ALLWYN
Directed by MARK SANDRICH
A Pandro S. Berman Production
Founded upon the play "Shore Leave" by Hubert Osborne
MUSIC AND LYRICS BY
IRVING BERLIN
WHO FIRES A BROADSIDE OF SEVEN NEW SONG HITS:
"Let Yourself Go", America's newest ballroom sensation; "Let's Face the Music and Dance"; "We Saw The Sea"; "I'd Rather Lead a Band"; "Here Am I, But Where Are You?"; "Get Thee Behind Me, Satan"; "I'm Putting All My Eggs in One Basket"
RKO-RADIO PICTURE

Ascap Claims Big Block of Herbert Works

(Continued from page 1)

lished by Warners probably could be added to the list in the future.

Ascap bases its claim to license the performing rights to the Warner published compositions named on several grounds. Chief among these, the society says, are "the terms of agreements between writers and the publisher under which the writers reserved the small rights or made them subject to their agreements with Ascap," and "the terms of agreement between composers and authors of musical comedies, operas and operettas, whereunder there never was conveyed to the publisher any so-called 'small rights' and such rights, by virtue of the writers' agreements with Ascap, remain vested in the Ascap repertoire."

The communication adds that the list is augmented by "large numbers of compositions of foreign origin whose authors, composers or publishers are members of performing rights societies which have agreements vesting in Ascap the sole and exclusive right to license non-dramatic performances of the works in this country."

Compositions to Be Listed

Ascap declares that a study is now being made of all of these agreements which will determine the compositions published by Warner companies which it may still have the right to license. The study has progressed far enough, the society says, to issue the first list of such compositions, any of which, its communication states, may be included in broadcast programs of its licensees.

The first list includes 56 songs of George M. Cohan, published by M. Witmark & Sons; all of the Victor Herbert compositions except those from "Naughtv Marietta," published by M. Witmark; all of the works of Louis A. Hirsch, published by Victoria Publishing Co. and M. Witmark; the composition "Poor Butterfly," by Raymond Hubbell and John Golden, published by Harms, Inc.; "The Very Thought of You," by Ray Noble, published by M. Witmark; "Without That Certain Thing," by Max and Harry Nesbitt, published by T. B. Harms, and additional compositions published by T. B. Harms and Harms, Inc.

Warner officials could not be reached yesterday for comment on the Ascap communication but some film attorneys predicted the society's stand might lead to lengthy litigation before its claims were fully established legally.

Music Action Delay Seen

None of the many actions filed against national and local radio stations for alleged infringement of copyright for using without permission music controlled by Warners is scheduled to come up for trial in the Federal courts here until October, it was stated yesterday.

Many of the judges sitting in the Federal courts are now confronted with plans of reorganization which will carry them through to the summer, when the courts adjourn, it was said. With September given over to other matters, the music cases are not expected to reach the calendar until the following month. No new actions were filed yesterday.

Looking 'Em Over

"Spy 77"

(First Division)

An Alliance picture, produced in England and released here by First Division, this film has an occasional note of suspense, and a fair portion of action, against a background of secret service intrigue during the World War. The romance of an Italian woman spy and an Austrian officer rather unfortunately ends in tragedy, as the Austrian officer does his duty for his country.

The cast is headed by Greta Nissen, as the Italian spy; Don Alvarado, as the chief of the Italian service, and Carl Diehl as the Austrian officer. With the possible exception of Miss Nissen, the names will mean comparatively little to the average American screen audience.

Miss Nissen falls in love with Diehl and learns that incriminating evidence has been planted on him to save her by her superior. Diehl is stripped of his rank, re-enlists and seeks permission to vindicate himself. He is sent to Rome by the Austrian secret service, to discover the identity of an Italian spy who is seriously damaging the Austrian cause. There follows the major part of the film's suspense, as Miss Nissen on several occasions saves Diehl from the Italian service because she loves him. Finally, when she tries to prevent him from flying across the line with the needed information, he shakes her off his plane and she is killed, while, vindicated, he is restored to his rank in the Austrian army.

Production Code Seal No. 0,782. Running time, 82 minutes. "G."

"Heir to Trouble"

(Columbia)

Starting off with a fast pace, this western, aided considerably by the experienced trouping of Tarzan, the Arabian stallion, is good outdoor action fare that will satisfy the fans.

Ken Maynard, a rancher-miner, becomes a father when his best friend dies and leaves his infant son in his care. Harry Wood, the heavy, a rival miner, plots to have the child taken away, concocting a story of infamous goings on with a singer in a saloon, and tips off the local women's club that watches out for the virtue of the town. This brings about a misunderstanding between Maynard and Joan Perry, who are the romantic interest. There are the usual riding, fighting and shooting sequences which prevent the piece from getting dull. The climax is reached when Maynard, rescued by his fellow cowboys, corners Wood, and Tarzan saves the baby a moment before Wood gets his due.

The supporting cast, ably assisting, includes Martin Faust and Harry Bowen. Tarzan, superb animal that he is, almost steals the show. Spencer Gordon Bennett's direction keeps the film moving at a good pace. Herbert Kirkpatrick is responsible for the fine photography. The story is an original by Maynard.

Production Code Seal No. 1,322. Running time, 59 minutes. "G."

Raft Suspended

HOLLYWOOD, Feb. 11.—George Raft has had his contract definitely suspended by Paramount as a result of his refusal to accept Teddy Tetzlaff as camera man on current films. Raft has five pictures on his contract.

Cartoon Banned

COLUMBUS, O., Feb. 11. — "The Amateur Fire Brigade," anti-New Deal animated cartoon, was banned here today after the Censor Board declared that it "encourages disrespect for the President."

E. G. Huhnke Recovering

OMAHA, Feb. 11.—E. G. Huhnke, salesman of the RKO exchange here, is recovering in Bartlett, Nebr., after having been almost frozen to death in his car which had been caught in a snowdrift near the town last Friday.

Louisianians Study Legislative Outlook

NEW ORLEANS, Feb. 11.—Exhibitors and exchange men here are discussing the possibility of the enactment of laws affecting the industry when the legislature meets in May. It is said that the Gulf States M.P.T.O.A. will take definite steps to protect the interests of the industry from the passing of adverse measures.

There are two possibilities frequently mentioned. The first is a bill to provide an examining board for projectionists. The other is a statute aimed at the various forms of giveaways. Regarding the latter, film men feel that the statewide elimination of gift nights might work to the betterment of the industry as a whole.

Chouteau a Candidate

ST. LOUIS, Feb. 11.—Henri Chouteau, owner of the World's Theatre building here, is a candidate for the Republican nomination for lieutenant governor of Missouri. He is a former member of the state General Assembly and a former Republican state committee man.

Short Subjects

"March of Time No. 2"

(RKO)

Once again the March of Time in this, its second issue of the second year, offers material of a high degree of interest and current significance. The reel is divided into three phases, the first on "Russia Today," the second on "Father Divine" and the third on "The Hartman Solution."

Modern Russia, with its trend toward various of the activities of "capitalistic" countries, is ably depicted. Shown are women indulging in beauty parlor treatments, people buying as much of anything as they desire, the busy transportation system, the industrial activity and the like, all in implied contrast to the Russia of the early days of its present system. Seen is Alexei Stakhanov, Russian hero, whose method of speeding production, Stakhanovism, has made him a national figure.

Extremely good, with expert use of the camera, is the Father Divine sequence, picturing the manner in which the diminutive colored man, with the accents of the evangelist, completely dominates a vast group of his "disciples," centering in New York's Harlem.

The final portion reviews the latest boon to the dental profession, the new "desensitizer" developed over a long period by Dr. Leroy Hartman, which to a certain extent eliminates pain in the drilling of teeth. It is pointed out that it is not successful in all cases, but is most successful in working with children. Engaging camera angles serve to inject amusement into this sequence.

Running time, 20 mins. "G."

"Darkest Africa"

(Republic)

A 15-episode serial, with names that will attract the attention of the younger element, this film has enough juvenile twists to make it pleasing to the Saturday morning trade. There is excitement enough in the first two reels to predict that the story comes up to the needs of this type of production.

The beginning of the story has Clyde Beatty as an animal trapper rounding up beasts for shipment to circuses. He also trains them a bit. Starting out on a safari, he meets up with young Manuel King, the boy who recently was a newsreel sensation with his handling of a cage full of lions. He is a sort of a miniature Tarzan. The story proceeds to the rescue of his sister, who is held by a tribe in the interior which believe her to be a goddess. Also in the cast are Wheeler Oakman, Edward McWade and Edmund Craddock. The heroine of the piece is Elaine Shepard. Lucien Prival aids, too. Production Code Seal No. 3,530. Running time, 30 mins. "G."

Frisco U. A. Holds Scale

SAN FRANCISCO, Feb. 11.—Since the Warfield dropped stage shows and reduced admissions to 40 cents top the United Artists is now the highest priced house here, with 55 cents top.

The Warfield, which under its stage policy had been grossing around $22,000 to $23,000 weekly, has dropped to around $19,000 with duals. It is ahead in net profits, however, because of savings in overhead.

MPTOA Board Meet Is Set On March 5-6

(Continued from page 1)

ter Vincent, treasurer; Edward G. Levy, general counsel, and Fred Wehrenberg, chairman.

Exhibitor problems scheduled for discussion in addition to industry self regulation, include unfair competition between theatres through double and triple featuring, unreasonably low admissions and giveaways; the music tax; labor relations; unfair and discriminatory taxes; legislation; Sunday shows; free shows and unfair non-theatrical competition; local censorship; irresponsible exhibition and unfair allocation of prices by distributors after pictures are exhibited.

The improvement of the public relations of the exhibitor and his standing in the community will also be discussed, in addition to specific organizational topics, among which will be methods of correlating efforts of all regional units affiliated with M.P.-T.O.A.

The national organization emphasizes that the meeting is not a convention and that while meetings of the board are necessarily executive sessions for officers and directors only, other exhibitors will be welcomed at informal discussions outside the business sessions.

Indications are that the organization may adopt a stand at this meeting on the General Motors free shows which will play 12 hours daily over a 20,000-mile itinerary beginning at Miami, Feb. 17. An opportunity will have been afforded by the time of the meeting, it was said, to observe the competitive effects of the project on established theatre business.

Kuykendall left yesterday for Washington on legislative work. He is expected back here late this month in advance of leaving for Pinehurst to attend the annual meeting of the Carolina M.P.T.O.A March 1 and 2.

"Modern Times" Does $65,000 First Week

(Continued from page 1)

at least six weeks. Loew's will get it first run after the Rivoli showing.

London Press Praises Film

LONDON, Feb. 11.—Charlie Chaplin's "Modern Times," which opened here tonight at the Tivoli, was greeted with considerable praise by the press following a showing for critics this morning. Three evening newspapers were highly laudatory and gave the opening feature news space.

Rogers Library Started

CLAREMORE, OKLA., Feb. 11.—Work on the Will Rogers Memorial Library was started yesterday by Morton Harrison, WPA director. It will cost $18,000. The WPA is supplying $10,000.

Warner Party to Europe

Harry M. Warner, Sam E. Morris, Mervyn and Mrs. LeRoy are planning to sail for Europe on March 18 for a six-week trip. Morris hopes to leave for a Florida vacation before sailing.

Purely Personal

NORTON RITCHEY, FRANK BRUNO, CHARLES D. PAINE, HARRY SHIFFMAN, EDWARD SCHNITZER, HERMAN GLUCKMAN, BUDD ROGERS, ED FAY, JULES CHAPMAN, A. M. WATTENBERG, BUDDY MORRIS, WILLIAM FEITELSON and WILLIAM PIZOR gathered at the Tavern yesterday for lunch.

•

FRANK V. KENNECBECK, for four years publicity and exploitation manager for Paramount's Capitol, Melbourne, will leave New York today on the *Washington,* en route to Calcutta to become assistant to General Manager Charles Ballance of Paramount.

•

GEORGE J. SCHAEFER, Y. FRANK FREEMAN and FRANK WALKER arm-and-arming it down Broadway from WALKER's office to the Algonquin. SCHAEFER leaves today by plane for Miami Beach.

•

BOB COLLIER, who returned yesterday after doing special work on a number of "Midsummer Night's Dream" openings, will leave Warners Feb. 15.

•

Princess NATALIE PALEY, ARTHUR TRACY, ANTON LITVAK and ERIK LOCKE are due here today on the *Champlain.*

•

HARRY C. ARTHUR left for the coast Monday to confer with MARCO WOLFF and FANCHON SIMON. He'll return by boat.

•

J. A. PARTINGTON and JESSE KAYE of F. & M. arrived today in Chicago for the opening of Al Pearce's engagement at the RKO Palace.

•

BORIS and MRS. KARLOFF, and MRS. WALLACE BEERY leave today on the *Washington.*

•

GLORIA SWANSON will leave today on the Century, and will catch the Chief from Chicago tomorrow.

•

RICHARD BENNETT left Harbor Hospital today to continue his convalescence in Florida.

•

J. J. UNGER has returned from a circuit of southern Paramount exchanges.

•

DAVID SARNOFF, at the Astor yesterday, made a dash for the main elevators to attend a meeting.

•

JAN KIEPURA and MARTA EGGERTH sail tonight on the *Bremen.*

•

BILL YEARSLEY of Warners has arrived in town.

•

W. RAY JOHNSTON is expected back from Florida tomorrow.

•

FRED GREENE of New Paltz, N. Y., was in town yesterday.

•

JOSEPH BERNHARD has returned from Florida.

•

GARY GRANT was spotted in the Paramount Bldg. yesterday.

•

H. J. YATES is back from the coast.

Circuits Cold to Clearance Changes

(Continued from page 1)

Loew's may find an alteration here and there, but nothing of a radical nature.

Under the provisions of Paramount's contract subsequents can follow Loew's a week later with a 15-cent minimum admission. In M-G-M pacts any exhibitor charging under 20 cents must wait 45 days after Loew.

While Moss has indicated a willingness to intervene on behalf of the unaffiliated theatre men, major circuit heads feel that the license commissioner is exceeding his authority. If there are any readjustments in zoning and hiking of admissions, major circuit executives would prefer to work them out with the independents without outside forces entering the picture.

Despite the fact that I.T.O.A. yesterday authorized Moss to act for the members of the unit in re-zoning the city, major circuits will disregard any moves made by the license commissioner in this regard.

Six Films Named in The Editing Section

HOLLYWOOD, Feb. 11.—Nominations for the achievement awards in the film editing division of the Academy were listed late last night by Harold McCord, chairman of the film editors' section, as follows: "David Copperfield," "The Informer," "Les Miserables," "The Lives of a Bengal Lancer," "A Midsummer Night's Dream" and "Mutiny on the Bounty."

Four productions were tied for third place, instead of the usual three, which accounts for the listing of six films, in accordance with Academy award regulations.

Hold Stamford Dance

STAMFORD, Feb. 11.—The annual ball and floorshow of the film theatre employes of Stamford, Greenwich and Darien was held at the Elks' auditorium here tonight.

Anthony J. Marrucco was chairman, assisted by Nicholas Trimboli, Lawrence DeMott, Jerry Saumo, Joseph Mitchell, Joseph Bonomo, Earl Curtis and Charles E. Bankston.

Visits Injured Parents

HOLLYWOOD, Feb. 11.—June Travis, cast in "The Gentleman from Big Bend," has been given leave by Warners to fly to Palm Springs, to the bedside of her parents, Mr. and Mrs. Harry Grabiner, who were injured there recently in an automobile accident.

Brandt Buys the Globe

Harry Brandt, who has been operating the Globe under a lease for the past four years, has purchased the property from the Globe Land Co.

Dressler Tax $70,181

LOS ANGELES, Feb. 11.—The $282,476 estate of Marie Dressler paid $70,181 in Federal taxes, a final accounting showed today.

"U" Board Meet Off

The regular meeting of the board of Universal, scheduled for yesterday, was postponed indefinitely.

Court Eliminates 64 Of Momand's Charge

OKLAHOMA CITY, Feb. 11.—An order striking 64 sections from the $3,146,912 damage suit petition of A. B. Momand, Shawnee, Okla., operator, and virtually necessitating filing of amended charges against 21 distributors has been signed by Judge Edgar S. Vaught in Federal Court here.

Judge Vaught ruled that the 64 sections charging monopolistic practices were vague.

Momand instituted the action in 1931. He claimed they had conspired to refuse release of desirable pictures for his theatres, then operating in Capitol Hill, Shawnee, Seminole, Okmulgee, Pawhuska, Wewoka, Holdenville, Hartshorne, Alva and Clinton, all in Oklahoma.

Among the sections stricken out by Judge Vaught was one charging the "conspirators" obtained leases on theatres "by means of threats" and another charging the large film producers "induced many of the stars of independent producers to leave their employ and enter employ of the defendant producers."

Judge Vaught held that before the latter allegations could be continued in the petition the stars would have to be named and the accusation made more specific.

Delay Greenwich Opening

Scheduled to open today, the new Greenwich in Greenwich Village will not be ready until Friday. Labor trouble set back completion of the house until then.

"Pine" Premiere Set

Walter Wanger's all outdoor color film, "The Trail of the Lonesome Pine," starring Sylvia Sidney, goes into the Paramount Feb. 19.

Wall Street

Eastman Issues Up on Baord

	High	Low	Close	Net Change
Columbia, vtc	42¾	42	42	—1
Columbia, pfd	50	50	50	+ ¼
Consolidated	7	6⅝	6¾	.....
Consolidated, pfd.	19¾	19¼	19¼	+ ¼
Eastman Kodak	157½	157	157	+ ¼
Eastman, pfd	162	162	162	+2
Loew's, Inc.	52¼	51⅝	51⅝	+ ⅛
Loew's, Inc., pfd.	105⅛	105⅛	105⅛	+ ⅛
Paramount	11¾	11⅜	11⅜	— ⅛
Paramount 1 pfd.	84¾	83¾	83¾	—1¼
Paramount 2 pfd.	12⅜	12¼	12¼	.....
Pathe Film	8⅞	8¼	8½	— ¼
RKO	8⅛	7⅞	8	+ ⅜
20th Century-Fox.	26¾	26½	26¾	.....
20th Century, pfd.	35½	35	35½	+ ¼
Warner Bros.	13	12¾	12¾	.....
Warner, pfd	56¼	56	56	—1¾

Sonotone Lone Curb Gain

	High	Low	Close	Net Change
Sentry Safety	1½	1⅜	1⅜	— ⅛
Sonotone	2⅝	2¾	2⅝	+ ⅛
Technicolor	25⅛	24	24½	— ½
Trans-Lux	5	4¾	4¾	— ⅛

Para. Pict. Bonds Off 1½ Pts.

	High	Low	Close	Net Change
General Theatre 6s '40	24¼	23½	24	+ ½
General Theatre 6s '40 ctf	24½	23½	23¾	— ¼
Keith B. F. 6s '46	94¼	94¼	94¼	+ ¼
Loew's 6s '41 ww deb rights	103	103	103	.....
Paramount B'way 3s '55	59⅞	59½	59⅞	+ ⅜
Paramount Pict. 6s '55	96½	94⅞	96	—1½
RKO 6s '41 pp.	76½	76½	76½	.....
Warner Bros. 6s '39 wd	98	97¼	97⅝	+ ⅝

(Quotations at close of Feb. 11)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry In All Branches

VOL. 39. NO. 37 NEW YORK, THURSDAY, FEBRUARY 13, 1936 TEN CENTS

Writers Seek 100% Royalty On Some Plays

Want All of Film Value If Producer-Backed

Royalties up to 100 per cent of the alue of the picture rights of stage roductions will be asked by writers nder their new contracts with mana- gers in instances in which film com- anies participate as play producers, was reported yesterday.

Changes in the authors' participa- on in film rights to stage plays will e made only where film companies ppear as play producers, it was said. he new arrangements, although sub- ect to negotiation with the managers, e scheduled to go into effect March

They are being proposed as a so- ution to the problem created for the riters by the recent appearance of lm companies as the backers of nu- erous stage productions with the re-

(Continued on page 10)

Republic's Selling Setup Complete Soon

With E. M. Schnitzer in charge of epublic sales in the east and Jack ier in the west, the company's new les setup will be completed in the ear future with the appointment of midwest sales manager, it was ated yesterday.

It is expected that W. Ray John- on, Republic president, who is due ack today from a Florida rest fol- wing a recent illness, will confer ith E. H. Goldstein, vice-president nd general manager, on an appoint- ent to the midwest sales post at ice.

MOTION PICTURE DAILY

Is now located in its new offices at

ROCKEFELLER CENTER

New York City

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CIRCLE 7-3100

Cold Wave Drops Key City Grosses for Three Weeks

What the cold wave has done to grosses all across the northern and central portion of the country during the past three weeks is shown in reports from 30 key cities gathered by Motion Picture Daily. After climbing, with slight fluctuations during October and until the Christmas holidays, they have taken a marked drop since mid-January when sub-zero weather and snow became widespread.

During the early weeks of January grosses were hitting new highs for the season. In the second week of January they began to slide, the total for the week ending Jan. 16-17 being $1,722,400. The following week the total went down to $1,539,065, with a further recession to $1,515,300 for the week ending Jan. 30-31. For the week ending Feb. 6-7 there was a slight gain to $1,591,350 as a result of the release of several big pictures.

The total of first run houses open has also declined from the peak of 186 for the week ending Oct. 31-Nov. 1 to 169 for the week ending Feb. 6-7.

Last week's declines were confined to Buffalo, Chicago, Cleveland, Kansas City, Lincoln, Louisville, Minneapolis, Montreal, New Haven, Oklahoma City, Portland, Providence, St. Paul and Seattle.

Complete tabulation will be found on page 6

Construction In K.C. Ahead Of Last Year

Kansas City, Feb. 12.—Indications here are that remodeling and new theatre construction under way or planned in this area for the first half of this year will be far ahead of the same period last year. Remodeling is expected to form the bulk of the theatre activity.

Locally the Dubinsky Brothers will reopen the Regent next month after remodeling. E. B. Danielson is building a second house, the Mecca, in Russell, Kan. James Owens, mayor of Branson, Mo., is replacing his present Owens with a new theatre. Charles Barron and Floyd E. Droz will start construction next month on a new house at Anthony, Kan. John Goshen is building a new house at Sedalia, while O. L. Sullivan is

(Continued on page 6)

3 Films Named For Photography Award

Hollywood, Feb. 12.—"Barbary Coast," "The Crusades" and "Les Miserables" won the nomination for the Academy cinematography award following two days of screenings during which 13 pictures were shown. The nominations were made by the laboratory and camera department heads under the chairmanship of John Arnold.

"The Lives of a Bengal Lancer" was added to the nominations for the sound recording award.

Senate Moves For Action on Picture Bills

By CLARENCE LINZ

Washington, Feb. 12.—Senator Burton K. Wheeler of Montana, chairman of the Senate Interstate Commerce Committee, today announced the appointment of a subcommittee to consider the bill introduced by Senator Neely of West Virginia, prohibiting block booking and blind buying.

The sub-committee will be headed by Senator Neely, other members being Senators Barkley of Kentucky, Benson of Minnesota, Metcalf of Rhode Island and Davis of Pennsylvania. The group will meet for consideration of the measure Feb. 18, it was said by Senator Neely.

Consideration of film legislation by

(Continued on page 11)

Lesser to Do Six 20th-Fox Outdoors

Los Angeles, Feb. 12.—Sol Lesser has contracted to release six outdoor action pictures through Twentieth Century-Fox. This arrangement is entirely separate from his producer deal, which is still being negotiated with the same company. It is not likely that Lesser's new outdoor films will again star George O'Brien. The writing of a new ticket has been held up by the star's desire for a different type of role.

Lesser will not arrange a release on the current Bobby Breen production titled "Let's Sing Again" until the picture is completed.

Zukor Denies Para. Changes Contemplated

Reaffirms Confidence In John E. Otterson

No top-line executive changes at Paramount are in prospect at this time, it was stated yesterday by Adolph Zukor, chairman of the board.

Reports of dissension between financial interests represented on the company's board over theatre and financial policies have been rumored widely for many weeks past. More recently reports have been current that changes in the company's executive setup were imminent with the names of both Zukor and Joseph P. Kennedy, former SEC head, linked with new active management posts within the company. The reports in each instance have been denied officially by the financial interests and the individuals involved.

Zukor's statement of yesterday fol-

(Continued on page 6)

Warners Studying Ascap Music Claim

Warners said yesterday that Ascap's claims to the licensing of the small rights of certain music published by Warner subsidiaries was being studied by the company's legal associates and comment would be withheld until the study had been completed.

Ascap notified its licensed broadcasting stations that a considerable amount of the Warner music was available for their use under their Ascap contracts because the small rights to the works were reserved by the writers, composers and authors

(Continued on page 6)

Dietz to Star

Hollywood, Feb. 12.—Pete Smith, after months of high-powered salesmanship, has persuaded Howard Dietz to go into action before the camera.

Dietz is "the demon ping-pongist." He will appear in Smith's next short for M-G-M, "Table Tennis," and will not only demonstrate how to win gracefully, but will decide once and for all what the well dressed ping pong player will wear.

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Budd Services Today

ALBANY, Feb. 12.—Funeral services will be held here tomorrow for William H. Budd, personnel manager of the Warner home office. Budd died at his home here Monday. He was 73 years old. Surviving him are his widow, two sons, Reginald and Ralph, and two sisters, Mrs. John H. Miller and Mrs. Lucas Schermerhorn.

Joseph Brady Passes

BOSTON, Feb. 12.—Joseph Brady, formerly connected with the Cape Cinema at Dennis, is dead. During late years he has put over exploitation stunts for a number of local exhibitors, including Frank Lydon and Loew's State and Orpheum.

Services for James Jones

CHICAGO, Feb. 12.—Funeral services were held here today for James Jones, prominent film man, who died Monday after a short illness. He was 62 years old. Jones was president and founder of Film Pickup Service and Photoplay Poster Service.

Rites for Mrs. Barrows

BOSTON, Feb. 7.—Funeral services were held here for Mrs. Catherine Barrows, mother of Thad C. Barrows, head projectionist at the Metropolitan and for years president of the Operators' Local 182.

New Air Film Reviews

WMCA has introduced a new type of film criticism, presenting an "average" picturegoer each Monday at 6 P.M. under the program title, "Your Girl Friend at the Movies," in a discussion of current films.

Insiders' Outlook

By RED KANN

Los Angeles, Feb. 12

AN Associated Press wire from London finding front page display in the *Los Angeles Times* states that 100 of "the highest paid and most widely known celebrities of Hollywood" will appear in British films this year.

The reporting is careless and the *Times* headline writer was inaccurate when he captioned the dispatch in terms of "Raid."

▼

Thinking exhibitors will fail to become alarmed. Others are told not to worry over any depletion of significant Hollywood talent, for American producers are allowing not a single valuable name permanently out of their hold. The truth for some time has been that English studios largely have been content to take what they have been able to get and Hollywood hasn't wanted.

▼

Important talent heading for London will go by consent of the major producers either to develop their own production in England or in reciprocal mood induced by the need to keep the British market a continued happy hunting ground for American films. In any event and regardless of where made merit will find playdates waiting.

Joan Bennett to Do 4 More for Wanger

HOLLYWOOD, Feb. 12. — Walter Wanger has signed Joan Bennett to a new four-picture agreement. Under the terms of the pact, two of these pictures must be released by Paramount. As Wanger has not yet signed his new releasing contract with Paramount, this clause was put in to guarantee the services of the actress to this studio in the event that Wanger makes other releasing arrangements.

In the event that Wanger renews with Paramount, it is likely that all four pictures will go to that company. The contract will start after Miss Bennett returns from London. She is now working in "Big Brown Eyes" for Wanger.

FWC Decision Delay Seen as Possibility

LOS ANGELES, Feb. 12.—With the continuation here today of the petition to set aside the Fox-West Coast bankruptcy, the consensus of court opinion was that Judge James Alger Fee may not render a decision for several weeks because of the tremendous precedent which will be set should he decide in favor of the petitioners. Observers here feel that the odds are six to five in favor of a reopening.

William H. Neblett, counsel for T. L. Tally and Corbar Corp. continued his testimony today, citing authorities to prove that the court has jurisdiction to act upon the arguments which he presented yesterday regarding the validity of the bankruptcy. He testified that the transfers of F. W. C. properties were effected by long distance phone conversations between the boards of directors of various companies in Los Angeles and New York.

Rogell Head, RKO Studio

HOLLYWOOD, Feb. 12.—Sid Rogell will become general manager of the RKO studio on February 24. The post has been vacant since the death of Herman Zohbel and C. D. White. Temporarily it has been under the jurisdiction of J. R. Crone, production manager. Rogell recently resigned from associate producer berth at Columbia.

Renraw No "Device", Catchings Testifies

WILMINGTON, Feb. 12.—An attempt to have Renraw, Inc., described as a "device" was made in U. S. District Court here today during the cross examination of Waddill Catchings, Warner director, in the trial of Koplar against the Warner directorate. Catchings, on the stand for the defense, said that he would not call the organization a "device" but rather a legal method of private individuals to incorporate themselves.

During the testimony of the same witness there was introduced common stock quotations of 1928, when Warner shares were bringing from $114 to $122 each. These figures were used by the plaintiffs in order to show the value of the 90,000 shares issued to Renraw and of the 50,000 to Goldman-Sachs. Catchings admitted receiving $30,000 for establishing with bankers the $3,000,000 revolving credit for the company.

Day's "Times" Gross Above Opening—U.A.

"Modern Times" grossed $8,000 up to 6 P.M. yesterday, Lincoln's Birthday, according to Rivoli management. The figure is claimed to be greater than that grossed during the same hours on the opening day.

At the office of United Artists it was stated that "Modern Times" showed to capacity houses throughout the day, setting an all-time record for the Rivoli. They expect the second week of the picture to do even better. U. A. also reports that the picture, opening at the Erlanger in Philadelphia yesterday at 10 A.M., played to 2,503 people up to 1 P.M., which compares with 2,097 for the first hours of the opening day of Charlie Chaplin's "City Lights" at the same theatre.

Change 20th-Fox Titles

HOLLYWOOD, Feb. 12.—Twentieth Century-Fox has changed the titles of two productions. "I Will Be Faithful" has been changed to "Human Cargo" and "The Matron's Report" will be seen as "Miss Nobody."

Purely Personal

EDWARD BONNS, Universal short subject sales manager, is back from a six week tour. He said he found serial business definitely on the increase.

•

MAJOR ROGER MARCHETTI has returned from the coast to attend to legal matters here. He goes back Saturday.

•

EDDIE REED of the Strand, Providence, R. I., is conferring here with HY DAAB on an opening date for "The Music Goes 'Round."

Quip of the Day

Nate Manheim contributes this as his marquee favorite;
"The King's Funeral."
"You May Be Next."

PHIL REGAN, who recently finished "Laughing Irish Eyes" for Republic, has arrived here. He is at the New Yorker.

•

MABEL DREW has withdrawn from the M-G-M publicity department where she was handling radio.

•

BUDDY MORRIS plans to leave for Miami and a fishing vacation on March 10.

•

Y. FRANK FREEMAN is looking forward to a vacation next month at either New Orleans or Miami.

•

JOSEPH M. SCHENCK is due from the coast the end of the month. He'll then go to Florida.

•

JAMES A. FITZPATRICK, who is on a world tour, will return sometime next June.

•

HAL LE ROY and TOBY WING have been signed by SAM SAX for a Vitaphone short.

•

WILLARD MCKAY is due back from Florida late this week.

•

SIDNEY R. KENT is expected in from the coast late this week.

•

JOE MOSKOWITZ has a coast trip in view, but hopes to go to Miami first.

•

BILL SCULLY will return from a Miami sojourn on Feb. 20.

•

IRVING BERLIN has returned from the coast.

•

JOE VERGESSLICH is no longer with Movie Sweepstakes.

•

ARTHUR W. KELLY is in Chicago on a "Modern Times" deal.

•

. . . Cincinnati

ANDREW HETTESHEIMER, manager of the Norwood, suburban, is vacationing in Florida with his family.

LEVITT BUGIE, Fox salesman, previously covering Kentucky, has been transferred to the local city district, replacing NICK SHAFER. E. NAGEL replaces BUGIE in Kentucky.

NOAH SCHECTER has returned from an automobile trip through the south.



The subtle art of man-hunting, as practiced by G-men and big-time newspaper reporters, receives a rather rudely jolting treatment this week, in Warner Bros.' 'excellently conceived satire', **'MAN HUNT'.** Ricardo Cortez again clicks as a 'smoothie' gangster whom Marguerite Churchill kind-heartedly hides, small-town reporter William Gargan cleverly uncovers, and ex-sheriff 'Chic' Sale hilariously brings to earth, aided and abetted by the 'tongue-in-cheek' direction of William Clemens. Released Feb. 15th.



AS CRITI

RADIO CITY

HOLDS

THIS 3RD BIG

HIT O

"Seven times better than the aver
with excitement, humor and roma

"Excellent. Robert E. Sherwood's st
to the screen. Delightful, enorm

"A production of most distinguish
and blazing action. This is, perh

"Animate and vital. The Warn
transcribing plays into film. We

"Brilliantly written, splendidly d

"Thrilling and absorbing. Howard
which he gave on the stage and
finest performances on the screen

WARNER BROS.
give you the stars of
'Of Human Bondage'
in a certified success

LESLIE HOWARD

in

"The Petrif

...and watch for the **COMPLETE** Stor

S CHEER,

MUSIC HALL

OVER

ARNER BROS.

936

odrama. An excellent film...filled
ork of distinction."—*World-Telegram*

has been admirably transferred
effective entertainment."—*Journal*

re. Tense, swift, hot melodrama,
Howard's finest role."—*American*

tinue to display their skill at
is 'Petrified Forest.'" —*Times*

handsomely produced!"—*Mirror*

he same compelling performance
him Bette Davis gives one of her
-warming and appealing."—*News*



With GENEVIEVE TOBIN • DICK FORAN • HUMPHREY BOGART JOSEPH SAWYER • EDDIE ACUFF • CHARLEY GRAPEWIN
Directed by ARCHIE L. MAYO

BETTE DAVIS

ed Forest"

"The Story of Louis Pasteur"-soon!

Zukor Denies Para. Changes Contemplated

(Continued from page 1)

lowed upon the publication of a report linking his name with the active management of Paramount, possibly as a successor to John E. Otterson, president. Zukor said, "I wish at this time to reaffirm the confidence in John E. Otterson which I expressed when he assumed the position of executive head of Paramount. Rumors of any change in the executive setup within the company are groundless. I am very happy in my position as chairman of the company and I wholeheartedly support the management policies of Mr. Otterson."

Richardson Quits Board

Charles E. Richardson, a director and former trustee of Paramount, has tendered his resignation from the company's board. Action on the resignation is expected to be taken at the company's next board meeting, Feb. 27. Richardson was elected last June 5 for a one-year term. He has considered resigning for several months in order to devote his entire time to his business interests, located in Philadelphia.

Reports that Robert K. Cassatt, also of Philadelphia, had again tendered his resignation from the board, could not be verified at Paramount yesterday. Cassatt, who was also elected for a one-year term, offered his resignation several months ago, but was induced to withdraw it at the time.

Warners Studying Ascap Music Claim

(Continued from page 1)

under their agreements with the publishers and as a result were fully covered by the Ascap license. The first list of Warner music coming within this category, as compiled by Ascap, included many George M. Cohan numbers, all of the Victor Herbert works with the exception of the "Naughty Marietta" numbers and many others from other writers and composers. Additional lists will be issued as Ascap's study of the agreements between member writers and their publishers progresses, the society said.

Frels Suit Delayed

DALLAS, Feb. 12.—The anti-trust suit of Ruben Frels, exhibitor, against the Jefferson Amusement Co., and several major distributors, was not reached in Federal Court here today. It is expected to begin tomorrow. Frels, charging conspiracy, seeks triple damages under the Sherman anti-trust act totaling $504,024.

Holiday Closes Office

Film offices in New York yesterday declared a half holiday observing Lincoln's birthday. Twentieth Century-Fox was closed all day.

Wall Street, the stock, bond and curb markets were closed also.

Cold Wave Drops Key City Grosses for Three Weeks

(Continued from page 1)

Comparative grosses for the last available periods:

	No. Theatres	Gross
Sept. 26-27	164	$1,655,050
Oct. 3-4	178	1,572,310
Oct. 10-11	178	1,452,499
Oct. 17-18	178	1,563,750
Oct. 24-25	180	1,534,575
Oct. 31-Nov. 1	186	1,544,724
Nov. 7-8	185	1,545,710
Nov. 14-15	183	1,722,305
Nov. 21-22	181	1,578,550
Nov. 28-29	181	1,593,860
Dec. 5-6	183	1,766,910
Dec. 12-13	180	1,434,785
Dec. 19-20	171	1,321,385
Dec. 26-27	175	1,228,199
Jan. 2-3	179	1,918,729
Jan. 9-10	179	1,901,455
Jan. 16-17	176	1,722,400
Jan. 23-24	173	1,539,065
Jan. 30-31	177	1,515,300
Feb. 6-7	168	1,591,350

(Copyright, 1936, Quigley Publications.)

	Week Ending Feb. 6-7		Week Ending Jan. 30-31	
	No. Theatres	Gross	No. Theatres	Gross
Boston	7	$99,500	7	$94,000
Buffalo	6	37,100	6	41,800
Charlotte	3	14,500	3	11,000
Chicago	8	129,100	8	136,300
Cincinnati	9	71,650	9	61,000
Cleveland	5	50,750	5	54,100
Denver	6	46,000	6	34,500
Detroit	6	70,700	6	69,000
Houston	4	28,000	4	28,600
Indianapolis	5	27,800	5	26,500
Kansas City	5	31,100	5	37,800
Lincoln	5	9,400	5	9,950
Los Angeles	9	101,450	9	81,450
Louisville	7	20,600	7	28,100
Milwaukee	4	21,300	4	19,100
Minneapolis	5	28,500	5	35,500
Montreal	5	42,500	5	46,500
New Haven	4	19,600	4	25,600
New York	9	243,500	9	225,000
Oklahoma City	4	13,100	4	13,625
Omaha	3	23,300	3	21,500
Philadelphia	9	90,600	9	76,250
Pittsburgh	5	49,300	5	36,525
Portland	5	28,700	6	33,000
Providence	5	40,000	5	41,500
San Francisco	8	71,400	8	62,800
St. Louis	5	51,350	5	48,000
St. Paul	5	16,000	6	16,700
Seattle	7	34,550	7	39,900
Washington	7	80,000	7	69,700
Total	168	$1,591,350	177	$1,515,300

Ohio Jury OK's Gifts

CLEVELAND, Feb. 12.—The first legal decision to determine the status of Bank Night from the lottery angle in this territory was handed down in Judge Baker's court of Painesville when a jury, after four hours of deliberation, acquitted Dan Stearns of the Willoughby Theatre, who was accused of violating the State lottery statute. Basis for the decision was that no consideration was involved in the winning of a prize.

"U" Buys Two Stories

HOLLYWOOD, Feb. 12.—Universal has purchased two stories. They are: "Roxanna," by Clarence Budington Kelland, and "Adam's Evening," an original by Katherine Kavanaugh. Edward Everett Horton will be in the second.

Universal Sets Its 24th Serial Lineup

It was on April 14, 1913, that Universal released its first serial, "Lucille Love," starring Francis Ford and Grace Cunard. "Trey o' Hearts" and "The Master Key" completed the 1913-14 serial schedule. On April 14, this year, Universal will start on its 24th season of serial production, with four of the episodic pictures planned for the 1936-37 season.

The four are: "The Phantom Rider," in 15 episodes, with Buck Jones as the star; "Ace Drummond," with John Mack Brown; "Jungle Jim," and "Secret Agent X-9." All but "The Phantom Rider" have been taken from newspaper comic strips, by arrangement with King Features, which syndicates the strips in newspapers throughout the country.

Construction In K.C. Ahead Of Last Year

(Continued from page 1)

building a new 800-seat house at Wichita.

Schine's Bucyrus at Bucyrus, O., is expected to open in a few weeks. The Hennepin Amusement Co. of Minneapolis is rebuilding the Grand at Perry, Ia. The company is spending $40,000 on complete renovation.

The Film Board of Trade at Omaha listed eight openings in the territory during January, and only two closings. The houses opened were: Cook, Cook; Farnam, Farnam; Rex, Mason City; Cass, Plattsmouth; Rosy, Table Rock, all Nebraska; Strand, Arlington, and State, State Center, Ia., and the Grand, Hurley, S. D. Charles Schweitzer is spending $5,000 on remodeling the Allen, at Akron, O.

F. B. Price shortly will begin remodeling a three-story building in Marysville, O., into a film house. The Majestic has been opened in Crooksville, O. Ross Garver and Maurice Reinking plan to acquire one new neighborhood theatre each year. They have three houses in Terre Haute.

Southern Spots Active

MEMPHIS, Feb. 12.—The Parkview Amusement Co. will build a new house here, costing $35,000. The Strand at Columbia, S. C., has reopened after complete remodeling. Interstate Circuit plans one of the largest outdoor parking lots in the country adjacent to the newly opened Tower, in Houston. The Carolina and Granada, recently taken over by the Kincey circuit, will be remodeled.

Closings Gain in N. E.

BOSTON, Feb. 12.—Closings have outbalanced openings in this territory during the past few days.

The openings are the Town Hall at Oxford, Mass., and the Alley at Groveton, N. H., badly damaged by fire some time ago. The closings are: State, South Berwick, Me.; Surf Casino, Old Orchard, Me.; Odd Fellows' Hall, Smyrna Mills, Me.; Eureka, Sedgwick, Me.; Cornish, Cornish, N. H., and Town Hall, Jeffersonville, Vt.

Hyman Lampert is remodeling a former silent house in Broadbrook, Conn., and will open a new house in East Hampton shortly. J. Ashalt plans a new house in Saybrook, Conn.

San Francisco Opening

SAN FRANCISCO, Feb. 12.—Aaron Goldberg has opened the Regal here, formerly the Pompeii, after complete remodeling at a cost of $25,000.

Denver Openings Numerous

DENVER, Feb. 12.—Numerous houses have been opened in this territory recently, including the Prairie, Ogallala, Neb.; Dixie, Terrero, N. M., and Lyons, Lyons, Col.

Shapiro Quits DuWorld

Irvin Shapiro has resigned as general manager of DuWorld Pictures, Inc. He will sail Saturday for a tour of Europe and will announce his future plans on his return.

"PRISONER OF SHARK ISLAND" BREAKS EVERY OPENING DAY RECORD AT THE CENTER THEATRE NEW YORK!

Put your theatre's name in this headline!

20th CENTURY FOX

THE KEYSTONE
OF YOUR FUTURE

"Ceiling" Is $16,000 Draw In Pittsburgh

PITTSBURGH, Feb. 12.—Although the weather continued to stifle business, "Ceiling Zero" at the Penn got away to a flying start and never let up, collecting $16,000. At the Stanley, the condensed version of Earl Carroll's "Sketch Book" was a successful bolster for "Show Them No Mercy" on the screen and the combination was good for $20,000.

Nowhere else, however, was there any indication of improvement. The Alvin tried another stage show, headed by Earl Hines' band, with "If You Could Only Cook," but the results were unsatisfactory, the gross barely reaching $6,500. At the Fulton, "East of Java" and "Dance Band" couldn't better a weak $2,900, while at the Warner "The Widow From Monte Carlo" and "It's a Great Life" did a trifle better at $3,900.

Total first run business was $49,300. Average is $49,500.

Estimated takings for the week ending Feb. 6:

"IF YOU COULD ONLY COOK" (Col.)
ALVIN—(2,000), 25c-55c, 7 days. Stage: Earl Hines band, Arthur Simpkins, Three Dancing Demons, Radcliffe and Rogers, Kathryn Perry. **Gross:** $6,500. (Average, $10,000)

"EAST OF JAVA" (Univ.)
"DANCE BAND" (First Division)
FULTON—(1,700), 15c-40c, 7 days. **Gross:** $2,900. (Average, $4,000)

"CEILING ZERO" (W. B.)
PENN—(3,300), 25c-40c, 7 days. **Gross:** $16,000. (Average, $12,000)

"SHOW THEM NO MERCY" (20th-Fox)
STANLEY—(3,600), 25c-55c, 7 days. Stage: Earl Carroll's "Sketch Book" with Ken Murray, Lillian Carman, Dale Winthrop, Sibyl Bowan, Sassafras, Milt Charleston. **Gross:** $20,000. (Average, $18,500)

"IT'S A GREAT LIFE" (Para.)
"WIDOW FROM MONTE CARLO" (W. B.)
WARNER—(2,000), 25c-40c, 7 days. **Gross:** $3,900. (Average, $5,000)

"Exit" with Show Oklahoma City Top

OKLAHOMA CITY, Feb. 12.—"Grand Exit," with 10 acts of vaudeville, made by far the best showing by pulling $2,300 in four days at the Liberty. Normal for a week is $3,000. During the remaining three days of the week "Charlie Chan's Secret," with "Spanish Night" on the stage, garnered $1,400.

Cold weather hit grosses all along the line, with "Anything Goes," "Barbary Coast" and "Sylvia Scarlett" all falling under par.

Total first run business was $13,100. Average is $14,000.

Estimated takings for the week ending Feb. 8:

"ANYTHING GOES" (Para.)
CRITERION — (1,700), 10c-20c-36c-55c, 7 days. **Gross:** $4,500. (Average, $5,000)

"BARBARY COAST" (U. A.)
MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,100. (Average, $4,000)

"SYLVIA SCARLETT" (Radio)
CAPITOL — (1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,800. (Average, $2,000)

"GRAND EXIT" (Col.)
LIBERTY—(1,500), 10c-20c-26c-41c, 4 days. Stage: 10 acts of vaudeville. **Gross:** $2,300. Average for week, $3,000)

"CHARLIE CHAN'S SECRET" (20th-Fox)
LIBERTY—(1,500), 10c-20c-26c-36c, 3 days. Stage: "Spanish Nights." **Gross:** $1,400. (Average for week, ($3,000)

"Pacific" Is Kansas City's Best, $5,800

KANSAS CITY, Feb. 12.—With continuous zero weather slowing business all along the line, "Miss Pacific Fleet" was the only first run in town to go over par. It took $5,800, up by $300, at the Newman.

The Fox Uptown made a good showing with "First a Girl," doing $3,700 under the new straight 25-cent policy. Under the old 25c-40c schedule $3,500 was average for the house.

Loew's Midland took $8,700 with "The Ghost Goes West." This is well below the $11,500 average.

"Captain Blood," at the Mainstreet, took $6,900. Average is $8,000 on single bills.

"The Lone Wolf Returns," plus a stage show at the Tower, fell under its $7,000 average by $1,000.

Total first run business was $31,100. Average is $35,500.

Estimated takings:

Week Ending Feb. 4:
"MISS PACIFIC FLEET" (W. B.)
NEWMAN—(1,900), 25c-40c, 5 days. **Gross:** $5,800. (Average, 5 days, $5,500)

Week Ending Feb. 6:
"CAPTAIN BLOOD" (F. N.)
MAINSTREET—(3,100), 25c-40c, 7 days. **Gross:** $6,900. (Average, single bills, $8,000)
"THE GHOST GOES WEST" (U. A.)
MIDLAND—(4,000), 25c-40c, 7 days. **Gross:** $8,700. (Average, $11,500)
"THE LONE WOLF RETURNS" (Col.)
TOWER—(2,200), 25c-35c, 7 days. Stage: Beatrice Howell, Gardner & Kane, the Valors, George McClennon, and Jack Carson, who has returned as mc. **Gross:** $6,000 (Average, $7,000)

Week Ending Feb. 7:
"FIRST A GIRL" (G. B.)
UPTOWN—(2,000), 25c, 7 days. **Gross:** $3,700. (Average, old policy, $3,500)

"Captain" $3,200 Leader in Lincoln

LINCOLN, Feb. 12.—Bitter cold is still retarding business. "Captain Blood" was the sole first string straight film bill to get over average, that by $100 on a take of $3,200 at the Stuart.

The Orpheum, with the help of Andy Kirk's stage show three days, and "Freshman Love," split with "Stars Over Broadway," had a final tally of $2,300, which was $200 good. "Freckles" at the Lincoln was average with $2,200.

Total first run business was $9,400. Average is $9,850.

Estimated takings:

Week Ending Feb. 4:
"FAST BULLETS" (Reliable)
"MURDER OF DR. HARRIGAN" (F. N.)
COLONIAL — (550), 10c-15c, 7 days on split. Gross: $900. (Average, $850)

Week Ending Feb. 6:
"BORN FOR GLORY" (G. B.)
"DANGERUS INTRIGUE" (Col.)
VARSITY — (1,100), 10c-20c-25c, dual 7 days. **Gross:** $800. (Average, $1,300)
"FRECKLES" (Radio)
LINCOLN — (1,600), 10c-20c-25c, 7 days. **Gross:** $2,200. (Average, $2,200)
"FRESHMAN LOVE" (W. B.)
"STARS OVER BROADWAY" (W. B.)
ORPHEUM — (1,350), 10c-15c-20c-25c, 7 days. Three days with Andy Kirk's band headlining a stage show. **Gross:** $2,300. Average, $2,100)

Week Ending Feb. 7:
"CAPTAIN BLOOD" (W. B.)
STUART — (2,000), 10c-25c-40c, 7 days. **Gross:** $3,200. (Average, $3,100)

Gift Is Missing

Edward M. Schnitzer, who was given an onyx desk set by the Monday Nighters last week as a token of their friendship, never got the gift home.

It seems that shortly after the set was presented to him someone, either playing a prank or serious in his intention, walked off with the package.

The mystery is agitating Film Row.

"Ceiling" $5,000 High in Louisville

LOUISVILLE, Feb. 12. — "Ceiling did spectacular business at the Mary Anderson, getting $5,000 on the week, 100 per cent over normal. It was held over.

"Two Sinners," with the help of an excellent vaudeville bill, boosted the take at the National to $3,400, $400 over the line. All other business was below average.

The weather continued cold, and the icy condition of the streets hurt theatre attendance somewhat. Warnings were issued over the air recently, urging motorists to keep their cars off the streets while the slippery conditions prevailed.

The Golden Gloves Boxing Tournament at the Jefferson County Armory offered only mild competition.

Total first run business was $20,600. Average is $18,500.

Estimated takings:

Week Ending Feb. 6:
"THE GHOST GOES WEST" (U. A.)
"CRIME AND PUNISHMENT" (Col.)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $3,500. (Average, $4,500)
"THE INVISIBLE RAY" (Univ.)
"MY MARRIAGE" (20th-Fox)
RIALTO — (3,000), 15c-25c-40c, 7 days. **Gross:** $3,400. (Average, $3,500)
"THE GREAT IMPERSONATION" (Univ.)
"PADDY O'DAY" (20th-Fox)
STRAND — (1,500), 15c-25c-40c, 7 days. **Gross:** $2,200. (Average, $2,500)
"LOVES OF A DICTATOR" (G. B.)
"TWO SINNERS" (Republic)
NATIONAL—(2,400), 15c-25c-40c, 7 days, split week. Stage: Kit-Kat Club Revue, Sid Page, Macey Bros. & Beatrice, Peggy Earle & Ruth Rudie. **Gross:** $3,400. (Average, $3,000)
"CEILING ZERO" (F. N.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days. **Gross:** $5,000. (Average, $2,500)

Week Ending Feb. 8:
"THE MELODY LINGERS ON" (U. A.)
"THE CALLING OF DAN MATHEWS" (Col.)
BROWN — (1,400), 15c-25c-40c, 7 days. **Gross:** $1,800. (Average, $2,000)
"GRAND EXIT" (Col.)
"RED SALUTE" (U. A.)
"THE RETURN OF PETER GRIMM" (Radio)
ALAMO — (900), 15c-25c, 7 days, split week. **Gross:** $1,200. (Average, $1,400)

Vidor Honored Again

HOLLYWOOD, Feb. 12.—King Vidor has been awarded a diploma of honor by the Festival International of Brussels. Vidor's work as a director has been similarly recognized recently by the United Daughters of the Confederacy and the League of Nations Film group.

Elsie Wilkins Returns

HOLLYWOOD, Feb. 12.—Elsie Wilkins secretary of the Screen Writers' Guild, has returned after a two-months vacation in Australia.

"Ceiling" Is Washington's Hit, $20,000

WASHINGTON, Feb. 12.—"Ceiling Zero" sent the gross at the Earle to $20,200, topping average by $1,800.

In a return engagement at Loew's Columbia, "A Tale of Two Cities" continued its smash success, taking $5,500 against the house average of $3,600.

"Exclusive Story" at Loew's Fox proved a surprise by taking $22,000, or $1,100 over par. "Broadway's Hollywood Cabaret Revue" helped.

At the Metropolitan, "The Murder of Dr. Harrigan" topped par by $1,300 for a take of $5,600, and the Belasco went $200 over average for a gross of $3,200 on "A Nous La Liberte."

The surprise flop of the week was "Fang and Claw" at RKO-Keith's. Making two days of personal appearances, Frank Buck got the picture off to a swell start, but it died during the latter part of the week. The $8,000 gross was $2,600 under average.

"Strike Me Pink" at Loew's Palace slipped $400 under par for a take of $15,500, but it was held for a second week.

Total first run business was $80,000. Average is $76,700.

Estimated takings, exclusive of tax:

Week Ending Feb. 4:
"A NOUS LA LIBERTE" (French)
BELASCO—(1,140), 25c-65c, 7 days. **Gross:** $3,200. (Average, $3,000)

Week Ending Feb. 6:
"CEILING ZERO" (F. N.)
EARLE—(2,218), 25c-77c, 7 days. Stage: Keller Sisters & Lynch, Paul Gerrits, Don Lee & Louise, Three Emerald Sisters. **Gross:** $20,200. (Average, $18,400)
"A TALE OF TWO CITIES" (M-G-M)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $5,500. (Average, first run, $3,600)
"EXCLUSIVE STORY" (M-G-M)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: "Broadway's Hollywood Cabaret Revue" with Lew Parker & His Playmates, Ames & Arno, Edna Janis, Mildred Fenton, Jack Starr. **Gross:** $22,000. (Average, $20,900)
"STRIKE ME PINK" (U. A.)
LOEW'S PALACE — (2,370), 35c-55c, 7 days. **Gross:** $15,500. (Average, $15,900)
"MURDER OF DR. HARRIGAN" (F. N.)
METROPOLITAN—(1,591), 25c-40c, 7 days. **Gross:** $5,600. (Average, $4,300)
"FANG AND CLAW" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 7 days. Stage: Frank Buck (Friday and Saturday only). **Gross:** $8,000. (Average, $10,600)

Rachman Seeks Release

LINCOLN, Feb. 12.—After four years in the Nebraska State Prison, Jules Rachman, former Omaha theatre owner and operator, who was sentenced for 15 years on second degree murder charges growing out of the shooting of Sam and Harry Goldberg, business associates on Dec. 2, 1932, will appear before the Pardon Board tomorrow in a clemency plea. Many national figures in the show business have signed a petition asking commutation of the sentence.

Sale to Do "Boy Blue"

HOLLYWOOD, Feb. 12.—Chic Sale will appear in "Little Boy Blue" as his next M-G-M miniature. The short will be based on the story which Roy James wrote from the Eugene Field poem. Jack Chertok will produce and Harry Boucquet will direct.

STAR PERFORMER

SUPER X delivers unparalleled photographic quality to the screen. That is why it continues to hold its position as star performer among negative motion picture films. That is why it plays a part in most of the feature pictures released in the world's leading movie-producing country. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Distributors, Fort Lee, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

Short Subjects

"Tom Thumb"
(*Celebrity*)

Again using a fairy tale story, this film should be found pleasing to children and amusing to their elders. The narrative has Tom getting into all sorts of mischief due to his smallness. First in a pie, then he is swallowed by a goat—an imaginatively presented and colorful sequence—and finally he is overwhelmed by a worm when he goes fishing and uses it as bait. He is swallowed by a fish which in turn is gulped down by another and another. Finally he is rescued and given a spanking. Excellent. No production code seal. Running time, 8 mins. "G."

"Stars of Tomorrow No. 5"
(*Columbia*)

Amateurs on the screen, with Benny Rubin as master of ceremonies, this number of the series offers some turns which are good and some which could be better. Helen Marion sings well, and a farm trio is featured by novel throat-whistling. For the rest a New York college boy presents some impersonations, the Mandel Sisters sing and tap dance, and three boys play the banjo and sing. As the taste for amateurs goes, so this will go. Production Code Seal No. 0,771. Running time, 11 mins. "G."

"Ali Baba"
(*Celebrity*)

This Cinecolor cartoon takes the familiar story and spins it into a whirlwind of animated activity. The result is a fine, entertaining offering. The thread of the plot involves the discovery of the cave with the "Open Sesame" password by Ali Baba and the subsequent overcoming of the obstacles put in his way by the thieves. A few modern burlesquing twists should bring some hearty guffaws. No production code seal. Running time, 8 mins. "G."

"Stars of Tomorrow No. 6"
(*Columbia*)

Two youngsters, Jay and Anne, doing an Apache dance, are the best bet in this series of amateur acts, for which Benny Rubin acts as master of ceremonies. Then follow Blanche Lewis, tap dancer; Jack MacPherson, who sings well; the Blane sisters, who sing, and the Catskill Hill Billies, who are what the name implies. Production Code Seal No. 0,772. Running time, 11 mins. "G."

F. D. Appoints Kilfoil

Thomas A. Kilfoil has been named purchasing agent for First Division. He was formerly associated with Majestic and Paramount. Joe Cronin has been named a salesman out of the Boston office.

306 to Vote on Attorney

Local 306 may have a new attorney if a move on way by some members succeeds. A number of members at the last general meeting brought up the question of replacing Matthew Levy. Another group is in favor of retaining Levy. A special session will be called to thresh out the matter.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Prisoner of Shark Island"
(*Twentieth Century-Fox*)

HOLLYWOOD, Feb. 12.—A powerful drama with emotion-stirring punch in dialogue and action. Intelligent selling should make this picture one of the year's big features. It vividly pictures a chapter in American history heretofore closely guarded.

It is splendidly acted, with Warner Baxter giving perhaps the best performance of his career. John Ford's direction is excellent. Although at first glance it would appear to be a man's picture, the skillfully blended romantic love interest with the motivating forces of loyalty, heroism and sacrifice make it readily adaptable to feminine patronage.

The assassination of Lincoln hurls the North into a fury of bigoted hatred. Dr. Samuel Mudd (Warner Baxter), not knowing the identity of his patient, sets the broken leg of Francis McDonald, as Booth. Arrested with seven others, charged with conspiracy and murder, they are tried before a biased court martial. The seven are hanged and Baxter is sentenced to life imprisonment. At Arcadia Prison, the country's post-war Devil's Island, Baxter is a victim of inhuman torture. He is placed in a dungeon when his attempt at escape fails.

Yellow fever breaks out, panic strikes and Harry Carey, the commandant, begs Baxter to halt the epidemic. Without hope of reward he agrees and is successful. In the conclusion liberties have been taken with the facts, as Baxter is exonerated and returns to his wife, Gloria Stuart, and child, Joyce Kay.

A preview audience several times interrupted the film with applause. A courageous production, it calls for the same brand of sensationalism in selling as went into the making.

Production Code Seal, No. 1,907. Running time, 105 minutes. "G."

"Her Master's Voice"
(*Wanger-Paramount*)

HOLLYWOOD, Feb. 12.—This light hearted comedy of mistaken identities is an excellent one to couple with a sombre drama.

Edward Everett Horton is funny in his usual exact fashion as a mild and loving husband driven to animal rage by his wife's relatives. Elizabeth Patterson plays his harmlessly tippling mother-in-law for fine comedy effect as she blames him for everything from losing his job to the whole depression. Laura Hope Crews does nobly with the equally funny part of a maiden aunt who mistakes Horton for a butler, hires him away from himself, and then resorts to girlish blandishments. The harder the aunt falls, the more Horton's dismay grows after he has accepted a job as the aunt's handyman in order to be near his wife. Peggy Conklin is appealing and charming as the worried young wife who is the victim of the managing impulses of her relatives. Grant Mitchell, as a songbird business man, has a smaller but thoroughly funny part. The film closes on a hilarious note when Horton is revealed as a success at last, as a radio crooner.

Dore Schary and Harry Sauber constructed the screen play from the play by Clare Kummer. The direction by Joseph Santley keeps the laughs rolling out.

Play up the tame husband going berserk under continued feminine dominance, and Horton's name.

Production Code Seal, No. 1,772. Running time, 72 minutes. "G."

"The Three Godfathers"
(*M-G-M*)

HOLLYWOOD, Feb. 12.—This tale of three outlaws develops as an interesting character study motivated by a heart gripping theme after starting as an average action feature.

While fleeing from a bank stickup, the characters, Chester Morris, a killer; Lewis Stone, philosopher turned bandit, and Walter Brennan, good humored ignoramus, encounter Helen Brown and her baby, Jean Kirchner, dying of thirst on the desert. Their horses die from drinking poisoned water. Left with meager supplies, Stone and Brennan promise the dying mother that they will get the baby to civilization while Morris sulks and refuses to commit himself. Trekking back on foot to the town they have just fled, Stone is the first to fall by the wayside. The next day Brennan succumbs and Morris, after a struggle with his conscience and inclinations, picks up the infant and goes forward. For the climax, Morris delivers the child back in the settlement. He falls dead, himself a victim of the poison water which he had purposely drank to gain strength for the final spurt.

Richard Boleslawski's direction captures the full power of the strug-

(*Continued on page* 11)

Writers Seek 100% Royalty On Some Plays

(*Continued from page* 1)

sult that competitive bidding for the film rights to plays has been noticeably restricted with a consequent lessening of the writers' royalties, according to the Dramatists' Guild. Where there is no participation by film companies in the production of plays and the bidding for film rights in consequence is freely competitive no changes are contemplated in the existing provisions under which writers share up to 50 per cent of the film rights, it is reported.

The contract committee of the Authors' League is completing a first draft of the proposed new contract which will be submitted to the managers in the near future for ratification. Indications are that the 100 per cent royalty participation in film rights may be revised downward at that time, probably in accordance with the extent of the financial interest of a film company in a stage production. If the film company is only a part owner of a play the writer's participation in film rights may be adjusted accordingly, it was said.

Efforts to reach officials of the Authors' League for comment on these details of the proposed new agreement were unsuccessful yesterday.

Miami Beach Scene Of "Rhodes" Preview

MIAMI BEACH, Feb. 12.—"Rhodes, the Diamond Master," G. B. special, was previewed at the Lincoln here with numerous film company executives in attendance. The film will have a $10 premiere at the Ritz Carlton Hotel in New York, Feb. 19, for the benefit of the Adventure Society, and will open at the Roxy, there, Feb. 28.

Among those present were: John Hays Hammond, former chief engineer for Cecil Rhodes in South Africa; Joseph E. Widener, president of the Hialeah Jockey Club; Major Albert Warner, I. J. Hoffman, Frank Damis, Edward Alperson, Col. Fred Levy, Myer Schine, Claude Ezell, William Underwood, N. L. Nathanson, Oscar Hanson, Nathan Yamins, Charles Segal, Louis Blumenthal, William and Harry Brandt, A. H. Blank, Dan Finkelstein, Leon Netter, E. J. Sparks, Aaron Saperstein, Jack Miller, Emil Stern, Col. W. S. Butterfield, John J. Payette, Joseph Hartfield, Ed Sullivan, David Wilentz, New Jersey attorney general; Arthur A. Lee, William J. Lee, George A. Weeks and A. P. Waxman.

Urges Mass. Bond Bill

BOSTON, Feb. 12.—Passage of a pending bill for the establishment of a state commission to conduct investigations of real estate bond reorganizations was urged before the legislative committee on banks and banking today by Peter N. Borre, New England counsel for the Sabath Congressional committee, which is conducting bond reorganization investigations nationally.

Ambrose to Milwaukee

MILWAUKEE, Feb. 12.—James Ambrose has been appointed to succeed Joseph Hardman as manager of the United Artists exchange here.

Continued Pickup Seen in Salt Lake

SALT LAKE CITY, Feb. 12.—According to all indications regarding the business outlook for Salt Lake City and the surrounding Intermountain territory, 1936 will be a banner year.

The holiday season, closing the year 1935, far surpassed expectations for spending and optimism, and nothing is seen on the business horizon for the coming year which should hinder a continuous pickup in this direction, according to the leading exhibitors and distributors here.

A gradual improvement in mining, of which this region is a center, is forecast. Farmers of Utah received $5,365,000 more for their crops in 1935 than in the previous year, it was officially indicated, and it is expected a similar gain will be shown during 1936.

Real estate activity has taken a definite upward turn. There has been considerable remodeling as well as some new construction going on in the theatre field in this area. Neighboring Montana is expected to gain substantially, chiefly through the anticipated greater activity in mining.

Production Gains With 38 in Work

HOLLYWOOD, Feb. 12.—Both major and independent producers increased their activity last week, with 38 features and five shorts in work, as compared with 32 features and two shorts during the previous week. Fifteen pictures are in preparation.

Columbia had four features in work, three in preparation and six in the cutting room. Fox had four, two and seven; Goldwyn, zero, zero and one; M-G-M, six, one and 12; Paramount, seven, two and 10; Radio, three, three and two; Roach, one, one and zero; Universal, two, one and two; Warners, eight, zero and seven; independents, three, two and one.

Columbia had one short subject shooting, one preparing and three editing. M-G-M had three, two and six; Radio, zero, one and three; Roach, zero, one and three; independents, one, one and one.

Green in New Post

HOLLYWOOD, Feb. 12.—Howard J. Green today is associate producer at Columbia, a post to which he was signed a month ago by Harry Cohn. Green has been engaged on several writing jobs. The first film under the new setup will be "Taxi Please," which Green is adapting from the story of Octavus Roy Cohen. He will also do some of his originals.

Coast ITO to Meet

LOS ANGELES, Feb. 12.—The local I. T. O. will hold its first general membership meeting in several months next Friday. Lester Eisler of Oakland will speak on the Social Securities Act.

Pick Bing Crosby's Next

HOLLYWOOD, Feb. 12.—Bing Crosby's next picture for Paramount will be "Beach of Dreams," from an original story by Harry Hervey. William Le Baron will produce.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(Continued from page 10)

gle of the three with their own emotions and with the elements of nature. Edward E. Paramore, Jr., and Manuel Seff, who wrote the screenplay from the Peter B. Kyne novel, have given the story vitality after the theme is established. The Joseph L. Mankiewicz production is class and the photography of Joseph Ruttenberg does the desert backgrounds full justice. All the parts are trouped splendidly with Irene Hervey, Sidney Toler and Roger Imhoff outstanding in support.

The picture can best be sold from the heart angle.

Production Code Seal, No. 2,012. Running time, 85 minutes. "G."

Looking 'Em Over

"Mr. Cohen Takes a Walk"

(Warners)

Produced at the Warner English studios at Teddington, this comedy drama of the self-made Jewish department store owner who brings happiness to others and finds that he is not quite the has-been he had been made to feel, offers simple but enjoyable entertainment.

Although the names of the players will be unfamiliar to American audiences, the performances are good, that of Paul Graetz in the leading role, as Jake Cohen, being especially outstanding. It is a thoroughly human story and one which should be found generally appealing, and often amusing. The English countryside backgrounds add to the production value of the picture.

Graetz is completely lost in his large department store since his sons handle the business so efficiently, and he has little to do. Returning from the United States, his youngest son falls in love with an Irish girl, and the boy is unable to tell his parents that he does not love Julie, the girl they had long planned he should marry, before his mother dies. Unhappy with nothing to do, Graetz leaves on a long walking tour. The youngest son leaves the firm and a strike at the store threatens. Graetz meets an unemployed boy and sends him to the store in London. Then he learns of the strike and reaches town just in time to save the situation, and take complete charge. Julie meanwhile has fallen in love with the boy Graetz met on the road, and a double wedding concludes the film. William Beaudine directed.

Reviewed without production code seal. Running time, 80 minutes. "G."

P. T. A. Would Bar School Film Tieups

MINNEAPOLIS, Feb. 12—The Parent-Teachers' Ass'n. of West High School here, recently called upon nationwide P.T.A. groups to bar all commercial film tieups from schools, following the refusal of distributors to furnish old films for school lunch-hour use. P.T.A. families are urged not to attend theatres showing films of the companies refusing to cooperate.

Dr. C. S. Pollock, local president, declared efforts will be made to contact 20,000,000 P.T.A. members. He urged that films should be made available for rental to schools after their commercial value has expired, and pointed out that theatres constantly use schools for advertising tieups and that schools should be entitled to rent films.

Tearle Series Delayed

HOLLYWOOD, Feb. 12.—Mitchell Leichter is holding up production on his Conway Tearle series while Tearle plays a part in "Romeo and Juliet" at M-G-M. Leichter has five films of the series of eight to make for this season, and has Tearle under contract for eight for the 1936-37 season as well.

Senate For Action On Picture Measures

(Continued from page 1)

the House Committee on Interstate Commerce will include not only the Pettengill block booking bill, but also other similar measures now pending, it was disclosed today.

All film legislation before the committee has been turned over to a subcommittee which, if repeated, will probably be headed by Congressman Pettengill, of Indiana, with instructions to study the whole situation.

As a result, it is anticipated that the hearings which will probably be called late this month will canvass all phases of the film situation, since there are pending a number of bills dealing with the subject.

H. C. Bissells in Miami

CLEVELAND, Feb. 12.—Holbrook C. Bissell, Columbia branch manager, and Mrs. Bissell are in Miami for a two-week vacation.

J. D. Clark on Coast

HOLLYWOOD, Feb. 12.—John D. Clark is here for conferences on product at the Twentieth Century-Fox studios.

Attendance Gained 30% in Cleveland

CLEVELAND, Feb. 12.—Reports from leading industries in the Greater Cleveland area are generally in agreement that business showed a definite improvement in 1935 and almost all indicate faith in a continuation of the gains in 1936.

The theatre business in the area showed an approximate attendance increase of 30 per cent and a 10 to 20 per cent gain in gross receipts, although exhibitors did not make a corresponding profit because of the generally low scale of admissions, according to Ernest Schwartz, president of the Cleveland M. P. Exhibitors Ass'n. Schwartz looks for a continuation of last year's improvement in 1936 if the level of product holds up, and predicts an increase in admissions to approximately the pre-depression scale of a 60-cent top downtown and a 40-cent top at neighborhood houses. There also has been real activity in the theatre building field for the first time in several years.

Figures compiled by the local chamber of commerce indicate the promising fact that employment, wages and product values have shown steady and substantial gains since 1932. Commercial bank deposits are now nearly normal, and savings bank deposits were $70,000,000 higher in 1935 than in 1934. The local stock exchange reports the greatest volume of trading since 1930.

Similar improvement in the sales of automobiles, and in the steel industry in Ohio are noted. Local prosperity is seen as receiving great impetus from a building boom, which will include 10,000 new houses to overcome the present shortage.

"Zero," at $6,000 Charlotte's Leader

CHARLOTTE, Feb. 12—"Ceiling Zero" overcame bad weather conditions at the Broadway with a take of $6,000, exactly $2,000 over par. It was held over for six days more. The weather man reached into his bag and produced snow, rain, fog and cold.

"The Bride Comes Home" continued its run at the Carolina with $2,000 in two days. "Magnificent Obsession" failed to break par in four days at the Carolina with $2,000. Average is $2,000 for three days.

"Sweet Surrender" in two days at the Imperial, combined with a stage show, grossed $2,000, double average, which is $1,000 for two days. "Tough Guy" did $2,500 in four days at the Imperial.

Total first run business was $14,500. Average is $11,000.

Estimated takings for the week ending Feb. 8:

"CEILING ZERO" (W. B.)
BROADWAY—(1,114), 25c-40c, 6 days. **Gross:** $6,000. (Average, $4,000)

"THE BRIDE COMES HOME" (Para.)
CAROLINA—(1,400), 25c-40c, 2 days. **Gross:** $2,000. Average for three days, $2,000)

"MAGNIFICENT OBSESSION" (Univ.)
CAROLINA—(1,400), 25c-40c, 4 days. **Gross:** $2,000. (Average for three days, $2,000)

"TOUGH GUY" (M-G-M)
IMPERIAL—(989), 25c, 4 days. **Gross:** $2,500. (Average for four days, $2,000)

"SWEET SURRENDER" (Univ.)
IMPERIAL—(989), 25c, 2 days. **Gross:** $2,000. (Average for two days, $1,000). (Stage: "A Night in Havana.")

Sure it's a Horse and Buggy picture . . . just like "Mrs. WIGGS"

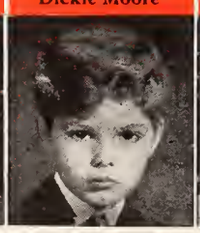
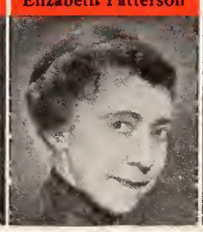
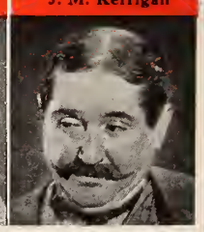


Styles in pictures may come and styles may go but there's one kind of picture that's always box office . . . the picture with good, old-fashioned heart appeal. "Little Women" had it, "David Copperfield" had it, "Mrs. Wiggs of the Cabbage Patch" had it . . .

"Timothy's Quest" has it . . . the heart appeal of American small town life . . . the sentimental appeal of real people living real lives . . .

"Timothy's Quest"

A Paramount Picture Directed by Charles Barton with

MARTHA Eleanore Whitney	DAVID Tom Keene	TIMOTHY Dickie Moore	SAMANTHA Virginia Weidler	MISS CUMMINS Elizabeth Patterson	GAY Sally Martin	DR. CUDD J. M. Kerrigan
						

It Pays to Play a Paramount Picture!

Paramount Pictures

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 38 NEW YORK, FRIDAY, FEBRUARY 14, 1936 TEN CENTS

Legion's Work To Be Pressed, States Priest

Asserts Campaign Raised Grosses 25 Per Cent

The Legion of Decency, far from entertaining thoughts of disbanding now that the hue and cry which attended its launching has subsided, is preparing to dig in for the long, hard pull in safeguarding what has been achieved, Rev. Joseph A. Daly, Ph. G., executive secretary of the Legion's national headquarters, told members of Ampa at their weekly luncheon meeting at the Astor yesterday.

Father Daly reviewed the aims of the Legion, saying they were twofold —the encouragement of patronage for pictures which are worthwhile from a moral and educational standpoint, and the discouragement of patronage for the vulgar and indecent. The results, he said, are reflected in a 25 per cent increase in theatre attendance since the formation of the Legion, and in such encouraging manifestations as were shown in the last *Box-Office Check-Up* which rated Shirley Temple

(*Continued on page 8*)

German Technicolor Lab Being Studied

Construction of a Technicolor laboratory in Germany following completion of the one now being built on the Great West-Bath Highway near London was predicted yesterday by Dr. Herbert T. Kalmus, president and general manager of Technicolor, who returned a few days ago from a tour of Europe.

Formation of a Technicolor subsidiary for Central Europe was dis-

(*Continued on page 8*)

MOTION PICTURE DAILY

Is now located in its new offices at

ROCKEFELLER CENTER

New York City

•

CIRCLE 7-3100

Financing for Universal Deal Is Set by Cowdin, Coast Hears

Hollywood, Feb. 13.—It is understood here that all details connected with the financing of the purchase of Universal by Standard Capital Corp. have been completed by J. Cheever Cowdin in England. Cowdin is now on his way back to this country, due to arrive next Monday.

Jack Ross, assistant to Carl Laemmle, Sr., said today, "We believe that Cowdin has completed arrangements for financing Standard Capital and Charles R. Rogers to purchase Universal. We do not know the details, or how they will affect the option to buy until after Cowdin lands."

Rogers refused to discuss the matter, saying, "We're not making any halfway statements. We will release statements when we're ready."

British Plan Two Issues For Studios

By BRUCE ALLAN

LONDON, Feb. 1.—Details of the proposed financing of Sound City have just been made known by Sound City (Films), Ltd. They include an offer of £135,000 in 1£ six per cent cumulative participating preference shares and 156,263 in three-shilling value ordinaries. The preference shares are offered at par and the ordinaries at 6/- — a premium of 1/-.

Five additional floors are to be erected at Sound City, Shepperton, and space has been booked by Universal and J. G. & R. B. Wainwright to the value of £30,000 a year, it is stated. The share capital is being acquired by the renting company, Gilbert Films, Ltd., controlling Associated Producing and Distributing Co.

* * *

How the British Broadcasting Corp. proposes to make its recently announced films for television broadcasting has been made known.

Primarily the film unit will record musical and dramatic performances for subequent air transmission in the experimental service to be inaugurated in a month or two.

A film library of this sort will provide the television service with a dependable reserve of material and make the B. B. C. scheme for one or more television theatres in London more practical. Ultimately B. B. C. will turn to making its own newsreels, because existing newsreels will not be available for television.

"Mutiny on the Bounty," held for a sixth week at M-G-M's Empire, Leicester Sq., beat the record of "Trader Horn."

* * *

Promoters of the Petersen-Harvey fight for the British and Empire heavyweight championship fight, made their own two-reel picture because the newsreels were unable to cover the event owing to the footage demands of ceremonies in connection with the late King George V.

SEC Reveals Cohns Hold 3-Year Pacts

WASHINGTON, Feb. 13.—Harry Cohn, president, and Jack Cohn, vice-president, hold three-year contracts with Columbia Pictures, expiring July 1, 1937, it was revealed here today by the Securities and Exchange Commission, which released salary data for the company additional to that disclosed last December. The executives' salaries are $3,500 weekly for Harry and $2,000 weekly for Jack Cohn.

Abraham Schneider, treasurer, held a two-year contract from April 17, 1933, for $650 a week with options for the next three years at $800 for the first, $1,000 for the second and $1,250 for the third. J. Freidman director (Columbia Pictures Export, S.A.) received $33,884 in the last fiscal year, and E. Zana, director (Columbia Films, S.A.), $13,699. Approximately $120,000 was paid to 16 other officers and directors. A total of $1,173,093 was reported paid to 29 other employes, of which $1,045,977 went for the salaries of production managers, writers, players, etc.

Details of an underwriting contract with Hemphill, Noyes and Co. for the floating of 75,000 shares of $2.75 preference convertible no par stock were also made public, showing the company was to receive $46.50 a share and the stock was to be sold to the public at $50, the underwriters retaining the difference.

Personal Appearance At Chaplin Premiere

HOLLYWOOD, Feb. 13.—The laugh highlight of Chaplin's premiere here last night was the address by Charlie Chaplin himself, the substance of which was going Hollywood rounds today. Chaplin described a round table session between Charlie Skouras, Sid Grauman and himself, punctuating the description with Greek dialect for

(*Continued on page 6*)

Pettengill in Doubt on His Booking Bill

Refuses to Head Group For Film Hearings

By BERTRAM F. LINZ

WASHINGTON, Feb. 13.—Representative Samuel B. Pettengill indicated here today that he is not entirely satisfied with the desirability of such film legislation as the block booking bill which he has introduced into the House, and wants the opinion of men who have no interest in the matter.

The Congressman thus explained the reasons behind his refusal of the post of chairman of the sub-committee of the House Interstate and Foreign Commerce Committee which will consider film legislation. It was expected that Chairman Sam Rayburn of the Commerce Committee would name Pettengill as chairman of the smaller group. Pettengill declared he had urged Rayburn to name a chairman

(*Continued on page 8*)

Writers' Terms Up At League's Parley

The contract committee of the Authors' League will meet with the League of N. Y. Theatres today for preliminary conferences on the new contract between writers and managers which is scheduled to become operative March 1. This is the first meeting on the new pact which the writers have had with the managers.

When the managers' views have been obtained the contract committee will complete its draft of the new pact, which then will be submitted to the council and members of the Authors' League for ratification. The provisions covering the writers' partici-

(*Continued on page 6*)

Horowitz Is Named For Republic Post

Sam Horowitz, formerly mid-west division manager for United Artists, yesterday was appointed mid-west district manager for Republic by W. Ray Johnston, president, following his return from Florida.

The appointment completes Republic's new national sales setup, E. M. Schnitzer having been placed in charge of eastern sales, and Jack Fier in charge of western sales, earlier.

Horowitz's territory will include Chicago, Milwaukee, Omaha, Detroit, Cleveland, St. Louis, Minneapolis, Des Moines, Cincinnati, Kansas City and Indianapolis.

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Warners Take Over Theatre in Indiana

CHICAGO, Feb. 13.—The pooling arrangement between the Warner circuit and Balaban & Katz on the Paramount in Hammond, Ind., will be completed this week and Warners will start operation of the house immediately. Harry Mintz, resident manager at Hammond, will have charge of the house under L. S. Stein, district manager for Warner Indiana houses.

Bombing Scenes Shown

Pictures of the recent bombing of a Swedish Red Cross hospital by Italian planes in Ethiopia, claimed by Universal Newsreel to be the only pictures ever taken on the actual Ethiopian front, were shown yesterday at the Roxy, Music Hall and Embassy. Universal sent the scenes to the International Red Cross in Geneva at the latter's request.

F. J. Schwartz to Marry

Fred J. Schwartz, son of A. H. Schwartz, head of the Century Circuit, will be married Monday afternoon at 5 o'clock at Temple Emanu-El, 5th Ave. and 65th St., to Shirley Joyce Wilkens, daughter of J. Y. and Mrs. Wilkens of Kew Gardens.

Will Hays on the Way

HOLLYWOOD, Feb. 13.—Will Hays will leave the coast for New York tomorrow by train. There will probably be a stop-over in Chicago.

Warner Takes Stand At Koplar Hearing

WILMINGTON, Feb. 13.—Defending his own honesty and sincerity, and that of his two brothers and the firm's associates, Harry M. Warner, president of Warner Bros., took the stand for two hours late this afternoon in the Koplar action against the Warner organization. His testimony was practically the history of the business lives of himself and his brothers from the time when they were peddling America's earliest films until the present. He told of his faith in the talkies and the obstacles which had to be overcome to bring them their present success. He denied that "pressure" had been brought to bear upon directors or associates. He characterized the $30,000 fee to Waddill Catchings as "fair compensation for what was furnished."

Testimony brought out the fact that the three Warner brothers each received $10,000 weekly and 15,000 shares annually over a six-year period.

Stanleigh P. Freedman, a Warner director, testified, substantiating the Warner claim that there had been no tampering with the directorate.

Pathe Overassessed On 1929 Income Tax

WASHINGTON, Feb. 13.—Determination of an overassessment of $22,036 in the 1926 income tax of Pathe Exchange, Inc., New York, as a result of allowance of an additional deduction for debts ascertained to be worthless and charged off within the taxable year, has been approved by the Bureau of Internal Revenue.

The company is to be credited with $10,886, refunded $8,054 and $3,095 will be withheld in connection with deficiencies for the Producers' International Corp. for 1927 and Pathe International Corp. for the period Jan. 1 to Aug. 19, 1928.

Mayer Explains Pool

Arthur Mayer, operator of the Rialto, said yesterday that he is not the managing head of the Trans-Lux—Rialto pooling arrangement, but that he and Major Leslie Thompson of Trans-Lux form the operating committee. He declared further that there is no intention of transferring the Philadelphia Trans-Lux theatre to the Trans-Lux—Rialto pool. Some expansion is planned, Mayer said, with deals now in negotiation in two situations.

New Lab Ready in May

Consolidated Film's new west coast laboratory will be opened late in May or early in June, according to H. J. Yates, president, following his return from Hollywood. Yates' trip was for the purpose of inspecting progress on the project, he said. All of Consolidated's west coast work will be concentrated in the new plant when it its completed.

New Film Group Meets

A discussion of the methods of obtaining better film offerings and of developing children's appreciation of the better offerings was held last night by the new cooperative institute on motion pictures under the auspices of the United Parents' Ass'ns. of New York City.

Colman Voted Best January Performer

HOLLYWOOD, Feb. 13.—Ronald Colman contributed the best performance for the month of January in "The Tale of Two Cities," according to the monthly vote of the Screen Actors' Guild.

Eric Linden received first honorable mention for his role in "Ah, Wilderness," and Errol Flynn received second mention for "Captain Blood."

The poll was based on 27 pictures released in Los Angeles between Dec. 21 and Jan. 19, with no women receiving awards during January.

Percentage figures indicate actors have outnumbered actresses almost two to one since the guild inaugurated the monthly poll system eight months ago. Seventeen men and nine women have been selected in that period.

The Writers' Guild has selected "Ah, Wildrness" as the best screen play of the month. Frances Goodrich and Albert Hackett did the adaptation from Eugene O'Neill's play. First honorable mention went to W. P. Lipscomb and S. N. Behrman for "The Tale of Two Cities" and second mention to Casey R. Robinson for "Captain Blood."

LeBaron Takes Over Film from Lubitsch

HOLLYWOOD, Feb. 13. — William LeBaron has taken over supervision of the new Marlene Dietrich-Charles Boyer film, "I Loved a Soldier," which has been shooting about a month. Ernst Lubitsch, who has been in charge up to this time, leaves on a three-month vacation today. His desire to start his vacation now is given as reason for the switch of supervision.

In order to permit contemplated changes in the script, shooting has been suspended for a week or 10 days.

Wins Wurlitzer Suit

CINCINNATI, Feb. 13.—Strand Theatre Enterprises, Inc., operating the Strand, downtown independent, has been awarded $4,490 by Judge Stanley Struble in Common Pleas Court as result of a cross-petition filed against the Rudolph Wurlitzer Co. to recover $29,000 alleged to represent loss of patronage by failure of an air-conditioning system to function properly. The Wurlitzer Co. originally filed suit for $14,399 claimed to be balance due for installation of the system, but the defense countered with the cross-petition, and won the decision.

"Experience" to Loew's

Loew's has booked "The Voice of Experience" into the greater New York houses, with the start scheduled for the Ziegfeld and other houses in Manhattan and the Bronx on Feb. 25. Brooklyn, New Jersey and Westchester houses will follow later.

Frels Case Set Monday

DALLAS, Feb. 13.—The anti-trust suit of Ruben Frels against the Jefferson Amusement Co., and several major distributors, scheduled to start today in Federal Court here has been postponed until Monday.

Weinberg Recuperating

BALTIMORE, Feb. 13.—Maxwell Weinberg, manager of the Little Theatre here, has gone to Atlantic City to recuperate from a recent illness.

Purely Personal

PHIL REISMAN, in charge of the RKO foreign department, will sail next Friday on the *Il de France* to make a survey of the RKO offices in Europe. He will stop off in London and several other cities.

•

NATALIE KALMUS of Technicolor leaves today for Hollywood, while DR. HERBERT T. KALMUS, who returned with her from Europe this week, will remain here for several days.

•

ROY HARGRAVE, actor, director and playwright, will leave this afternoon for Hollywood for conferences with WALTER WANGER on forthcoming pictures which Paramount will release.

•

LOUIS GOIDEL of the Paras Court, Gloria and Boro Hall, Brooklyn, has been reappointed a special deputy sheriff in Brooklyn. He was out of service a year.

Quip of the Day

Bob Goldstein says his insomnia is bad these days; he can't even sleep through XYZ's pictures anymore.

HARRY HERVEY has sold his original story, "Beach of Dreams," to Paramount as a vehicle for BING CROSBY. WILLIAM LEBARON will produce.

•

J. CHEEVER COWDIN, head of Standard Capital, is returning from London on the *Europa,* scheduled to dock Monday.

•

HENRY KING is flying his own plane eastward on the first leg of a nation-wide tour of 26 leading cities.

•

PEGGY CONKLIN will be interviewed by RADIE HARRIS on her Movie Club program tonight over WHN.

•

ARTHUR TRACY will be guest of honor at a cocktail party at the House of Morgan this afternoon.

•

JOHN FERGUSON'S "A Night in Glengyle" has been purchased by M-G-M.

•

WALTER READE, vacationing in Florida, is due back about Feb. 24.

•

WALLACE BEERY is on his way east. Next Monday night he will broadcast on the Lux program.

•

THOMAS MITCHELL, Broadway actor and director, has been signed to a long term contract by Columbia.

•

. . . Pittsburgh

BILL BROWN, the Tarentum exhibitor, was tendered a testimonial dinner the other night, and all Film Row was there.

W. H. TRUNICK, of Photophone, is the father of a girl.

DAVE BIEDERMAN, exchange operator on the coast, and LES, his brother, *Pittsburgh Express* sports writer, received condolences on the death of their father here last week.

JIMMY BALMER thought it was gall stones, but it was an attack of ptomaine poisoning.

UNITED IN THE KIND OF LOVE THAT MAKES YOUR PROFITS ZOOM!

Imperious society beauty and impetuous man of the people ... played by that "natural" heart-beat team ... resistless George Raft and ravishing Rosalind Russell of "Rendezvous." Another winning combination from 20th Century-Fox!



"Why did you want all that champagne?"



"Because I knew you wanted to make love ... and I'm a snob... and I didn't want to be... tonight!"

George Rosalind

RAFT RUSSELL in IT HAD TO HAPPEN

with

LEO CARRILLO
ARLINE JUDGE
ALAN DINEHART
ANDREW TOMBES

a

DARRYL F. ZANUCK
20th CENTURY PRODUCTION
Presented by Joseph M. Schenck

Based on a story by Rupert Hughes. Screen play by Howard Ellis Smith and Kathryn Scola.

Associate Producer
Raymond Griffith

Directed by Roy Del Ruth

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE



But love is just a laugh to Carrillo!

...COLUMBIA'S GOLDEN SCOOP SHOW ROARS IN!

Out of Hollywood Comes a Meteor of Entertainment Soon to Burst in Wonder and Amazement on the Screen!

. . . Most Thrilling Adventure in Box-Office Showmanship Since the Talkies Were Born!



'MUSIC 'ROUND

Columbia Invites you to a Box-Office STAMPEDE!

Opening with a blast in a score of key cities beginning February 20th.

Audiences will be Singing with the Stars! Novelty of the Year!



PANIC OVER MIAMI!

as hundreds fight for reserved seats to world premiere, New Lincoln Theatre, Miami Beach, February 19th

HARRY RICHMAN
ROCHELLE HUDSON
WALTER CONNOLLY
FARLEY & RILEY
and their 'Round and 'Round Music

Michael Bartlett • Douglass Dumbrille
Lionel Stander
and thousands of others!

Screen play by Jo Swerling Story by Sidney Buchman
Music and Lyrics by
Lew Brown, Harry Akst and Victor Schertzinger

Directed by VICTOR SCHERTZINGER



WATCH FOR NEWS BULLETINS ON COLUMBIA'S WONDER SHOW OF 1936!

Amended Trust Suit Is Filed in Buffalo

BUFFALO, Feb. 13.—A second amended complaint has been filed here in the $750,000 anti-trust suit of Reliance Theatres, Inc., of Lockport, against Schine Chain Theatres, Inc., and other defendants.

The new complaint replaces one from which three points were stricken by Federal Judge John Knight upon motion of the defendants.

Actual damages of $250,000 and punitive damages of $500,000 are sought by the plaintiff, operator of the Palace in Lockport, on the plea that the defendants conspired to prevent it from obtaining films from major producers.

"By collusion, by unlawful agreement and combination, by threats and by the pressure of their great purchasing power, the Schine defendants have induced all the major distributors to give their theatres exclusive right or license to first and second runs of their photoplays," charges the amended complaint.

Schine interests operate the Rialto and Hi-Art in Lockport.

In the complaint, Peter Grafiades, Reliance president, charges that his firm leased the Palace on Jan. 1, 1933, and that since that time, Schine interests have been trying to drive him from the field by attempting to buy the building or its lease, and by attempting to keep him from getting important films.

Defendants include: J. Meyer Schine, Louis Schine, John A. May, Vitagraph, Inc., First National Pictures Distributing Corp., Fox Film Corp., Paramount Pictures Distributing Corp., United Artists Corp., Columbia Pictures Corp., Universal Film Exchange, Inc., and RKO Distributing Corp.

Writers' Terms Up At League's Parley

(*Continued from page* 1)

pation in film rights to stage plays have not been reduced to writing yet, it was stated at the Authors' League yesterday. It is reported, however, that considerable sentiment within the membership of the organization favors a 100 per cent participation in film rights for the writer in instances where the play is wholly or largely owned by a film producer. The provision is being sought to remedy the curtailed competitive bidding for film rights for plays in which a film producer is financially interested.

Century Drive Planned

Century Circuit managers gathered at the Astor to hear circuit officials outline plans for a business drive to start March 14 and continue through June 12. About 25 of them were present.

Ed Hyman and Charles Moses presided and explained the details. Prizes will total $2,300.

Fred J. Schwartz, son of A. H., was given a gold wrist watch in honor of his approaching marriage.

Lowe on Writing Staff

HOLLYWOOD, Feb. 13.—Edward T. Lowe has resigned his producing post at 20th Century-Fox. He will join the writing staff of the same company.

Finances of FWC Aired at Hearing

HOLLYWOOD, Feb. 13.—Hot words between counsel featured today's session of the hearing on the petition of T. L. Tally and Corbar Corp. to have the Fox West Coast bankruptcy adjudication set aside. Oscar Lawler, of counsel for respondents had claimed Tally was paid approximately $50,000 in settlement of the Criterion Theatre lease and had given release for the claim. William H. Neblett, counsel for the petitioners, claimed that the settlement was ineffectual since Tally had given the release in the belief that all proceedings were regular. Lawler had submitted figures showing that F. W. C. receipts had dropped from $44,000,000 in 1930 to $32,000,000 in 1932. He also argued that Chase National was owed $4,500,000 and WESCO $4,000,000 at the time of adjudication.

Argument will be concluded tomorrow and the case turned over to Federal Judge James Alger Fee for decision.

Robeson Signed for One by Hammer Prod.

By BRUCE ALLAN

LONDON, Feb. 3.—Hammer Prod. have signed Paul Robeson for "The Song of Freedom," based on his own life story and will make it at the Beaconsfield studio of British Lion, which will also handle world distribution. An exterior unit has gone to West Africa. Two other Hammer-British Lion productions with Stanley Lupino are scheduled, the first being "Sporting Love," which ran for over a year as a stage play at the Gaiety here.

For their own production British Lion have signed Fay Marbe and Claude Hulbert for "The Interrupted Honeymoon," and Sir Seymour Hicks for "It's You I Want."

* * *

Bernhard Gardner has assumed the duties of managing director for RCA in place of F. P. Culbert, who will remain here during the first few months, to advise.

Fight Ticket Price Bill

BOSTON, Feb. 13.—Joseph Brennan of the M. P. T. O. and other exhibitor figures protested strongly at a hearing on the Hayden bill designed to regulate the price of theatre tickets on Sundays and holidays. The bill is now before the Committee on Mercantile Affairs.

"Pine" at Miami Beach

MIAMI BEACH, Feb. 13.—"The Trail of the Lonesome Pine" will get a formal opening here next Monday night at the Colony. It is getting a big campaign as the "Premiere for 48 States" and all the stage, screen and other celebrities here are expected to turn out.

Charter Masonic Paper

SACRAMENTO, Feb. 13.—Articles of incorporation have been filed here for *The Counsellor,* to be the official organ of the Central Council of Masonic Clubs in the film industry. Incorporators are Frederick Hutchinson, Harland West and Edmond L. De Patie.

Personal Appearance At Chaplin Premiere

(*Continued from page* 1)

human interest. "It was me who held out for a five dollar top premiere," said Chaplin. Skouras said it couldn't be done. "If you insist, however," Skouras added, "give the suckers a break and make a personal appearance. Besides, you haven't been on the screen for five years; they've probably forgotten you. Your picture isn't enough!" Skouras also told Chaplin, "Quit worrying about Manhattan, as the town is just a village compared to Hollywood."

Paulette Goddard climaxed Chaplin's story by stepping into the footlights and announcing "It's all Greek to me.

Among those present were:

Mary Pickford, Samuel Goldwyn, Douglas Fairbanks, Jesse Lasky, Walter Chrysler, Amelia Earhart Putnam, Alfred G. Vanderbilt, John Hay Whitney, Marlene Dietrich, Leopold Stokowski, Norma Shearer, Irving Thalberg, Franchot Tone, Louis B. Mayer, Sid Grauman, Ernst Lubitsch, B. P. Schulberg, Harry Rapf, Freddie Bartholomew, Warren William, Groucho Marx, Dolores Costello, Otto Kruger, Allan Dinehart, Hugh Walpole, Edward Arnold, Vicki Baum, Charles Boyer, Joe E. Brown, Virginia Bruce, Harold Lloyd, Al Jolson, Ruby Keeler, Sally Eilers, Leo Carrillo, Claudette Colbert, Madame Schumann-Heink, Joseph Schenck, David O. Selznick, Fred Stone and Walter Wanger.

Chicago Opening Feb. 22

CHICAGO, Feb. 13.—"Modern Times" will open here on Feb. 22 at the United Artists, with a four to six weeks' run expected. Arthur W. Kelly, U. A. sales head, is here arranging for the future release, which is expected to be through the B. & K. circuit. It is reported most of the deals for the film outside of the downtown run will be on a 65 per cent basis.

"Times" Breaks Record

PHILADELPHIA, Feb. 13.—The first popular priced grind showing of "Modern Times" at the Erlanger drew 1,941 admissions more than did the first day of "City Lights" at the same house five years ago. A storm today cut into the attendance, but the picture seems set to beat the eight-week run of its predecessor.

Chaplin Awarded Medal

HOLLYWOOD, Feb. 13. — Charlie Chaplin has been notified that the Motion Picture Division of the League of Nations has awarded him a gold medal in recognition of his work as an international screen figure.

IATSE Local in Test Case on Coast

LOS ANGELES, Feb. 13.—The I. A. T. S. E. Projectionists Local 150 will force a test case in Superior Court here on the Pasadena ruling requiring newsboys to obtain permits before selling papers on the streets. The move is a result of the arresting and fining of a newsboy who was participating in the organization's newspaper campaign against the Robb & Rowley circuit in Pasadena by selling labor papers outside the State, an R & R house operated by Al Retzlaff, who made the complaint.

R. L. Haywood, head of the I. A. local promises a fight to the finish. Union men have been picketing the circuit's houses for the past two months in protest against wage scales and the employment of non-union men.

Missouri December Tax Over a Million

KANSAS CITY, Feb. 13.—December sales tax collections under Missouri's one per cent levy exceeded $1,020,000. This is the largest amount produced in any month since the levy became effective August 27.

Observers believe the tax will not average $1,000,000 a month, as was expected by its proponents, but might reach $11,000,000 for the year.

The spectre of a special Missouri session to increase appropriations for old age assistance is still in the background. Governor Park continued to oppose the session.

An increase of the sales tax from one to two per cent, considered most frequently as a means of raising more revenue, has strong opposition among legislation, particularly in the senate.

Meanwhile Kansas, whose governor is a presidential possibility, continues to hear demands, especially from the unemployed, for a special session.

Massachusetts Beats Three Theatre Bills

BOSTON, Feb. 13. — Three bills aimed at theatres have been defeated in the House following adverse committee reports.

All three were sponsored by Rev. Robert Watson of the Lord's Day Alliance. One would have delayed the start of Sunday shows until 7 o'clock in the evening. The second would have prevented Sunday shows consisting wholly or in part of vaudeville, and the third, an indirect censorship measure, was designed to prevent the licensing of "any theatrical exhibition in which is used any obscene or sacrilegious language, or any cursing or any swearing."

Appraisers Chosen For St. Louis Firm

ST. LOUIS, Feb. 13.—Federal Judge George H. Moore has named James M. Franciscus, Jr., Joseph M. O'Reilly and Cornelius M. McDonald as appraisers of the property owned by the Theatre Realty Co., including the Fox Theatre, the Humboldt Building and adjacent stores.

The appointment was made after James T. Blair and Edmond Koeln, trustees for Theatre Realty, had advised the court that an appraisal was necessary to determine accurately the assets and liabilities of the company.

Father, Not Son

Under an Albany date yesterday, MOTION PICTURE DAILY, in error, reported the death of William H. Budd and named him as Warners personnel manager in the home office. This was wrong, he was the father of Ralph Budd, the personnel manager.

R. E. Moon in Florida

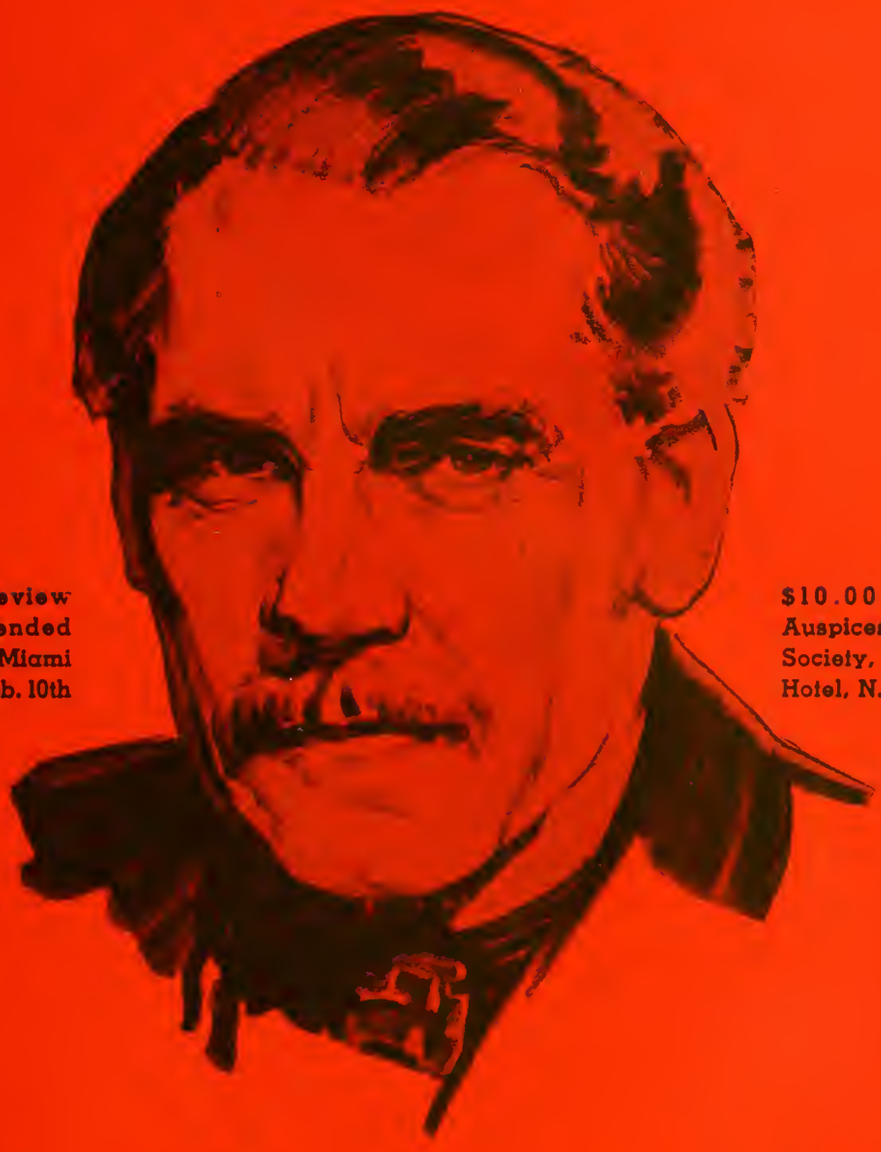
DETROIT, Feb. 13.—Ray E. Moon, general manager of Co-Operative Theatres of Michigan, has gone to Palm Beach for a month. M. Gottlieb, local Universal branch manager, will leave this week for Miami.

Phillips in Honolulu

SAN FRANCISCO, Feb. 13. — Phil Phillips, F.W.C. publicity director, is away on a three-week vacation in Honolulu.



Premiere Preview
2 a Day Extended
Run, Lincoln, Miami
Beach, Beg. Feb. 10th



$10.00 Preview
Auspices Adventure
Society, Ritz Carlton
Hotel, N. Y., Feb. 19th

WALTER HUSTON as

RHODES

THE DIAMOND MASTER
THE EMPIRE BUILDER
THE JUNGLE CONQUEROR

TOPS 'EM ALL

The astounding drama of a man who changed the map of the world . . . A thrilling romance of adventure and buried treasure.

WORLD PREMIERE ROXY, N. Y., FEBRUARY 28

PHYSICAL DISTRIBUTION • FOX EXCHANGES • CANADA, REGAL FILMS, LTD.

Legion's Work To Be Pressed, States Priest

(Continued from page 1)

and Will Rogers, upon neither of whom the Legion's frown ever has been visited, as first in box-office rank.

Through the Legion's work "great masses" of the public that had been alienated from motion pictures have been returned as patrons, Father Daly said. Producers have been encouraged to forsake threadbare dramatic themes and to turn to the classics for source material with the result that new audiences have been won for the screen, "family trade" has been revived and parents who formerly did not permit their children to attend pictures they had not themselves seen and approved, now are guided by the Legion's reports, Father Daly said.

Legion to Continue

"The Legion of Decency," he observed, "has fulfilled its obligation to the public."

But, Father Daly added, its work is not over. The reasons for its organization impel its continuation, he said, explaining that the Catholic Church has definite duties to its 22,000,000 members in America, and that it must remain "the custodian of their morality." "For this reason the Legion was created—it was unwilling to see its work undone by any influence such as the screen undoubtedly is. If, as we believe, the screen is a powerful force in the life of America, a moral and ethical responsibility to parents and public rests with the industry."

A recent tendency in production, of which the Legion is taking note, is an effort to return to pictures certain objectionable features of their past, Father Daly said. He described these as "the so-called Lubitsch touches" in pictures and offered the opinion that they were being encouraged, if not inspired, by New York film critics. These, he said, cater to a sophisticated few but they have their influence on the makers of pictures for the entire country and its small towns, in which these things cannot be exhibited without giving "serious offense."

"If this tendency is not checked," Father Daly said, "it will drive away the newly regained patronage, and next time it will be harder to get them back."

Lauds Breen's Help

He said that the type of criticism complained of made the work of Joseph I. Breen, Production Code administrator, more difficult. Producers anxious to add "the Lubitsch touch" fortify their arguments with clippings from New York reviews which describe pictures without them as "naive," he said.

Father Daly said that Breen had been "most helpful" to the Legion in its work and the organization "wants to stand 100 per cent behind him." The Legion officer also recognized the work of J. J. McCarthy, head of the Advertising Advisory Council, in noting the great improvement made in the industry's advertising copy. "The advertising is important," he said, "and the more favorable type of copy is to your credit and our gratification," he told the Ampa members.

"The Catholic bishops have decided that the Legion of Decency is to be permanent," he concluded, "and, not in any blue-nose spirit, we dedicate ourselves to continuing its work."

Recognition for the improvement in ad copy was also given McCarthy by Mrs. Mary H. Looram, head of the motion picture bureau of the International Federation of Catholic Alumnae, who was also a speaker.

"The advertising code has accomplished wonderful results," she said, "and in commending Mr. McCarthy we mean it for the entire industry."

Mrs. Looram's bureau reviews films in cooperation with the Legion of Decency.

Other guests at the meeting included Paul Graetz, featured in "Mr. Cohen Takes a Walk"; Maurine Ward, Florence Muzzy and Walter Tetley, radio performers.

Pettengill in Doubt On His Booking Bill

(Continued from page 1)

and committee membership of impartial men.

It is planned to have the sub-committee consider all pending film legislation and if action appears necessary, to draft a combination bill which will meet the situation with a maximum of simplicity. It was indicated also that the sub-committee will consider the measures proposing repeal of the ban on the interstate transportation of fight films.

Congressman Asks Copyright Action

WASHINGTON, Feb. 13.—Members of the House of Representatives today were being urged by Congressman Zioncheck of Washington to sign a petition to discharge the Patents Committee from consideration of the Duffy Copyright Bill so as to bring it up for immediate consideration.

The petition was filed, the Congressman explained, because Representative Sirovich of New York, chairman of the Patents Committee, "refuses even to hold hearings upon a bill that the Senate has passed unanimously."

Sirovich's action he charged, was "arbitrary and capricious."

Zioncheck placed the petition on the Speaker's desk and withdrew one he had filed earlier to discharge the committee from consideration of the Bloom Bill, which was the House version of the copyright measure, but which the committee planned to supplant with the bill introduced last month by Representative Daly of Pennsylvania. The only signature he had secured to this petition was that of Congressman Pierce of Oregon.

The Patents Committee plans to hold hearings on copyrights, but has not yet decided on any date. However, it is possible that in view of Zioncheck's agitation, if he secure any extensive support for his petition, hearings may be called in the near future. It is planned to have the copyright legislation placed under a subcommittee, of which Representative Daly has indicated he will be chairman.

Any hearings on the measure, it has been said, will be on the Daly bill rather than on that passed last year by the Senate.

German Technicolor Lab. Being Studied

(Continued from page 1)

cussed by Dr. Kalmus while he was in Berlin, he said.

"Lawrence in Arabia" is to be done in color, with the outdoor scenes actually made in the country described, he said. He completed the arrangements for this with Alexander Korda while abroad. Robert Kane's first for Twentieth Century-Fox in England, "King of the Jews," also will be in color, he said, and Natalie Kalmus will be color director.

Pitt Will Open Again

PITTSBURGH, Feb. 13.—Backed by a group of Cleveland men headed by William Skirboll, the old Pitt here will reopen next week as the Barry, playing late-run double features at an afternoon scale of 15 cents and an evening top five cents higher than that. The house, which has been dark since a month ago, when Morse and Rothenberg, New England operators, failed to put it over with vaudeville, then triple features and finally twin bills with a series of prize nights, is being renovated at a cost of $5,000.

Skirboll's brother is Joe Skirboll, head of First Division exchange here.

Buy Auditorium Seats

KANSAS CITY, Feb. 13.—The City Council has appropriated $135,785 for seats, projection equipment, screens, etc., in the two theatres of the Municipal Auditorium.

Wall Street

Gains, Losses Mark Board

	High	Low	Close	Net Change
Columbia, vtc	42	41	41	—1
Columbia, pfd	49⅞	49	49	—1
Consolidated	7⅛	6¾	7	+ ¼
Consolidated, pfd.	20⅛	19¼	19½	+ ¼
Eastman Kodak	157¾	157	157	— ¼
Eastman, pfd	162	162	162	s15
Loew's, Inc.	52½	51⅝	51⅝	+ ⅛
Paramount	11¾	11⅜	11⅜	+ ⅛
Paramount 1 pfd.	84	82½	83⅛	— ⅝
Paramount 2 pfd.	12⅜	12⅛	12⅜	+ ⅛
Pathe Film	8⅝	8¼	8⅜	— ⅛
RKO	8⅝	8⅛	8⅜	+ ¾
20th Century-Fox.	27	26¾	27	+ ¼
20th Century, pfd.	36¼	35½	35¾	+ ¼
Universal, pfd	64½	64½	64½	— ½
Warner Bros.	13	12¾	12¾	.....
Warner, pfd.	56	55½	56	.....

Technicolor, Trans-Lux Gain

	High	Low	Close	Net Change
Sentry Safety	1⅝	1¼	1¼	— ⅛
Sonotone	2⅝	2⅜	2⅜	— ¼
Technicolor	24⅞	24¼	24⅝	+ ⅛
Trans-Lux	5	4¾	4⅞	+ ¼

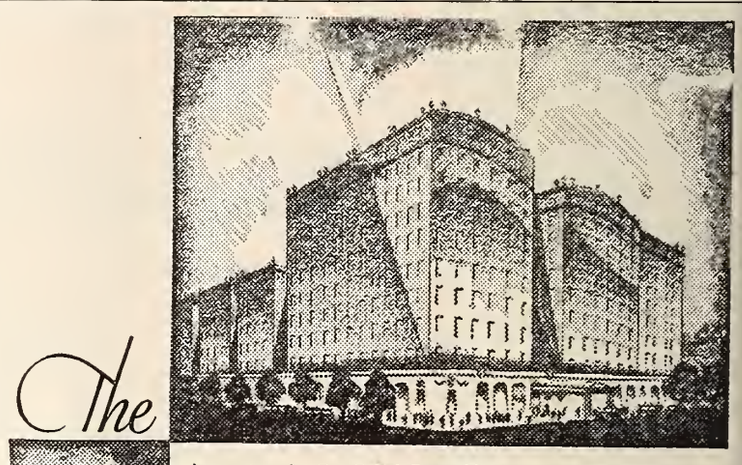
Keith Bonds Off a Point

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	24	23½	23⅝	— ⅜
General Theatre 6s '40 ctf	24	23½	23½	— ¼
Keith B. F. 6s '46	94	93¼	93¼	—1
Loew's 6s '41 ww deb rights	103⅛	103	103⅛	+ ⅛
Paramount Pict. 6s '55	95¼	94	95	.....
RKO 6s '41 pp	76½	76½	76½	.....
Warner Bros. 6s '39 wd	98⅛	97½	98	+ ⅜

(Quotations at close of Feb. 13)

Kodak Declares Dividend

ROCHESTER, Feb. 13. — Eastman Kodak has declared a regular quarterly dividend of $1.25, payable April 1 to stockholders of record March 5.



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Washington's Finest Hotel

WHERE GREAT EVENTS OCCUR AND INTERNATIONAL PERSONAGES RESIDE

☆

Single Rooms from $4
Double Rooms from $6
All with bath, of course

R. L. POLLIO, MANAGER

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 39 NEW YORK, SATURDAY, FEBRUARY 15, 1936 TEN CENTS

Bank Night in Missouri Hit By 2nd Ruling

But State Not Expected To Prosecute Users

JEFFERSON CITY, Mo., Feb. 14—Although the office of Roy McKittrick, attorney general of Missouri, this week again pronounced Bank Night a lottery, and therefore contrary to Missouri statutes, the office probably will not itself file charges against theatres using the giveaway, it was indicated.

This leaves the situation in Missouri just about where it was before. The Attorney General's office pronounced Bank Night a lottery some time ago, but no charges were pressed by the Attorney General. Although the present opinion gives local police and county prosecutors authority to bring action, the earlier opinion did likewise without local police and county attorneys doing anything about it.

It is understood, however, that a number of St. Louis theatres have decided to abolish such giveaways as Bank Night, Screeno, etc. The re-

(*Continued on page* 4)

Temporarily Drops Bank Night Action

CLEVELAND, Feb. 14.—Max Kaplan of the Grand Central here today was granted a dismissal without prejudice of his complaint against Stuart Cagney of the Windamere in East Cleveland, a competitor who was charged by Kaplan with operating Bank Night in violation of the state lottery laws. Kaplan sought dismissal of the complaint because his attorney was not ready to proceed, but indicated that he would file a new complaint later.

MOTION PICTURE DAILY

Is now located in its new offices at

ROCKEFELLER CENTER

New York City

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CIRCLE 7-3100

Philadelphia Plea Goes to Court Monday

Majors Seek Rehearing On New Dual Angles

Major distributors will file their application for a rehearing of the Perelman double feature case with the U.S. Circuit Court of Appeals at Philadelphia today in a further effort to establish the legality of double featuring restrictions through exhibition contracts.

The application for a reargument of the appeal will be based on new evidence and legal considerations not touched upon at the first hearing and upon developments subsequent to the handing down of the decision, Jan. 16.

The Circuit Court decision upheld the original finding of Judge George A. Welsh and held the contract clause in some distributors' contracts restricting double featuring to be illegal and amounting to restraint of trade on both exhibitors and independent producers. The clauses in question were included in the contracts of Fox, Vitagraph, RKO, Paramount, M-G-M and United Artists. Their effect is to prohibit the showing of a second full length feature on the same program with any picture covered by the contract.

It is believed certain that distributors will move to bring the case to the U. S. Supreme Court in the event their application for a reargument of the appeal in Philadelphia is denied.

RKO Claim Hearing Delayed to Feb. 25

Negotiations for settlement of the $9,000,000 Rockefeller Center claim against RKO are being continued, necessitating another postponement of the federal court hearing on the exceptions of the RKO trustees to the allowance of the claim at that amount. The hearing, which was scheduled for next Tuesday before

(*Continued on page* 4)

Ohio Cuts Only 16 Of 661 Reels Seen

COLUMBUS, Feb. 14.—Eliminations by the Ohio censor board for January amounted to one-quarter of one per cent of the total number of reels reviewed. Of 661 reels, eliminations were ordered in but 16. During the week ending Jan. 23, there were only two eliminations in 120 reels reviewed.

The record for December was 660 reels reviewed and 27 eliminations ordered.

Film Material

A New York film executive received the following:

"I have made up a story, have the gangster obtain planty money thru the dirty tricks, with out of the interfearance of the law from the usurper people.

"It starts sad and end comick. Content some murders, goast.

"If you are interest to mak a film please let me know."

Empire's Election Challenged in Suit

An application to set aside the recent election of officers of Empire State M. P. Operators' Union as illegal was made yesterday in Brooklyn Supreme Court before Justice Peter P. Smith by Joseph Kimmel, a member.

Because of a mass of conflicting affidavits Justice Smith named a referee to take testimony and report back for the court's information.

Kimmel charges that the election held Jan. 21 at Irving Plaza Hall, 15th St. and Irving Place, Manhattan, was marked by disorder and a free-for-all fight in which he was trampled. During the disorder, he charges, an adjournment was declared and the election was held after a number of members had gone home. During a "rump" meeting which followed, he alleges, Casper Ricca was elected president and trustees were chosen by a vote of 120-36.

Ricca, in reply, says the only disorder was created by Kimmel's faction, and that the meeting was held in accordance with the by-laws.

Two questions which the referee will have to decide are: 1, whether an adjournment could be taken legally; 2, whether there was sufficient disorder to warrant an adjournment.

Yorke Appointed to Para. Publicity Job

HOLLYWOOD, Feb. 14.—Gabe Yorke was today made publicity and advertising director for Paramount studios, effective Monday. He succeeds Bill Pine, who resigned the post to become executive aide to Cecil B. DeMille, who is scheduled to produce six or eight films annually under the studio unit system.

Pine is scheduled to work with Yorke for several days before joining DeMille.

Yorke was studio director of publicity and advertising for Fox during the latter days of Winfield Sheehan's regime. Prior to that he was in charge at the New York office of Fox and had previously been publicity and advertising head for F.W.C.

Wanger Signs U. A. Contract For Ten Years

Ticket Calls for Four Productions Yearly

HOLLYWOOD, Feb. 14. — Walter Wanger today signed a ten-year contract with United Artists. The official statement from the U. A. offices stated, "The board of directors of United Artists announce that Mr. Walter Wanger has been granted a franchise to release the future product of Walter Wanger Prod. through United Artists' distributing organization. Associated financially with Mr. Wanger in his future production activities will be Miss Mary Pickford, Mr. Charles Chaplin, Mr. Douglas Fairbanks, Mr. Nathan Burkan and Mr. Samuel Goldwyn. The releasing agreement contains provisions for a ten-year period of distribution through United Artists."

The new Wanger contract will begin at U. A. about July 1. His present Paramount contract calls for four more pictures. "Palm Springs," "The Moon's Our Home" and "Brazen" are in work. Following these will be

(*Continued on page* 4)

Claim New Chaplin Records for Miami

MIAMI, Feb. 14.—"Modern Times" has broken records for both money and attendance at Loew's State, according to J. A. Cunningham, manager.

The opening on Tuesday set a new high and these receipts were exceeded by $250 the second day and $470 on the third, he says.

"Modern Times" is scheduled to open in 13 Loew houses Feb. 27, according to U. A.

Exploiteers leave today to handle the picture in Dayton, Toledo, Richmond, Norfolk, Houston, Atlanta, New Orleans, Nashville, Memphis, Louisville, Akron, Canton, and Cleveland.

Attorneys Studying Cincinnati Ruling

Attorneys associated with film company reorganizations studied with interest yesterday the U. S. Circuit Court of Appeals decision at Cincinnati holding a part of Section 77-B of the Bankruptcy Act to be unconstitutional.

In the absence of copies of the court's opinion lawyers were uncertain of its full significance to compa-

(*Continued on page* 4)

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National Meet Monday

LOS ANGELES, Feb. 14.—Division heads of National Theatres will open their three-day annual meeting here Monday, with Spyros Skouras, who has just returned from a vacation in Honolulu, scheduled to preside. Elmer C. Rhoden was with him. Among those expected are E. L. Alperson, Arch Bowles, Frank L. Newman, Sr., Rick Ricketson and Harold Fitzgerald.

Goldwyn Starting East

HOLLYWOOD, Feb. 14.—Samuel Goldwyn will leave here tomorrow for New York, where he will view the latest plays with an eye toward the acquisition of new material and possibly some new stars. Mrs. Goldwyn and Samuel, Jr., will accompany him.

Fairbanks May Star Son

HOLLYWOOD, Feb. 14.—Douglas Fairbanks has offered to Fairbanks, Jr., the leading role in "Marco Polo," preparations for which are now in the formative stage. Doug Jr., has not acted on the offer as yet.

"Hobo" Gets $30,000

"Mr. Hobo" at the Roxy, together with stage show, grossed $30,000 for the week ending Thursday, while "Rose Marie" in the second week at the Capitol did $42,000.

Atwell Quits Columbia

Ben H. Atwell, assistant to Jack Cohn, vice-president of Columbia, has resigned from the company, effective this week. His future plans have not yet been set, he indicated.

Salaries Justified, Says Harry Warner

WILMINGTON, Feb. 14.—Harry M. Warner, on the stand again today in the Koplar action against his company, insistently denied that he or his brothers, Albert and Jack, had conducted stock transactions to build up their personal fortunes, or that their weekly salaries of $10,000 over a period of six years were at all excessive when compared with the compensation received by officials of competitor companies. During his testimony Warner touched on many of the interesting phases of film production and distribution, telling of the methods of purchasing stories and film rights, of the necessity of keeping in tune with the public's preferences, and of film promotion procedure in Russia, where the Soviet will permit the showing of Americans "at work" but not "at play."

In an effort to shake the financial claims in Warner's testimony, plaintiff's counsel, Ernest L. Wilkinson and Aaron Finger submitted reports showing total common stock dividend payments of only $239,000 over the six-year period. They also introduced the Senate testimony of Warner dated May 30, 1932, in which he admitted stock profits of $7,393,564 by himself and his two brothers. It is these operations to which Koplar objects.

It is hoped to conclude the trial Monday.

"Music" Opening Set In Miami Wednesday

MIAMI BEACH, Feb. 14.—Openings are coming so fast these nights that the film contingent won't have anything to do when it gets back to New York. Columbia has set "The Music Goes 'Round and Around" for the Lincoln next Wednesday, with all the trimmings of a premiere.

Pre-release showings have been set in Springfield, Mass., Providence, Pinehurst, Kansas City, Los Angeles, Omaha, .Salt Lake City and San Francisco for the following night, with others on the 21st, 22nd and 23rd.

Plan "Pine" Broadcasts

Paramount has gone in for extensive radio work on "The Trail of the Lonesome Pine." On Sunday at 2 P. M. an outline of the Miami Beach opening at the Colony next Monday will be given on the Magic Key hour over an NBC hookup.

Tonight Christopher Dunphy of Paramount will broadcast on the opening from WIOD at 5:50 o'clock, and there will be a 15-minute program from the theatre over WIOD before the picture starts.

Bowes, 2 Governors For Southern Meet

PINEHURST, Feb. 14.—Names are being lined up for the annual convention of Theatre Owners of North and South Carolina here March 1 and 2. In addition to Major Bowes and some of his amateurs the Governors of North and South Carolina have been invited, and Ed Kuykendall will be one of the speakers.

Kuykendall is expected to discuss the Pettengill bill, the Ascap problem and theatre competition from commercial advertisers.

FWC Hearing Ends; Decision Reserved

LOS ANGELES, Feb. 14.—Federal Judge James Alger Fee today reserved decision on the petition of T. L. Tally and Corbar Corp. to have the Fox West Coast bankruptcy adjudication set aside. Judge Fee, who has been hearing argument of counsel for the past seven days, stated that while his mind is clear on a great many points he will need time to investigate the voluminous records of the original proceedings.

In the concluding arguments today William H. Neblett, counsel for the petitioners, claimed that the bankruptcy has never closed because of the fact that the Government has a tax lien of $1,000,000 against the bankrupt. On the other hand, Walter K. Tuller, representing the respondents, maintained that the Government has waived the claim against the bankrupt, agreeing to file the lien against National Theatres instead.

Judge Fee intimated that several weeks may be necessary to consider all the facts and testimony before a decision can be reached.

Philadelphians Get Charter in Delaware

DOVER, Del., Feb. 14.—The independent M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware, recently organized in Philadelphia as an amalgamation of the I. E. P. A. and certain members of the M. P. T. O. unit, has been granted a Delaware charter. Incorporators are M. S. Cook, A. L. Raughley and J. M. Townsend of this city.

Other incorporators are: Stratford Pictures Corp., by Emile Bonnot, L. M. Taby and J. A. Lauridsen; Heron Prod., by Edward P. Goetz, Herman H. Butterman and Harry Fleishman, and Spencer & Spencer, by M. C. Swearer, M. B. Pinder and A. S. Foulk.

"Investigator" for Dix

HOLLYWOOD, Feb. 14.—Richard Dix's next film for Radio will be an outdoor drama titled "Special Investigator." In the supporting cast are Margaret Callhan, Moroni Olsen, Ray Mayer, Lucille Ball and Harry Jans.

Rites for Francis Burton

Funeral services will be held Monday in Arlington National Cemetery, Va., for Francis Burton Harrington of the Outdoor Advertising Department of Ross Federal Research Corp., who died at his home Thursday. He was 40 years old. Marjorie Harrington, his widow, and two children, survive.

Brown Services Today

Funeral services will be held today at the Campbell Funeral Church for Martin Brown, 51, playwright and film writer, who died at Bellevue Hospital Thursday of pneumonia. He also played in numerous stage shows before turning to writing, chiefly for the stage. He is survived by a sister, Frederika Brown, of New York.

Rites for C. W. Kline

AKRON, Feb. 14.—Funeral services were held here today for Clinton W. Kline, operator of the Arcade for the past 15 years, who died after a long illness. He is survived by his widow and a daughter.

Purely Personal

WILLIAM and MRS. WILKERSON, FRANK POPE, HUGO BRYK, MRS. EDWARD G. ROBINSON, VICTOR ORSATTI and MACK GORDON and HARRY REVEL are among those sailing on the *Champlain* today.

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HARRY D. BUCKLEY, vice-president of U. A., will return Monday from Boston, where he attended the opening of "Modern Times" at the Majestic. JACK GOLDSTEIN, exploitation man, is still up there.

•

JAMES R. GRAINGER left last night on a 10-day tour of Universal exchanges that will take him to Cincinnati, St. Louis, Oklahoma City and other spots.

Quip of the Day

Seeking information in the wild and wooly Bronx via telephone produced the following:
"What is the running time on the feature?"
"Three days."

DAVE BADER arrived from the coast yesterday and will be here until Thursday, when he sails on the *Majestic* to open his own offices in London.

•

LEE LOEB'S and HAROLD BUCHMAN'S "Watch Your Step," a comedy drama, has been purchased by Radio for an ASTAIRE-ROGERS film.

•

FREDERICK H. KNOCKE, RKO distributor in the Porto Rico territory, has left on the *Borinquen* for San Juan.

•

SAM SPRING, film attorney, is confined to his home at New Rochelle with the grippe.

•

GENE RAYMOND and his brother, GEORGE MARLOW, have returned to the Lombardy from Boston.

•

A. P. WAXMAN is back from that Florida sojourn.

•

WILL H. HAYS is expected back from the coast Monday.

•

. . . Bridgeport

MRS. MORRIS ROSENTHAL, wife of the manager of the Majestic, has gone to Miami.

MARTIN H. GRIFFIN has inherited the Empress at Danbury.

•

. . . San Francisco

GROVER PARSONS, head of the M-G-M exchange, is still on the sick list, but is expected back shortly.

HERBERT HARRIS, operator of a theate in Stockton, was in town for a few days.

HARRY DOUGLAS, who, with MORRIS BERGMAN runs the Roosevelt, went to Los Angeles a few days ago on a hunt for talent.

PHIL FREASE, operator of the Albany, Vacaville and Redwood, has just returned from a vacation.

Science Will Cure World Ills—Sarnoff

CHICAGO, Feb. 14.—"The solution of the world's economic problems will yet be found through the progress of science," declared David Sarnoff, president of RCA, in the course of an address on "Communication and Democracy" before the Third Annual Woman Congress at the Palmer House here today.

Sarnoff sharply scored the manner in which the press, radio, the screen, theatre and printed word have been made tools of "blind prejudice" in the European dictatorships of today, and contrasted that situation with this country. "With communications free, public opinion controls democratic government and keeps the people free," the executive said. "Science and invention must remain bulwarks against the hammering tides of autocracy and intolerance," he added. Enlightened democracy must be guided in part by the necessity for the unhampered development of science, invention and industry "through the encouragement of personal initiative and rewards for achievement," Sarnoff declared.

Wilmington Theatre Rules Stir Protest

WILMINGTON, Feb. 14.—A set of counter proposals in opposition to the proposed new building code affecting theatres, prepared by Robert L. Mills of Philadelphia, has been submitted to the Law Committee of the City Council. The petition urges that the code be not retroactive and that modifications be made in the sections which exhibitors have found objectionable.

Among objectionable restrictions in the code were fixing of minimum width of seats at 20 inches and other restrictions on aisles and seats; prescribing a standard aisle width; requiring steel frame curtains for the proscenium; stipulating that rewinding rooms be separate from projection booths and also that storage rooms for films be separate.

Theatremen requested that the code should place theatres showing legitimate stage attractions and those showing only films be placed under separate classifications in reference to proposals for fireproof curtains.

Chicago Deliveries Made Despite Storm

CHICAGO, Feb. 14.—Film delivery service out of this city was hampered, but not halted despite the heavy blizzard and cold weather during the past weeks. Shipments were delayed in some cases but no outlying houses serviced from here were without film, acording to reports of the various film trucking services. Other types of business were not so fortunate, as truck as well as rail shipments were held up in many of the smaller towns.

Open New Georgia House

FITZGERALD, Ga., Feb. 14.—Martin Theatres will open their new Grand here Monday evening. A dance will follow the formal opening of the house.

Withers Film Titled

HOLLYWOOD, Feb. 14.—"Little Miss Nobody" is the title definitely selected for the forthcoming Jane Withers production now in work at 20th-Fox.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Wife vs. Secretary"

(M-G-M)

HOLLYWOOD, Feb. 14.—Here is something new in the line of comedy-drama and triangular romance. The title, the prestige of the players, including Clark Gable, Jean Harlow and Myrna Loy, plus the novelty of the story content combine to give this unusual entertainment value for both exhibitors and patrons.

Tastefully produced and directed, with considerable to stimulate the imagination, the picture is characterized throughout by an atmosphere of romantic intimacy, although there is nothing in the slightest way objectionable in it. The film is certain to appeal to women, and at the same time has something for the men, assuring a good box-office.

Gable is deeply in love with his wife, Miss Loy, and attached to his job, which keeps Miss Harlow, his secretary, at his elbow day and night. Miss Loy, inspired by Gable's mother, May Robson, becomes jealous. Although the relations of Miss Harlow and Gable are strictly business, circumstances occur which convince Miss Loy her husband is straying. The comedy contrast is provided in the reactions of Miss Harlow's friend, James Stewart, to the demands Gable makes on her time. Miss Loy is certain something is wrong when Gable refuses to take her on a business trip to Havana. When she calls and Miss Harlow answers, she is intent on separation and refuses to hear Gable's explanations until Miss Harlow, meeting her, makes her see that she has been looking for trouble.

With lively dialogue and clever situations, the film shows Gable and Miss Loy as they are preferred, and presents a surprisingly different Miss Harlow. The picture was adapted from Faith Baldwin's story by Norman Krasna, Alice Duer Miller and John Lee Mahin, and directed smartly by Clarence Brown.

Production Code Seal No. 1,989. Running time, 85 minutes. "G."

"The Leathernecks Have Landed"

(Republic)

HOLLYWOOD, Feb. 14.—In this action film the Marine Corps is treated slightly differently than in other pictures on the same subject. Although the story has some elements of weakness, there is enough fighting to satisfy those who enjoy two-fisted action.

Lew Ayres, scrappy private, constantly involves his buddies, Jimmy Elison and Maynard Holmes, in personal battles. When Holmes is killed in such a fight, Ayres is dismissed and joins a gang smuggling arms to Chinese bandits. Later, when the bandits and Ayres' gang are fighting the marines, Ayres returns to the marines and eventually is restored to the corps with honors. Isabel Jewell furnishes the romantic interest as the Shanghai recluse.

The Seton I. Miller screen play is from an original by Wellyn Totman and James Gruen, and is convincing in all but the fight sequence which leads to Ayres' discharge. The direction of Howard Bretherton is good. Ken Goldsmith produced. Satisfactory support is given by J. Carol Naish, Christian Rub and Clay Clement.

Production Code Seal No. 1,925. Running time, 65 minutes. "G."

"The Bohemian Girl," which opened at the Rialto last night, was reviewed by wire from Hollywood on Dec. 13.

"It Had To Happen," now current at the Roxy, was reviewed from Hollywood by wire on Jan. 28.

M-G-M Seeks Review For "Lynton" Case

M-G-M yesterday served notice that it would seek a writ of certiorari to bring to the U. S. Supreme Court an appeal from a recent U. S. Circuit Court decision holding the picture "Letty Lynton" to be an infringement of the novel "Dishonored Lady," by Edward Sheldon and Margaret Ayer Barnes.

The Circuit Court yesterday granted M-G-M's application for an order withholding that court's mandate from the district court pending the filing of the writ of certiorari.

SMPE to Hear RCA's New Sound Advances

Demonstrations of the latest developments in RCA's recording and a description of its workings will feature a meeting of the New York Section of the S.M.P.E., to be held in the studio of RCA Photophone, Inc., 411 5th Ave., next Wednesday night.

Glenn L. Dimmick of the RCA Mfg. Co., will talk on "Increased Resolution in Sound Recording and Printing Through the Use of Ultra Violet Light."

Dinner will be served at the Eastman Kodak Co. offices, 350 Madison Ave., at 5:30 o'clock.

Variety Club

Kansas City

KANSAS CITY, Feb. 14.—Records and sheet music autographed by EDDIE FARLEY and MIKE RILEY, co-authors of "The Music Goes 'Round and Around," at the Tower where they appeared between trains, will be auctioned off at the annual Variety Club-Film Row charity ball.

The ball, which will be held at Pla-Mor, Feb. 17, promises to have the largest attendance of any yet.

The purpose is to raise money for the industry's charity fund. The condition of the fund has improved each year with the increased interest in the ball.

FRANK HENSLER, exchange manager for M-G-M, has been elected chief barker of Variety Club. He won by five votes over R. R. BIECHELE, who twice attempted to withdraw his name from the race, but was overridden by his supporters. HENSLER succeeds GEORGE BAKER.

BIECHELE became first assistant chief barker, HARRY TAYLOR is second assistant.

SAM ABEND was named treasurer with HOMER BLACKWELL as secretary. Directors, in addition to the officers, are FINTON JONES, ELMER RHODEN, MAX ROTH, FRED WOLFSON, ARTHUR COLE and GEORGE BAKER.

Philadelphia

PHILADELPHIA, Feb. 14.—The regular luncheon was held last Wednesday.

Sundays are now known as preview nights; Tuesdays as stag nights; Wednesdays as Celebrity nights; Fridays as bridge nights, with special nights, Saturdays, for JIM CLARK, TED SCHLANGER, LEON LEVY, BEN AMSTERDAM.

A special Valentine Day party will be held Feb. 15.

The club is making plans to cooperate in the second annual Showmen's Jubilee at Atlantic City, Labor Day week. EARLE SWEIGERT and JAMES CLARK are directing affairs.

LEONARD SCHLESINGER, chairman of the entertainment committee, is outlining a busy season.

Washington

WASHINGTON, Feb. 14.—A new policy has been established in the conduct of the semi-monthly luncheons of Tent No. 11. HARRY HUNTER, supported by the Paramount personnel, had charge of the season's first noontime get-together. This was the start of a series with the barker in charge aided by his business associates.

HUNTER presented a program that included the KELLER SISTERS and LYNCH, BOB GERRITS, the Hollywood Octette from the Earle and Loew's FOX. ARTHUR A. DETITTA introduced Cameraman AL WALDRON, lately returned from Ethiopia.

Questions were fired at the newsreeler, and before he was able to resume his seat, WALDRON had used nearly 20 minutes in a fascinating account of the Italo-Ethiopian fracas.

Also on the speakers' list was ALVIN W. HALL, director of the Bureau of Engraving and Printing.

The luncheon on Feb. 17 will be in charge of Former Chief Barker RUDOLPH BERGER, presenting "Metro-Goldwyn-Mayer Day."

Until the remodeling of the club rooms has been completed, all formal evening affairs have been canceled.

Bank Night in Missouri Hit By 2nd Ruling

(Continued from page 1)

quest for a ruling on Bank Night came from a St. Louis attorney.

The opinion referred to a Washington state supreme court decision which held theatre drawings illegal because the theatres derive a direct benefit by attracting patrons who would not otherwise attend.

An editorial in the local *Post-Tribune*, headed, "On the Wane," cited the attorney general's opinion and said in part, "The artificial attendance stimulation has not brought the increased clicks in the turnstile hoped for but has resulted in arousing disfavor among those who see in that form of harmless gambling a kindergarten for the more serious forms. . . It appears that the era of chance taking has about reached its apex."

Bank Night Wins in Denver

DENVER, Feb. 14.—A victory for Bank Night was won here when District Judge Samuel W. Johnson denied the district attorney an injunction against the Rex, Brighton, Col., to prohibit the use of the stunt. The district attorney claimed that Bank Night and Divvy, which the Rex was also using, were in violation of the Colorado lottery laws, but Judge Johnson held that neither violated the state law.

The Rex is owned by Charles Yaeger of Affiliated Enterprises, Inc., owner of Bank Night. Emmett Thurman conducted the defense.

Bingo Hits Bridgeport

BRIDGEPORT, Feb. 14.—Managers are beginning to moan over Bingo games here. There are one or more Bingo games operating downtown every night in the week, and drawing plenty of customers. Some nights there are as many as four vying for the trade.

The girls have become the strongest addicts in the nightly hunt for prizes. The games are cheaper than most of the theatres and the couples can stay indoors longer these cold nights.

Beano Report Out Soon

BOSTON, Feb. 14.—According to U. S. Attorney Francis J. W. Ford, findings of an extensive investigation into Beano in Massachusetts will be presented to a Federal grand jury in Boston shortly.

Race Night in N. E.

BOSTON, Feb. 14.—Ace Night has been introduced into New England by Sol Bines of the American Film Exchange. Patrons bet on characters which are later flashed on the screen in a comedy race.

Drop Ads on Giveaways

DENVER, Feb. 14.—Giveaway advertising has been discontinued by both the *Denver Post* and the *Rocky Mountain News* here, following a letter of warning from Postmaster J. O. Stevic.

Takes Space in Center

Windsor Prod., Inc., producers of industrial films, have leased space in the International Building in Rockefeller Center.

Attorneys Studying Cincinnati Ruling

(Continued from page 1)

nies with corporate reorganizations in the offing, such as RKO, the Roxy, General Theatres Equipment Corp. and others. Many felt, however, that the decision could have a decidedly adverse effect on corporate reorganizations if it stands.

The Circuit Court held that subsection B-5 of the reorganization statute was unconstitutional in attempting to authorize the court to provide a treament for non-assenting creditors in reorganization which lack a majority of creditor support. Some attorneys felt that if this outlawed the entire sub-section many companies would prefer to reorganize under the old equity procedure instead of under 77-B. The possibility of reorganizations already consummated, such as Paramount Publix, Fox Met Playhouses and others, being reopened for the settlement of dissenting creditors' claims was also suggested by some attorneys. It was generally believed, however, that the creditor company involved in the Cincinnati case would first move for a reargument and if it was not successful would take its case to the U. S. Supreme Court.

Walter Wanger Signs Ten-Year Contract

(Continued from page 1)

"Big Brown Eyes," starring Joan Bennett; "The Case Against Mrs. Ames," featuring Madeleine Carroll; "Spendthrift," a musical to be directed by Al Santell, and "Simoon," with Charles Boyer, to be directed by Anatole Litvak. The United Artists' deal calls for four yearly. Among Wanger's properties are "African Intrigue," "Spawn of the North" and "Wuthering Heights."

Wanger intends to make a trip to Europe before starting work on the new assignment.

C. E. Sasseen Passes

ATLANTA, Feb. 14.—Charles E. Sasseen, 66, retired film executive, died at his home here. He was a native of Atlanta. Until his retirement in 1933, he was district manager for Publix with headquarters in Dallas.

Sasseen began his career with the old Orpheum in 1883. He also had held executive posts in Dallas, Fort Worth, Galveston, Houston and San Antonio.

Ampa May Fete Berlin

Plans are in work to make next week's Ampa luncheon meeting a testimonial to Irving Berlin, who is observing his 25th anniversary this year as a popular song writer. Gordon White, Ampa president, is contacting a long list of celebrities who will be invited to take part in the testimonial if the plans materialize.

ITO Debts Paid

LOS ANGELES, Feb. 14.—All indebtedness of the local ITO has been paid up since the election of Harry Vinnicoff as president, it was revealed today at the annual meeting. The group now has a chest of $1,500, with former indebtedness of $2,178 entirely wiped out.

Something New

Harry Fields and James Cook, the latter formerly a cameraman with Universal, are about to launch what can be called "the last word." They have formed a company called Epilogues, with offices here, and production plans call for the distribution of 52 sound tracks a year, scored with appropriate music and some homy sort of dialogue. short poem or proverb that, at the conclusion of a screen show will hit the spot with audiences as they file out.

Writers, Managers Progress on Terms

Progress toward agreements on the new contracts between writers and managers which are to go into effect on March 1 was reported yesterday following the first meeting between the contract committee of the Authors' League and the League of N. Y. Theatres, which represents the managers. The joint meeting will be resumed next Tuesday.

The writers are preparing a new pact to correct restricted competitive bidding for film rights to stage plays as a result of the appearance of film companies as whole or part owners of Broadway plays, they say. When the new contract has been completed it will be submitted to the council and membership of the Authors' League for ratification.

Hub Gets Symphony With Its Art Film

BOSTON, Feb. 14.—When this town goes arty it goes arty in a big way. The Art Cinema Guild's Fine Arts Theatre under the direction of George Kraska is an example.

Recorded concerts are to be presented with each program. When "The New Gulliver" went on the screen, the music included the "Sibelius Symphony," No. 2 in D Major, as played by the Boston Symphony Orchestra under the direction of Dr. Serge Koussevitzky.

Screen Tests on 16mm.

HOLLYWOOD, Feb. 14. — Edward Small of Reliance is planning screen tests on 16mm. film, conducted at various points far removed from Hollywood. It is estimated that such a test can be made on 50 feet of film at a cost not in excess of $3.50. Studio scouts will be sent into all sections of the United States and Canada for the purpose.

"Time" Worksheet Out

With the current issue, the "March of Time" has inaugurated a new group of simplified worksheets for exhibitors, which will accompany each new release. The sheet contains exploitation suggestions, newspaper release material on the content of the reel, and samples of lobby displays.

"Whispering" at Globe

"Whispering Smith Speaks," one of the Sol Lesser-George O'Brien series for Twentieth Century-Fox, goes into the Globe tonight.

RKO Claim Hearing Delayed to Feb. 25

(Continued from page 1)

Federal Judge William Bondy, was set back yesterday to Feb. 25.

Indications are that the hearing of the trustee's exceptions will not proceed while the settlement negotiations remain active enough to promise an early agreement between Rockefeller Center and RKO. The huge claim is based on the default of RKO's leases on the Music Hall, Center and office space in the RKO Building. The default made RKO liable for construction costs of the theatres.

Para. Amateurs Shine

Paramount's amateurs had their big chance last night. They furnished the entertainment at a dance given by the Paramount Pep Club at the Park Central. Eighteen of them performed after having previously satisfied the entertainment committee that they had specialties.

They were: Louis T. Davidson, harmonica; Esther Jablow, soprano; Nat Brownfelder, tap dancer; Stanley Esterson, crooner; Victor Bikel and Joe Stern, skit, "Lulu's Back in Town"; Esther Radin, soprano; Buddy Neustein, recitation; Thornton Canfield, Jr., songs; Harry Anawanda, songs; Emma Peters, soprano; Norman Siegel, pianist; Eddie Sullivan, song and dance; Bernard Solomonick, baritone; Harris Leroy, magician; Sam Dornfeld, singer; Sal Asaro, singer; Muriel Engel, songs.

"Crusoe" Third on List

Guaranteed Pictures will release "Robinson Crusoe" as the third on its schedule for the current season. It is now nearing completion. Uncle Don, radio character, plays the lead.

Wall Street

Gains Mark Board Trend

	High	Low	Close	Net Change
Columbia, vtc	41¼	40¾	41	.....
Columbia, pfd	49½	48¾	49½	+ ½
Consolidated	7	6⅞	6⅞	— ⅛
Consolidated, pfd.	20	19¾	20	+ ½
Eastman	157¾	157	157¼	+ ¼
Loew's, Inc.	52⅜	51½	52	+ ¼
Paramount	11¾	11¼	11¼	— ⅛
Paramount 1 pfd.	84⅝	84	84	+ ⅞
Paramount 2 pfd.	12⅜	12	12	— ⅜
Pathe Film	8⅝	8⅜	8⅜	.....
RKO	8⅝	8⅛	8⅛	— ¼
20th Century-Fox.	27½	27	27	.....
20th Century, pfd.	36⅞	35¾	36	+ ¼
Universal, pfd.	63½	63	63½	—1
Warner Bros.	13¼	12¾	13	+ ¼
Warner, pfd	55⅝	55⅜	55⅝	— ⅜

Little Curb Activity

	High	Low	Close	Net Change
Sentry Safety	1⅜	1⅛	1¼	.....
Sonotone	2½	2½	2½	+ ⅛
Technicolor	25	24½	24½	— ⅛
Trans-Lux	4⅞	4¾	4⅞	.....

Most Bonds Rise

	High	Low	Close	Net Change
General Theatre 6s '40	24	23¾	23¾	+ ⅛
General Theatre 6s '40. ctf	24	23½	23⅞	+ ⅜
Keith B. F. 6s '46	94	94	94	+ ¾
Loew's 6s '41 ww deb rights	103	103	103	— ⅛
Paramount B'way 3s '55	59⅜	59⅛	59⅛	— ¾
Paramount Pict. 6s '55	95½	95	95½	+ ½
RKO 6s '41 pp	77	76½	76½	.....
Warner Bros. 6s '39 wd	98	97½	98	.....

(Quotations at close of Feb. 14)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Song Writers Fight Warner Music Deals

Claim Right to Share In Negotiations

The Song Writers' Protective Ass'n in a letter to the Warner music subsidiaries made public on Saturday challenged the Warner companies' right to dispose of the performing rights for the music which it controls without first consulting the authors and composers. The letter was written in reply to a communication from the Warner group giving information of the company's "efforts and progress" to date in licensing music users.

"While your letter recognizes the interest of song writers in 50 per cent of the proceeds derived from the use of their songs in radio," the S.W.P.A. letter says, "yet we resent the implication, both from your letter and your recent activities, that the rights in question belong to you or your subsidiaries to handle in any way you see fit.

"Our members and their assignees are interested not only in the proceeds but in the rights themselves. They in-

(*Continued on page* 10)

National Executives Gather on the Coast

Los Angeles, Feb. 16.—Divisional operating heads of National Theatres will gather here tomorrow for a three-day annual get-together with Spyros and Charles Skouras. The men will make their annual reports on business. No changes in personnel are contemplated.

Attending the session will be, in addition to the two Skouras brothers, Rick Ricketson, Denver; Harold J. Fitzgerald, Milwaukee; Elmer C. Rhoden, Kansas City; Arch Bowles, San Francisco; Frank Newman, Sr., Seattle; E. L. Alperson, William T. Powers and Irving Barry, New York.

Conn. MPTO Split Plan of 42 Indies

New Haven, Feb. 16.—It is understood here that 42 independent theatre owners are favorable to the formation of a new independent organization, with possible affiliation with Allied. The new group, which is already considering office space in one of the film buildings as its headquarters, would be separate from the Connecticut M. P. T. O., of which the independents are now members.

Fox Met Fees Cut Over 50% By the Court

Judge Julian Mack Sets Total at $333,100

Fees for services in the reorganization of Fox Metropolitan Playhouses aggregating $333,100 were allowed on Saturday by Federal Judge Julian W. Mack. The allowances represent a reduction of considerably more than one-half the amounts sought by the reorganization participants who, last Sept. 30, filed petitions asking for a total of $867,011 in fees. The court has had the applications under consideration since that date.

The allowances in most instances cover the entire four-year period during which Fox Met was in receivership or reorganization. The court allowed $100,000 to the firm of Beekman, Bogue, Leake, Stephens & Black, which, as counsel to the noteholders' protective committee, had asked a fee of $125,000, plus expenses. The Irving Trust Co., as receiver and trustee of Fox Met, was allowed $80,000, and had applied for $100,000. The firm of Dawes, Abbott & Littlefield, counsel to Irving Trust, which had asked a

(*Continued on page* 10)

Studios Slowed by Weather on Coast

Hollywood, Feb. 16.—With rain and general bad weather slowing up production, there were 35 feature pictures and five short subjects in actual work on the sound stages as compared to 38 features and the same number of shorts for the preceding week. Studio location plans were hampered by the weather. One company was snowbound in the mountains.

Warners remained at the head of the list of active studios with seven films before the cameras.

Columbia had five features in work, three being readied for filming within the next two weeks and four in the cutting room. Fox had four, one and seven; Goldwyn, zero, zero and one; M-G-M, five, zero and 12; Paramount, five, three and eight; Radio, two, three and three; Roach, one, one and zero; Universal, two, one and two; Warners, seven, one and six; independents, four, two and one.

In the short subject classification Columbia had one shooting, one preparing and three editing. M-G-M had three, two and six; Radio, zero, one and three; Roach, one, one and two; independents, zero, two and one.

Making It Tough

It may sound dizzy, but it's a fact.

The board of governors of the Monday Nighters, Inc., has adopted a resolution relative to applications for membership which provides that each exchange man must be endorsed by three exhibitors and each theatre owner must have three branch managers approve him.

The plan goes into effect immediately.

Report M-G-M Ends Dispute In So. Africa

Johannesburg, South Africa, Feb. 16.—Reports, well founded, are current that all difficulties between M-G-M and Union Theatres Proprietary, Ltd., have been settled. Termination of the difficulties is understood to have come about with the delivery of a release by Union Theatres Proprietary of a five-year contract for M-G-M pictures which had been the subject of litigation here. M-G-M some time ago filed suit against Union Theatres to set aside the five-year franchise on the ground that it had been obtained illegally.

Arthur Loew, head of the distributors' foreign activities, arrived here about two weeks ago. His mission was to attend the trial and also make a general survey of the theatre situation in South Africa. His departure from America was cloaked in secrecy. With the suit now out of the way,

(*Continued on page* 8)

Denies Injunction In "Times" Action

New Haven, Feb. 16.—Judge Alfred C. Baldwin in Superior Court here denied a mandatory injunction sought by Vuono Operating Co. of Stamford against United Artists, asking that U. A. furnish "Modern Times" for an immediate playdate. A $5,000 damage suit charging failure to supply the picture is set for hearing on March 3.

The plaintiff charged that on Jan. 31 notice of the film's availability was received, and the film was advertised for Feb. 14 showing. U. A. claimed the notice went out in error and was recalled by a second notice on Feb. 4. Richard Carroll, Paramount booker, testified "Milky Way" was available, contesting the plaintiff's contention that no other Class A picture was available to substitute for "Modern Times."

E. C. Grainger Quits Fox for Theatre Post

To Be General Manager For Feiber & Shea

E. C. Grainger, eastern division sales manager for Twentieth Century-Fox, has resigned that position to become general manager of the Feiber & Shea circuit. He will assume his new post with the Mort Shea theatres within the next few days.



E. C. Grainger

Grainger, who has held high sales executive posts with the Fox organization for the past 10 years, forwarded his resignation to John C. Clark, Twentieth Century-Fox sales manager, who is now on the west coast for product conferences at the studio. In Clark's absence no

(*Continued on page* 8)

Assert Dual's Ban Protects Property

Philadelphia, Feb. 16.—Emphasizing that clauses in exhibition contracts which prohibit the showing of a second full length feature with one covered by the contract are designed solely for the protection of the distributor's property, Paramount yesterday filed a petition for a rehearing of the Perelman double feature case before the U. S. Circuit Court of Appeals here.

The petition denies that a combination or conspiracy existed among defendant distributors employing the duals clause in their contracts and

(*Continued on page* 7)

"Forest" Is Strong In Spite of Weather

Despite bad weather, which hurt Broadway grosses generally, "The Petrified Forest" did remarkably well at the Music Hall, garnering $82,000 for the first week. Expectations are that with a change in the weather, the picture will gross about the same figure for the second stanza.

The Center with "The Lady Consents" ended with a nice take. The gross was around $20,000. "King of

(*Continued on page* 7)

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Spitz, Depinet Go West

Leo Spitz, RKO president, left yesterday for a three weeks' visit at the company's studio. He will stop over in Chicago today and be joined there tomorrow by Ned Depinet, who will accompany him to the coast.

Goldwyn Going Abroad

HOLLYWOOD, Feb. 16.—Samuel Goldwyn, who left here yesterday for New York with James Mulvey and Merritt Hulburd, will sail for Europe on the *Berengaria* March 4.

Cummins Has Music Firm

Samuel Cummins has formed the Foreign and Domestic Music Corp. to revamp songs published in foreign countries to which he holds the rights, for domestic consumption.

MOTION PICTURE DAILY
Is now located in its new offices at
ROCKEFELLER CENTER
New York City
•
CIRCLE 7-3100

Insiders' Outlook

By RED KANN

Hollywood, Feb. 16.

TALES from the Hollywood Hills: In the days not long back when Charlie Rogers was producing for Paramount and so rated headquarters of his own he occupied a bungalow not far removed from that which Ben Schulberg once filled. Cecil B. De Mille is the current occupant in transitory Hollywood.

But the Rogers bungalow is no more. The space now has reposing on it a film vault. When the job was under construction, steam shovels howled and snorted through the otherwise outwardly calm atmosphere.

"What's all the activity about?" inquired one who hadn't heard. "Why are all those shovels so frantically digging away?"

"Henry Herzbrun's boy has lost his ball," replied another. . . .

▼ ▼

On occasion, word does filter through from the outside world. The dope hurdles the mountains that, for the first time since columnists came into their own, Broadway is without a resident scrivener. That is, of the top-notchers in that particular field of literary expression.

Walter Winchell and Ed Sullivan are in Miami. Louis Sobol is here. Sidney Skolsky has been for some time and likes it.

The observation followed that this was a perfect time to step out in Gotham. . . .

▼ ▼

Young man moves blithely and with springy step from the administration building at the beautiful Fox plant in Westwood Hills, singing "Anything Goes."

"Hey," a passerby shouts, "you're on the wrong lot with that number."

"O. K.," comes his reply as he swings into "Thanks a Million."

▼ ▼

Fredric March, grimy and battered in makeup only, of course, for "Wooden Crosses" which Howard Hawks has well under way for Twentieth Century-Fox, says he's heard Warners plan to preview "Anthony Adverse" at the six-day bicycle race with "Les Miserables" as a trailer. . . .

▼ ▼

The suggestion has been made that Lily Pons' first night be renamed from "I Dream Too Much" to "Show Them No Mercy." Or, "I Scream Too Much."

No statement from Radio on this. . . .

▼ ▼

"Have you seen Pine lately?" someone inquired of Gene Fowler.

"Which one," he asked, "Lonesome, Bill or Virginia?" . . .

▼ ▼

Fowler, rapier-like on the draw, calls Hollywood the land of entombed intelligence. . . .

▼ ▼

One producer around town, proud of his latest talent-signing exploits, is reported to have bragged the other night:

"I've signed Rimsky-Korsakov. Both of them." . . .

Alabama Men Fight Moves for 10% Tax

BIRMINGHAM, Feb. 16.—Film men are hot under the collar as they begin a fight against a bill in the legislature levying increased taxes on quite a list of "luxuries," including 10 per cent on all amusements. The "Luxury" tax was put forth by Gov. Bibb Graves after a proposed three per cent sales tax met with vigorous opposition from retail interests.

Clark East Shortly

HOLLYWOOD, Feb. 16.—John D. Clark, general sales manager of Twentieth Century-Fox, may return to New York before attending the company's divisional sales heads' conference in Chicago Feb. 22-23.

Herman Wobber is at the studio outlining plans for the 1936-37 schedule with Joseph M. Schenck, Darryl F. Zanuck and Clark.

Closes for F. D. Product

SEATTLE, Feb. 16.—Al Goldstein of Principal Pictures with offices here and in Portland, has closed for the distribution of First Division product in this territory.

Parent-Teachers Hit Oklahoma City Films

OKLAHOMA CITY, Feb. 16.—Double-barreled lambasting of producers "responsible for juvenile crime" and of mothers who park their children in theatres while they attend bridge parties was engaged in recently by members of the Parent-Teachers' Ass'n., film committees.

A group of 20 men and women attending a teachers' convention met for lunch at the Y. M. C. A. to hear Paul Harrup, chairman, parade the faults of the industry and suggest remedies.

The P. T. A. members dwelt at length on the refusal of film companies to provide features for showing in Oklahoma City schools.

Set Booth Bill Hearing

ST. LOUIS, Feb. 16.—The Public Safety Committee of the Board of Aldermen here will hold a public hearing Wednesday when exhibitors will be heard on the bill calling for two men in a booth, now before the Board with the backing of the local operators' union. Exhibitors are opposed to the measure.

Columbia's Annual Party Draws Crowd

Some 700 guests were present at the dinner and dance of the Columbia Club held Saturday night in the ballroom of the Waldorf Astoria. Harry Hershfield, as master of ceremonies, was assisted by Benny Rubin.

The affair, in a measure, was a testimonial to Jeanne Dressler, vice-president, who is to marry Frank McGrann of Columbia's exploitation department.

Among those attending were: Mr. and Mrs. Jack Cohn, Mr. and Mrs. A. Schneider, Mr. and Mrs. L. J. Barbano, Mr. and Mrs. Nathan Burkan, Mr. and Mrs. Charles Schwartz, Mr. and Mrs. Saul Bornstein and Mr. and Mrs. William Germain.

Present officers of the club are: George Joseph, president; Miss Dressler, vice-president; Leo Jaffe, treasurer, and "Fan" Melmen, secretary.

Storms in Illinois Cause Booking Shift

CHICAGO, Feb. 16.—Downstate exhibitors in some cities, having big pictures booked for Sunday showings, jerked the films for cheaper product when they saw business was to be extremely light on account of the blizzard and sub-zero temperature.

They explained to the few disappointed customers that the deluxe feature didn't arrive because the weather was so bad.

The other films will be shown later.

British Films Fall In Canadian Houses

TORONTO, Feb. 16.—Fewer British features were released in Canada during 1935 than during 1934, according to figures compiled by Regal Films, Ltd., and Empire Films, Ltd. The 1935 total was 65, as compared with 80 for 1934. Returns on the decreased total were higher than during the previous year, however.

Cagney Action Delayed

LOS ANGELES, Feb. 16.—The action of James Cagney against Warners in the player's suit to cancel his contract has been delayed until Wednesday in Superior Court here. Cagney had obtained a temporary order restraining Warners from interfering with his attempts to obtain a contract elsewhere. Warners must show cause why the order should not be made permanent.

To Handle Premiums

Lester S. Tobias has closed a contract for the exclusive sales representation of the Jeanette Glass Company's Windsor and Delfite lines of premiums for theatres in the New York territory.

Exhibitors Visit Coast

HOLLYWOOD, Feb. 16.—Ralph Talbot, Tulsa, Okla., exhibitor, is visiting the studios.

Izzy Rappaport, Baltimore first run operator, who has been here, is en route east.

Agnew Heading South

HOLLYWOOD, Feb. 16.—Neil F. Agnew, general sales manager of Paramount, is due here from Seattle and Portland in a few days.

ONLY ONE COMPANY

COULD MERIT *both* THESE STORIES

STUDIO

Greatest number of consecutive smash hits in industry history. (From Hollywood Reporter)

THEATRE

Highest number of simultaneous showings from any one company in Chicago history. (From Motion Picture Daily)

TRADE VIEWS by W. R. WILKERSON

•SIDNEY Kent is faced with an unusual situation. He has so many big pictures to set for release that he confronts quite a problem in the handling of them. After looking at the pictures which are now ready and parts of others soon to be completed, Kent wired John Clark to come out and sit in on the situation.

Kent must be a happy guy when Zanuck hands him so many big attractions that he finds it hard to place them. It's a new sort of situation for him, since he took over Fox. But it is a burden he is glad to shoulder.

•

Zanuck has shown the Century-Fox president "The Prisoner of Shark Island," "The Country Doctor," and "Message to Garcia" in their completed form. Kent has also viewed lots of the footage of "Under Two Flags," ***"Wooden Crosses." In addition to these, he must find places for the two new Shirley Temples: "Captain January," and "Poor Little Rich Girl."

Zanuck unquestionably has a very important group of pictures. He is spending more on "Under Two Flags" than he ever sent into a picture before. He believes, as does every other person who has seen "The Country Doctor," that even without the quintuplets it is one of the greatest attractions the Century production head has ever had.

Fox in 157 Chicago Spots for One Day

CHICAGO, Feb. 9.—A new booking record was set here one day last week when Twentieth Century-Fox pictures were shown in 157 Chicago theatres. This is the largest number of bookings any one company has had in local history. Practically all "C" week and first and second week release houses played the company's pictures.

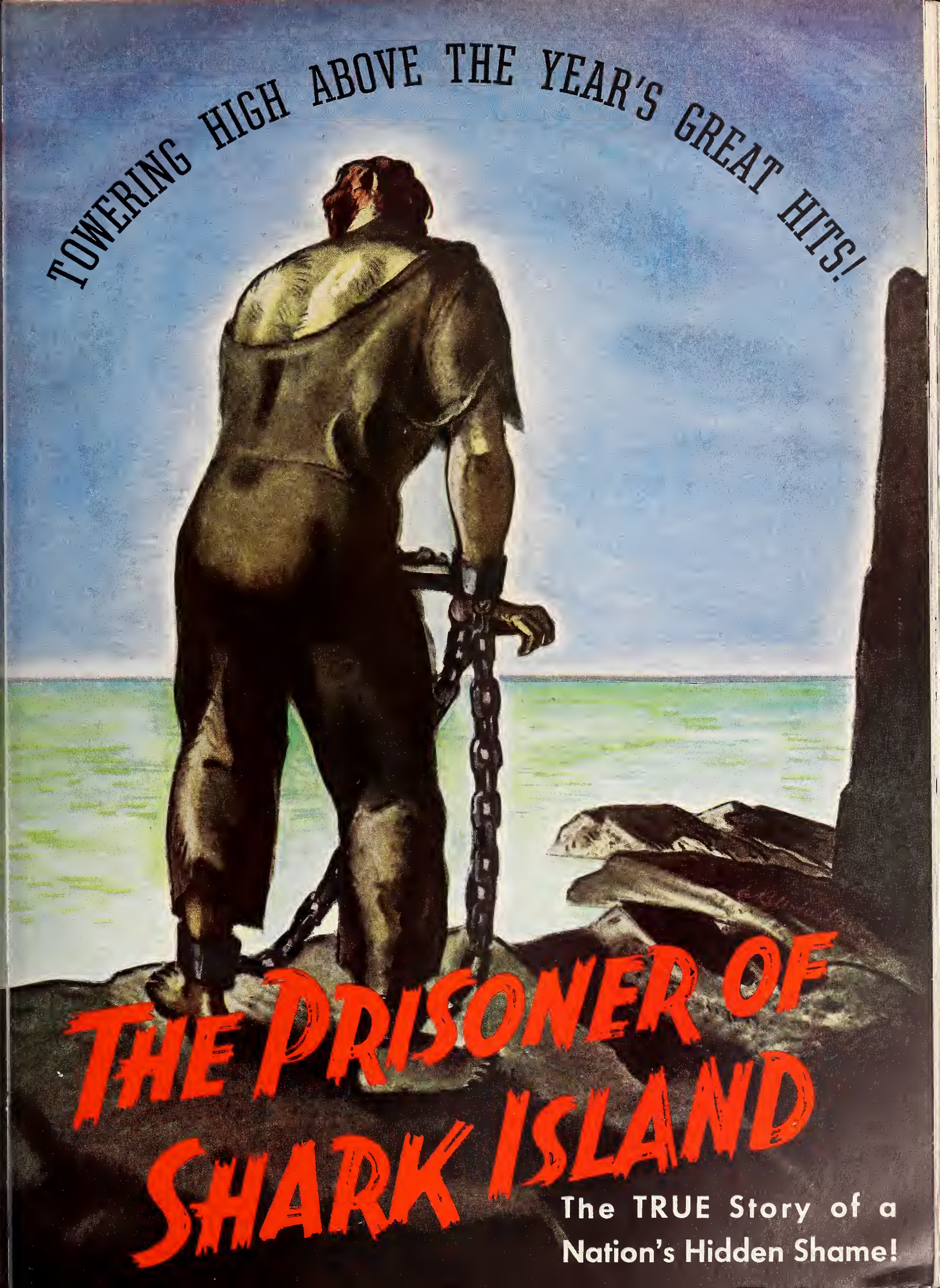
Advertising in the papers showed that 95 theatres out of 124 advertising, were playing product from the company.

Chicago is but one of many! Exhibitors have demonstrated an overwhelming preference for those great 20th Century-Fox productions. And every release date proves more conclusively the wisdom of their choice!

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

BREAKING RECORDS SO FAST THE PRESSES CAN'T KEEP UP WITH THE NEWS!


TOWERING HIGH ABOVE THE YEAR'S GREAT HITS!
THE PRISONER OF SHARK ISLAND
The TRUE Story of a Nation's Hidden Shame!

MIGHTY AS A NATION'S FURY...
STIRRING AS A STRONG MAN'S COURAGE



HEARTS will pound in a million breasts... as this grimly real story of America's Jean Valjean unfolds breathlessly... powerfully... unforgettably. For never in fiction's most fantastic flights has there been anything to compare to this TRUE story of a man whose innocent act of mercy earned him a nation's relentless persecution ... and who found that a woman's love can soothe the pain of a hundred living hells.

THE PRISONER OF SHARK ISLAND

starring

WARNER BAXTER

with

GLORIA STUART
CLAUDE GILLINGWATER
ARTHUR BYRON
O. P. HEGGIE
HARRY CAREY
and a cast of one thousand

a DARRYL F. ZANUCK
20th CENTURY PRODUCTION

Presented by Joseph M. Schenck

Associate Producer and Screen Play... Nunnally Johnson

Directed by John Ford

Based on the life of Dr. Samuel A. Mudd

20th CENTURY FOX
THE KEYSTONE OF YOUR FUTURE

Asserts Duals' Ban Protects Property

(Continued from page 1)

endeavors to point out to the court what appear to be discrepancies between testimony given in the case and the findings of both the district and appeals courts that use of the clause is in violation of the anti-trust laws.

"It is the protection of its property that compels a defendant to insist that its property be not economically and artistically sacrificed by its showing with another feature picture," the Paramount petition, which was filed by its attorneys, Simpson, Thacher & Bartlett, states.

The court is expected to set a date for a hearing on the petition within the next few days and if the petition is denied efforts will be made to bring the case to the U. S. Supreme Court. Defendants in addition to Paramount include Vitagraph, RKO, M-G-M, Fox and United Artists.

Interstate Controls San Antonio Houses

SAN ANTONIO, Feb. 16.—The Interstate Circuit, Inc., has obtained a monopoly of local theatres with the acquisition of our second runs, through a deal between Robert J. O'Donnell, Interstate general manager, and Eph Charninsky, operator of the Palace, Uptown, Harlandale and Highland Park, the last three suburban houses.

Under the deal Interstate will operate for 10 years, with an option for a 15-year extension. Interstate has been operating the Majestic, Aztec and Texas, the city's three ace houses, for a number of years, as well as the Empire and State, second runs. The Empire will be made a first run, but no other changes are planned.

Cincinnati's Banks Showing Heavy Gain

CINCINNATI, Feb. 16. — Another heartening sign on the local horizon is reflected in the report of 11 of the largest state banks here, which shows total deposits of $223,670,346 for 1935, an increase of practically $31,000,000 during the year. In the same period, resources jumped from $227,879,808 to $256,942,079, a gain of $39,062,271. Deposits and the corresponding amount of cash in Cincinnati banks were close to the peak year of 1929, bank executives said.

The local report was part of a tabulation released by Samuel H. Squire, state superintendent of banks at Columbus, which indicated that 46 state banks in the seven Ohio key cities had total deposits of $847,844,677 at the close of 1935, compared with $715,942,643 on Dec. 31, 1934, an increase of $131,902,034.

"Forest" Is Strong In Spite of Weather

(Continued from page 1)

Burlesque" and "Paddy O'Day" at the Palace took in approximately $8,000. This house continues to be a problem with RKO because of poor intakes. However, the dual policy will continue as is.

"Muss 'Em Up" and "Idol of Millions" tallied about $7,000 in the second Rialto week. At the Paramount, "Anything Goes" and Isham Jones and his orchestra, a strong combination, got pretty close to $40,000.

Purely Personal

PHIL REGAN, who played the lead in Republic's "Laughing Irish Eyes," will entertain the press today at a luncheon at the New Yorker. He leaves tomorrow for Rochester to begin a series of personal appearances.

•

NATE J. BLUMBERG is back on the job. He's taking no chances after being laid up with the grippe and now travels around with a fur coat that almost weighs him down.

•

JOE MOSKOWITZ returned from an out-of-town trip over the week-end, worn out from carrying a heavy fur coat.

•

EDWARD G. ROBINSON leaves for the Warner coast studio today to begin work on "Bullets or Ballots."

•

S. R. KENT leaves for Florida this week. He returned last week from a lengthy stay on the coast.

•

MORT SHEA of the Feiber & Shea circuit is back from a Miami sojourn.

•

JACK ALLEN PARTINGTON is back from a trip to the Windy City.

•

FRED MEYERS has an envious Miami tan.

•

BILL POWERS is now on the coast.

Quip of the Day

Some of the gang around New York are considering launching a movement to recoup the 10 bucks they spent on the testimonial dinner tendered Dave Loew when he quit Loew's last fall to join Hal Roach whose organization he has now left.

. . . Baltimore

J. LOUIS ROME has sailed for Nassau on the *Corinthian.*

IKE HORNSTEIN of the Regent and Diane is on a tour of South America.

MRS. GENE FREELAND, wife of the Avenue manager, is the mother of a seven-pound boy.

PETE ROSIAN has been appointed Universal salesman in this territory.

LEON BACK, Broadway manager, is getting ready for his anniversary week starting Feb. 14.

W. S. FINCH of Reading has taken over the Auditorium.

ARTHUR B. PRICE with MRS. PRICE and their two sons has gone to Florida.

•

. . . Chicago

J. JACOPECK from the Lake Theatre in Milwaukee comes to the Shore here as assistant manager.

JAMES WINN went to Minneapolis for a two-day stay. He spent four days there. Snowbound.

CHARLIE HOUSE, prominent downstate exhibitor, is back from a month's vacation in California.

SOL STRAUSS, manager of the Midway in Rockford, received a chest of sterling silver as a wedding gift from the Film Row lads.

JOE REYNOLDS moves from the Stratford here to Milwaukee to manage the Lake for Warners.

E. E. ALGER, circuit operator from Peru, Ill., is en route to Hollywood for a vacation.

AUGUST MARCHESI announces that his new theatre in Lockport will be ready for opening early in April.

H. VAN METER, Rockford exhibitor, is another who took off for California to get a rest and escape the cold weather.

EMILY KUCHAN has been elected secretary of the newly formed Central circuit at Canton.

FRANK FORD, who operates the State in Sterling, left for California this week. MRS. FORD accompanied him.

JACK GOLDHAR, after two days here, left for Des Moines and Minneapolis to handle the opening of the Chaplin picture.

•

. . . Denver

CARSON HARRIS, publicity director for the Denham, will handle publicity for the annual Shrine circus at the city auditorium March 23 to 29.

MORTON F. MEISTER, uniform salesman and manufacturer, was here last week.

HARRY STEARN has resigned as salesman for United Artists.

Three of the managers of the HARRY HUFFMAN theatres have been shifted. STERLING RAY, formerly manager at the Rialto, is now at the Aladdin; JOHN LINDHARDT, Aladdin manager, has gone to the Broadway, and JOHN DENMAN has gone from the Broadway to the Aladdin.

C. L. MCFARLING, who resigned as manager of the Englewood, has been succeeded by HAROLD SHALLOW. Appointed as assistant to SHALLOW was JOHN HERZOG, former doorman at the Gothic.

BEN FISH, western division manager for United Artists, was at the local exchange looking the situation over for a few days.

TOMMY MELTON of the Victory has been visiting his father, who is spending the winter on his southern plantation.

GEORGE ALLAN, who recently leased the Empress, will make his home here with his family.

J. T. SHEFFIELD, who is here from his Seattle headquarters, will confer with JACK FIER, western sales manager for Republic, who is expected here soon.

•

. . . Los Angeles

DICK MOSS has been transferred by F. W. C. from the Imperial, Long Beach, to the Boulevard here to replace Pat Argust, resigned. He is replaced in Long Beach by Jack LaMont, formerly manager of the Criterion in Santo Monica. . . .

PAUL DE OUTO of G. B. and E. W. MACLEAN of United Artists exchanges both at home with influenza.

BILL HEINEMAN very busy with plans for the premiere of "Sutter's Gold" in Sacramento, March 20.

LEE SCAMAHORN, Republic salesman who suffered a skull fracture in December, is out of the hospital and improving steadily.

A. VALESCO has closed the Columbia.

D. F. LYON is opening the Alpine which has been dark for some years.

NATE SCHEINBERG has opened the Rivoli in Van Nuys where he also operates the Van Nuys.

DAVE BERSHON has closed the Studio and has taken out the equipment. The little house on Hollywood Boulevard seats only 303.

Variety Club

Buffalo

BUFFALO, Feb. 16.—Variety Club will have its first annual ball and frolic in the Statler ballroom March 14.

VINCENT R. MCFAUL, president, is honorary chairman. HARRY T. DIXON and NATE SAUBER are co-chairmen of arrangements; C. ARTHUR WOODWARD, JOHN CHINELL, WILLIAM BORK, ELMER LUX and LUCIEN BLUMENFELD are in charge of reception; NICHOLAS J. BASIL and CARL W. KEMPKE of tickets; HARRY ALTMAN, DEWEY MICHAELS and MURRAY WHITEMAN of entertainment; ROBERT T. MURPHY, SAUBER and DIXON of favors and menus; WILLIAM MARTIN, JOHN SITTERLY, MIKE SIMON, RALPH MAW, I. R. LOUNSBERRY and EDGAR TWAMLEY of publicity; EPHRAIM BETTIGOLE and HERCULES WEBSTER of decorations; KENNETH ROBINSON of reservations and seating; BASIL BRADY and PHIL LAVENE of transportation, and JOE FRIEDMAN, OTTO SIEGEL, LEO MURPHY, GEORGE FERGUSON, MATTHEW V. SULLIVAN, JR., NORMAN L. SPER, EMERSON DICKMAN, NATHAN MARCUS and J. R. LEVEE of the club journal.

Barker HARRY A. SEED and MRS. SEED are in Miami for their winter vacation.

Former Chief Barker EDWARD K. O'SHEA and his first assistant, SYDNEY SAMPSON, have gone to Miami Beach for a three-week vacation.

NICHOLAS J. BASIL, former dough guy, just back from an eight-week trip to Greece and other European countries, recounted his experiences at the semi-monthly luncheon Monday. RALPH MAW and EMERSON DICKMAN were kings for the day, with SAMUEL BRONKIE, potentate of Ismailia Temple, as guest speaker. BRONKIE discussed "Organization."

Dallas

DALLAS, Feb. 16.—FRANK HARRIS of Pittsburgh, national Variety Club head, came here for induction of officers of Tent 17. He was accompanied by JAMES B. BALMER, national secretary.

R. J. O'DONNELL is head of the local tent.

Colman Deal Profitable

HOLLYWOOD, Feb. 15.—Ronald Colman is reliably reported here to be a heavy winner as the result of his percentage contract with M-G-M on "A Tale of Two Cities." He is said to have refused the company's offer to buy his contract for a flat sum. His deal with David O. Selznick calls for a percentage on the untitled original in preparation by Oliver H. P. Garrett.

Para. Signs Odets

HOLLYWOOD, Feb. 16 — Clifford Odets, author of "Waiting for Lefty," "Awake and Sing" and "Paradise Lost," was signed Saturday by Paramount to do the script for "The General Died at Dawn." Lewis Milestone will direct, and Gary Cooper will probably be starred.

A. E. Levoy to Marry

HOLLYWOOD, Feb. 16.—Albert E. Levoy, associate producer at Republic, and Ella Arnold, secretary to Nat Levine, will be married on Wednesday.

Pittsburghers Fear Association Breakup

PITTSBURGH, Feb. 16. — Because George Jaffe refused to join the Pittsburgh Managerial Ass'n and is charging only 40 cents for pictures and stage shows at his new Casino while the set organization scale is 55 cents, theatre men see a possible dissolution of the association in the near future and possibly the outbreak of another price war.

Last year the association was formed to control prices following a battle which sent the de luxe scale down to 40 cents for combination bills. Since then Warners and Loew's have pooled their product and the Casino competition isn't expected to affect them, but the Alvin and the Fulton may find the going pretty rough.

If either of these houses secede from the association, as observers predict, it will mean the end of the organization.

Mexico to Produce Series of Scenics

MEXICO CITY, Feb. 16.—A series of shorts depicting Mexico's beauty spots, places of tourist interest and activities of the people is to be made by the Ministry of Public Education, which accepted the suggestion of a group of congressmen that these pictures would be excellent publicity abroad to attract visitors.

The first picture is being made in Michoacan, President Cardenas' home state. This film, which is featuring the activities of Michoacan women's organizations, is being directed by Elenea Sanchez Valenzuela, local journalist, and the first native woman to direct a picture. The production has musical numbers performed by crack Mexican orchestra.

Providence Grosses High Despite Cold

PROVIDENCE, Feb. 16.—In spite of the fact that highways all over the state are ice-blocked and temperatures have been hittting record lows, theatres have held up remarkably well in recent weeks. Because local houses depend on people from outside the city for about half their trade, most exhibitors are convinced, as a result, that better times are definitely on the way.

"Mutiny on the Bounty," shown during the worst of the cold spell, did heavy business, and "Rose Marie," now playing at Loew's State, is also a hit.

Kelton, Kelly Teamed

HOLLYWOOD, Feb. 16.—Pert Kelton will take the place of Thelma Todd in the next Patsy Kelly short for Hal Roach. The picture, which will be the sixth in a series of nine, is scheduled to go into production Feb. 20. Miss Kelton has not been signed to complete the series, but has been engaged just for this short.

Writers Assigned

HOLLYWOOD, Feb. 16.—New assignments to writers at Republic include: Wallace Sullivan and Jo Graham, on "Sitting on the Moon"; Joseph Fields, on the final treatment of Tristam Tupper's novel, "The Gentleman from Louisiana," and Isabel Dawn and Boyce DeGaw, on "My Old Kentucky Home."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"F Man"

(Paramount)

HOLLYWOOD, Feb. 16.—Here is a comedy sleeper which will make patrons of double bills feel that they have full value for the money in spite of no draw names.

Jack Haley plays a bucolic soda jerker who longs to be a G Man and after a correspondence course sets off for Los Angeles, never doubting that a letter from his local sheriff will open the door of Dickdom. Headquarters is surprisingly slow to regard him as anything but a headache from the backwoods, and his proud spirit is considerably bruised at having to scoop up ice cream, instead of criminals, in the big city, especially when his country sweetheart turns to witness his failure. First he mistakes the choleric chief for Public Enemy No. 1 and gets his man with a doped milkshake, then he blunders into the carefully arranged trap for the real criminal, driving the department to near insanity before the racketeers are caught and he decides to retire to his own drugstore on the reward money.

Plenty of action and a generous measure of gag situations give the film its chief value though Haley's roundeyed comedy is good for the part. Adrienne Marden shows marked talent as his sweetheart, William Frawley draws a full measure of laughs as a badgered G Man, June Brewster has a nice bit as a despairing 'phone girl and the excellent cast includes Onslow Stevens, Edward McWade, Norman Willis, Robert Middlemass, Walter Johnson, Franklin Parker, Heinie Conklin, Buck Mack, Phyllis Crane, Mabel Forrest, Gail Sheridan, Spencer Charters, Carol Holloway, Eddie Welch and Henry Johnson. Paul Gerard did a smooth job on the screenplay from a story by Richard Connell. The direction by Edward Cline is nicely calculated for speed. Val Paul produced.

A country sap played for a sucker by wise guys and making good is the best angle to play up.

Production Code Seal No. 1930. Running time, 68 minutes. "G."

"Love Before Breakfast"

(Universal)

HOLLYWOOD, Feb. 16.—Concerned entirely with Preston Foster's pursuit of Carole Lombard, her rejection of his suit until he feigns disinterest, then her pursuit of him, this picture attempts to overcome its plot deficiencies by resorting to dialogue which may or may not amuse.

The chase covers much territory and takes the characters in and out of night clubs, bridle paths, modernistically furnished offices and apartments, ending aboard a magnificently appointed yacht.

Edmund Grainger has kept the production suited to the affluence of the characters who are conceded to possess unending wealth. The screenplay by Herbert Fields from the Faith Baldwin novel, "Spinster Dinner," has some clever lines which are mostly delivered by Richard Carle and Janet Beecher. Cesar Romero does well with a part that has but slight meaning in the story. The photography by Teddy Tetzlaff is uniformly excellent. Walter Lang directed.

A pseudo-sophisticated comedy, this picture will doubtless please in many localities.

Production Code Seal, No. 1966. Running time, 72 minutes. "G."

Looking 'Em Over

"Dangerous Intrigue"

(Columbia)

Action and suspense against a background of a steel mill, and the regeneration of a once-famous surgeon combine to make this unpretentious but lively picture satisfying entertainment, especially in the smaller situations. The title means comparatively little.

Ralph Bellamy is effective in the lead, supported by Gloria Shea, Fred Kohler and Joan Perry. Bellamy, hospital head, is forced to resign when he refuses to leave an operation to tend the ill daughter of the hospital's chief financial supporter. Miss Perry, his fiancee, throws him over in consequence and Bellamy, his mind temporarily affected, wanders away. He finds himself in a Pennsylvania steel town

(Continued on page 10)

E. C. Grainger Quits Fox for Theatre Post

(Continued from page 1)

successor to Grainger has been appointed.

Grainger's new post with the Shea circuit will be a specially created one in which he will act as a general aide to Shea, the circuit's operator. While the bulk of the Shea theatres are located in Ohio, it has a number of important houses in up-state New York, at Pittsburgh, Erie and Bradford, Pa.; Manchester and Nashua, N. H., and Westfield, Amherst and Attleboro, Mass. The circuit numbers approximately 50 houses in all. The circuit maintains headquarters in the Loew's State Building here.

Clark Offers Best Wishes

HOLLYWOOD, Feb. 16.—Commenting on the resignation of E. C. Grainger, John D. Clark, general sales manager of Twentieth Century-Fox, on Saturday said, "I wish him every success in the world."

No indication was given as to Grainger's successor.

Report M-G-M Ends South Africa Suit

(Continued from page 1)

it is expected Loew will put the finishing touches to an expansion program planned in South Africa. This is in line with Loew's announcement some time ago that the company would build in all situations in which it found itself shut out. Loew is expected to leave here within the next few days for an unnamed destination.

Watt Republic Director

HOLLYWOOD, Feb. 9.—Nate C. Watt has been signed by Republic to a term directing contract. He was formerly an assistant director. His first assignment will be the last film on I. E. Chadwick's current Republic production contract, which has not been titled as yet.

Wall Street

Eastman Up 1¼ Pts. on Board

	High	Low	Close	Net Change
Columbia, vtc.....	41½	41½	41¾	+ ½
Consolidated Film	6⅞	6¾	6¾	— ⅛
Consolidated, pfd..	20⅛	20	20	.....
Eastman Kodak...	158⅛	158½	158½	+1¼
Loew's, Inc.....	52⅜	51⅞	52⅜	+ ⅜
Paramount	11⅜	11¼	11¼	.....
Paramount 2 pfd..	12½	12	12⅛	.....
Pathe Film.....	8⅜	8¼	8⅜	.....
RKO	8¼	8⅛	8⅛	.....
20th Century-Fox.	27	27	27	.....
20th Century, pfd.	36¾	36½	36⅝	+ ⅝
Warner Bros.....	13¼	13	13	.....

Sonotone, Technicolor Curb Gains

	High	Low	Close	Net Change
Sonotone	2⅝	2½	2⅝	+ ⅛
Technicolor	24¾	24½	24¾	+ ¼
Trans Lux.....	4⅞	4¾	4¾	— ⅛

Very Little Bond Activity

	High	Low	Close	Net Change
Paramount Pictures 6s '55.....	95½	95¼	95½	.....
Warner Bros. 6s '39 wd.....	97¾	97¾	97¾	— ¼

(Quotations at close of Feb. 15.)



THE
PICTURE
WITH THE
UNFORGETTABLE
PUNCH!



CAROLE LOMBARD

in Universal's
Smash Comedy

"LOVE BEFORE BREAKFAST"

Fox Met Fees Cut Over 50% By the Court

(Continued from page 1)

fee of $110,000, was allowed $100,000, less $30,000 already paid to it.

Milton C. Weisman, receiver of Fox Theatres and proponent of the Fox Met reorganization plan, was granted $60,000. He had applied for $75,000. Central Hanover Bank & Trust Co., trustee under the Fox Met mortgage indenture, asked a total of $20,575 and was awarded $12,500, less $5,000 paid on account. Central Hanover's counsel, Larkin, Rathbone & Perry, for whom a fee of $55,000 was sought, was allowed $30,000, less $15,000 paid on account. Archibald Palmer, counsel for independent bondholders, who asked a fee of $40,000, was allowed $5,000. Lybrand, Ross Bros. & Montgomery, auditors, was allowed a $600 fee it had asked.

Some Applications Disallowed

Among the applications for fees which were disallowed entirely were those of members of the noteholders' protective committee which sought an aggregate of $117,500 in fees and $79,927 expenses. The members of the committee were Ernest W. Niver, chairman; William Greve, Max Horwitz, Alvin J. Schlosser, Herbert P. Howell and the late Casimir I. Stralem. The court ruled that testimony on the expenses of the committee should be submitted to Referee John E. Joyce and when proper expenses were established recovery might be had from a fund set up in the reorganization plan for this purpose. The same procedure also applies wherever large expense amounts were sought by applicants.

C. Frank Reavis, who was attorney for Si Fabian in the proposal of an unsuccessful, alternate reorganization plan for Fox Met, was denied an application for $15,000. Likewise, no remuneration was made to Percival E. Jackson, attorney for independent bondholders, nor to Isidor J. Kresel, who was of counsel to Weisman.

The court made frequent commendatory references in the opinion to the work of Weisman in effecting the successful reorganization, from which Fox Met emerged as Metropolitan Playhouses under the control of Joseph M. Schenck's United Artists Theatre Circuit and with Keith-Albee-Orpheum as a participating interest.

Weisman Lauded

"In the final result," the opinion states, "some measure, indeed a large one, of what I believe to be a successful conclusion of a difficult task is due to the intervention of Mr. Weisman. The final result, a result which on market quotations is at this time far more favorable to the bondholders than had at any time been contemplated before he stepped into the picture, and a result which appears likely to be increasingly better, is due in good measure to Mr. Weisman's activities."

Looking 'Em Over

(Continued from page 8)

and at work in the mill. He is about to be fired when an accident occurs. He assists and is hired as assistant to the doctor.

He meets Miss Shea, daughter of a steel foreman, who has been demoted because of too frequent "accidents" in his section. From that point there is considerable action involved in the discovery by Bellamy that Kohler, mill safety chief, is actually behind the accidents and in the pay of a rival mill. Kohler, attempting a last "accident," is killed in the explosion, while Bellamy successfully completes an operation on Kohler's injured son. Offered his former hospital post, Bellamy refuses, preferring to stay in the mill town with Miss Shea.

Production Code Seal No. 1,787. Running time, 60 minutes. "G."

"Bulldog Courage"

(*Puritan*)

Tim McCoy, starring in this western, plays a dual role and in both provides plenty of action to come up to outdoor action standards.

When his father is mortally wounded by the sheriff, McCoy follows in his steps toward achieving certain revenge on a swindling banker. This end takes him to the town of Goldfield, where he arrives on the day of the trial of a friend of his father's who is threatened with a like fate. Touched off with what he has seen he sets out and with stagecoach holdups, hard riding, wit and the required amount of shooting, brings the piece to its end with the banker caught in one of his own schemes when a mine is dynamited.

The romantic thread is carried on somewhat by Joan Woodbury, but there is little clinching, for the film ends abruptly after a shooting match.

Sam Newfield's direction plays the effort for all its thrill and action content, while Jack Greenhalgh's photography takes in the pictorial backgrounds and follows the action suitably.

Production Code Seal No. 1,818. Running time, 61 minutes. "G."

Production Code Seals Go To 27 Features Reviewed

The following listing covers 27 features which were previewed in Hollywood and reviewed in the East by Motion Picture Daily *without Production Code Administration seals, and have since been accorded seals. The period covered is from Sept. 6, 1935, to Jan. 7, 1936.*

Picture	*Review Date*	*Code Seal*
Ah, Wilderness	Nov. 12	1767
Cappy Ricks Returns	Sept. 6	1138
Drift Fence, The	Dec. 7	1736
Exclusive Story	Jan. 7	1923
Fire Trap	Nov. 26	1807
Frisco Waterfront	Nov. 29	1622
Gun Play	Dec. 31	1139
Hitch Hike Lady	Dec. 12	1769
I Live My Life	Sept. 19	1257
It's in the Air	Oct. 7	1571
Judgment Book, The	Dec. 26	1720
Kind Lady	Nov. 29	1806
King Solomon of Broadway	Sept. 10	1205
Manhattan Butterfly	Nov. 29	388
Melody Lingers On, The	Oct. 14	1688
Murder By Television	Sept. 4	1670
Murder of Dr. Harrigan	Oct. 21	1156
No More Yesterdays	Dec. 26	1788
O'Shaughnessy's Boy	Sept. 23	1311
Red Salute	Sept. 9	1310
Remember Last Night	Oct. 7	1586
Society Fever	Oct. 28	958
Thunder Mountain	Sept. 12	1535
Too Tough to Kill	Dec. 5	1561
Two Faces	Nov. 13	1706
Virginia Judge, The	Sept. 16	1269
Western Frontier	Dec. 27	1033

Warners Delay Film

Hollywood, Feb. 16.—Warners have postponed the start of "Way of a Pirate," and because of the delay, Guy Kibbee will play the leading role instead of Chic Sale.

Tobin in Lovett Post

Providence, Feb. 16.—Henry R. Tobin has been named as manager of the Olympia, Olneyville, to succeed the late J. Fred Lovett. Tobin formerly was with theatres in Boston.

Rites for Mrs. Balaban

Chicago, Feb. 16. — Mrs. Bessie Balaban, 75, an aunt of Barney Balaban, was buried Thursday. She had been ill for some time. She is survived by three sons and four daughters.

Republic Plans Serial

Hollywood, Feb. 16.—Republic will make a 12-chapter serial of "Robinson Crusoe." Barney Sarecky will produce, and production is scheduled to start in July.

Song Writers Fight Warner Music Deals

(Continued from page 1)

sist that you have no right to make contracts affecting those rights without their consent," the letter which was signed by Sigmund Romberg, president of the association, concluded.

Warner officials could not be reached on Saturday for comment on the S.W.P.A. letter, but it appears that the communication may have been aimed at Warners' recently stated policy of favoring a performing fee charge only at the source of music use. In the case of radio this would be the broadcasting station, rather than the hotel or other factor which disseminated the actual broadcast, and in the case of the industry it would mean that producers would be taxed both the recording and performing fee while theatres would be exempt from any tax.

Exhibitor observers on Saturday saw this policy as it relates to theatres seriously jeopardized by the song writers' stand unless Warners are successful in meeting their objections in the future.

See Court Test by Ascap

A court test of Ascap's claim that its licensed radio broadcasters are entitled to the use of Warner published music wherever writers, composers or authors have not assigned the small rights to the Warner publishers appears certain for the near future.

On the advice of its counsel after studying the agreements between the writers and the Warner publishing companies, Ascap recently issued a first list of Warner music, which, it said, was available to broadcasters under their licenses with the society. Additional lists are to be issued as the Ascap study of the agreements proceeds. Warners have described the Ascap claim as "erroneous and misleading, and if relied upon by stations which have no license from us may result in many actionable infringements." Ascap and its counsel, the Nathan Burkan office, were emphatic on the legality of the stand being taken, despite the Warner statement.

Indications are that Ascap licensed stations will shortly avail themselves of the Warner music in the Ascap list in order to provide a court test of the society's stand.

Ricketson on Coast

Los Angeles, Feb. 16.—Rick Ricketson, operating head of the Rocky Mountain division of National Theatres, exhibition arm of Twentieth Century-Fox, is here. E. L. Alperson is also in from Miami.

National Theatre heads will hold their scheduled meeting beginning tomorrow.

To Publish Film Songs

Hollywood, Feb. 16.—Republic has signed with the Sam Fox company for the publication of all the numbers from the film, "Laughing Irish Eyes." The numbers were written by Sam H. Stept and Sidney Mitchell.


ROSE MARIE
CAPITOL
JEANETTE MACDONALD NELSON EDDY
ROSE MARIE
ALLAN JONES GILDA GRAY
3rd WEEK
CAPITOL, N.Y.
HOLD-OVER
HOLDING UP
EVERYWHERE!

FLASH FROM COAST TO COAST. LISTEN!

"ROSE MARIE" SENSATIONAL!

Typical telegrams to M-G-M



. . . "Get ready, statue, you've got a new sweetie and her name is Rose-Marie!"

"BIGGEST GROSSES IN HISTORY!"

—wires I. Libson, from Cincinnati

"Congratulations, M-G-M. 'Rose Marie destined to be among the topnotch musicals ever made. The Albee this week will do one of biggest grosses in the history of the house and the picture will undoubtedly do four to five weeks in downtown Cincinnati."

—I. LIBSON

"HUNDREDS COMING BACK!"

—wires Chas. A. Midleburg, Charleston, W. Va.

"First four days *nearly doubled the first four days of 'Marietta.*

"Had we been able to take care of the crowds, our receipts would have been *hundreds of dollars more.*

"Receipts on the fourth day *fifty percent more than on opening day.* Patrons are *returning by the hundreds to see it a third and fourth time.* Thousands stood outside in zero weather trying to get in.

'It will *break all existing records.*"

"THREE TIMES 'MARIETTA'"

—says Mr. Wilson, of Williamsport, Pa.

In the face of the worst possible weather conditions Rialto opened yesterday on "Rose Marie" to what we believe to be the *largest number of paid admissions in the history of the theatre for a mid-week opening.* The gross was more than 300 per cent of the opening day on "Naughty Marietta." Words fail me to express the comments of our patrons. Practically each one of the thousands enthusiastically endorsed it *as the best picture in years.* Congratulations!

LATER WIRE: "Rose Marie" engagement completed sets new house record beating "Mutiny on Bounty" previous record-holder!





FLASH FROM ICY DENVER!

"Number of admissions Saturday broke every existing record in the Orpheum Theatre, even surpassing the week they had Ben Bernie in person and also the week they had Sally Rand. Also surpassed the number of Saturday admissions on 'Top Hat' which pulled the house record. There were 8300 admissions on Saturday. 'Mutiny' at the Denver Theatre on Saturday, November 9th, played to 8022 people. Sunday attendance was approximately 8500 people, making a total of 60,800 admissions over the week end, which is a lot of sugar!"

IMAGINE! TWO FIRST RUNS ON SAME STREET!

—Miami makes theatrical history!

"After screening 'Rose Marie' we realized picture had exceptional box office possibilities. Accordingly, plans were quickly made to present simultaneous twin engagements in our Colony and Community Theatres, Miami Beach, which are located on Lincoln Road directly across street from each other. Picture doing biggest business in history of Miami Beach. Continuous lobby holdouts both theatres matinee and evening. 'Rose Marie' is a history maker as superlative entertainment as biggest local grosser and as first picture to play first-run engagement simultaneously in two theatres."

—ERNEST MORRISON

LOOK OUT!

"Rose-Marie" is hot after those Mutiny records! Watch the papers!



"Soldier" on Dual $14,000, San Francisco

SAN FRANCISCO, Feb. 16.—"Professional Soldier," topping a dual bill with "The Widow from Monte Carlo" at the Paramount made the best showing of the week. The take was $14,000, which was $2,500 above normal.

"Last of the Pagans" and "Forced Landing" went $1,000 over the line for a total of $7,000 at the Fox, and "Exclusive Story" was $2,500 to the good on a gross of $17,000 at the Golden Gate. "Magnificent Obsession" held up to $5,500 in its fourth week at the Orpheum.

Total first run business was $71,400. Average is $73,800.

Estimated takings:

Week Ending Feb. 4:

"PETER IBBETSON" (Para.)
UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c. 7 days. **Gross:** $5,900. (Average, $9,000)

"EXCLUSIVE STORY" (M-G-M)
GOLDEN GATE—(2,850), 25c-35c-40c, stage, band, 7 days. **Gross:** $17,000. (Average, $14,500)

Week Ending Feb. 5:

"MAGNIFICENT OBSESSION" (Univ.)
ORPHEUM—(2,440), 15c-30c-35c-40c, 7 days, 4th week. **Gross:** $5,500. (Average, $6,800)

"PROFESSIONAL SOLDIER" (20th-Fox)
"WIDOW FROM MONTE CARLO" (W.B.)
PARAMOUNT—(2,740), 15c-30c-35c-40c, 7 days. **Gross:** $14,000. (Average, $11,500)

Week Ending Feb. 6:

"COLLEGIATE" (Para.)
"MY MARRIAGE" (20th-Fox)
WARFIELD—(2,680), 30c-35c, 7 days. **Gross:** $13,200. (Average, $18,000)

"TALE OF TWO CITIES" (M-G-M)
ST. FRANCIS—(1,470), 15c-30c-40c, 7 days, 2nd week. **Gross:** $7,000. (Average $7,000)

"LAST OF PAGANS" (M-G-M)
"FORCED LANDING" (Republic)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $7,000. (Average, $6,000)

"NEW GULLIVER" (Amkino)
CLAY INTERNATIONAL—(400), 35c, 7 days. **Gross:** $1,800. (Average, $1,000)

"Zero" with Show Indianapolis Hit

INDIANAPOLIS, Feb. 16.—"Ceiling Zero," plus vaudeville, pulled a gross of $10,500 into the Lyric. This was above average by $3,500.

All five first runs continued to suffer from cold weather, although the frigid wave was not as severe as the one the week before. The Indiana grossed $8,000 on "Anything Goes."

Two houses showing double features, Loew's and the Circle, dropped below average. The second feature at the Circle was a return engagement of "If I Had a Million."

Total first run business was $26,800. Average is $26,500.

Estimated takings for the week ending Feb. 7:

"PADDY O'DAY" (20th-Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $2,500. (Average, $4,000)

"THE INVISIBLE RAY" (Univ.)
"IF I HAD A MILLION" (Para.)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)

"ANYTHING GOES" (Para.)
INDIANA—(3,200), 25c-40c, 7 days. **Gross:** $8,000. (Average, $7,000)

"THE GHOST GOES WEST" (U.A.)
"ONE WAY TICKET" (Col.)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $3,800. (Average, $4,500)

"CEILING ZERO" (W.B.)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $10,500. (Average, $7,000)

Out Hollywood Way

HOLLYWOOD, Feb. 16.—DAVID O. SELZNICK signs ELIZABETH JENNS, socialite, to a term contract. . . DENNY MORRISON added to the Selznick International publicity department. . . ROBERT EDMOND JONES, Pioneer's art director, gets medal from American Institute of Architects. . . He's now working on "Dancing Pirates."

JOE E. BROWN to add his footprints to those concrete impressions in front of Grauman's Chinese Theatre. . . HOMER CROY observes his 21st wedding anniversary. . . SYBIL JASON out of the hospital. . . M. J. RIVKIN and MRS. RIVKIN, parents of JOE RIVKIN, ROACH casting director, here on a visit. . . CLARENCE BROWN gets shipment of young olive trees from Palestine. . . He's planting them.

LUISE RAINER practicing with chopsticks for her role in "The Good Earth." . . LAUREL and HARDY getting ready to start "The Money Box" for ROACH. . . KATHARINE HEPBURN and FREDRIC MARCH to start "Mary of Scotland" Feb. 15.

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Casting—GEORGE GUHL, ROSINA LAWRENCE, ARTHUR HOYT and MAT MCHUGH signed by ROACH for "Arbor Day," an Our Gang comedy. . . SAM HINDS in WALTER WANGER'S "Brazen." . . BILLY and BEVERLY BEMIS, dancing team, cast in "Kelly, the Second," ROACH. . . DOUGLAS GERRARD and ONSLOW STEVENS in "Under Two Flags," Twentieth Century-Fox.

JEAN HERSHOLT will have lead in "Job," Twentieth Century-Fox. . . FERDINAND GOTTSCHALK and FERDINAND MUNIER in B. F. ZEIDMAN'S "White Cargo." . . MARGARET SULLAVAN to star in "It's a Small World," Universal. . . JOHN MILTON and FRANK REICHER signed for Radio's "The Puzzle of the Briar Pipe" . . . MORONI OLSEN, JOHN HALLIDAY, LOUISE LATIMER, MAXINE JENNINGS, GEORGE OFFERMAN, JR., and WILLIAM BENEDICT set for "The Witness Chair," Radio.

TERU SHIMADO cast as "Negochi" in B. F. ZEIDMAN'S "Angels in White" . . . BARTON MACLANE, JOSEPH CREHAN and JOSEPH KING in Warners' "Murder in Sing Sing" . . . CARLYLE MOORE, JR., gets "juvenile lead in "Two Against the World," Warners. . . FRANK MCHUGH borrowed by M-G-M from Warners for a part in "Hollywood Bowl" . . . ANN RUTHERFORD opposite GENE AUTREY in "Coming 'Round the Mountain," Republic. . . FRANCHOT TONE opposite LORETTA YOUNG in M-G-M's "The Unguarded Hour" . . . NORMA SHEARER to be starred in "Pride and Prejudice," M-G-M, after vacation in Europe. . . DUNCAN RENALDO signed to a term contract by M-G-M. . . To appear in "San Francisco."

+

Writers—SARAH Y. MASON and VICTOR HEERMAN doing screenplay for "Pride and Prejudice," M-G-M. . . DELMAR DAVES re-signed for another year by Warners. . . S. K. LAUREN gets term pact at Radio.

+

Story Buys—WARREN CHETHAM-STRODE'S play, "Man Disposes," and OLIVER CLAXTON'S "Lucky Night" acquired by M. G. M. . .

+

Dialogue Director—STANLEY LOGAN, dialogue director for Warners, re-signed to work on "Angel of Mercy."

+

Music—ERIC WOLFGANG KORNGOLD to do score for "Anthony Adverse," Warners.

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Title Changes—"Murder on a Bridle Path" is final title of Radio's "Puzzle of the Briar Pipe" . . . "A Gentleman Goes to Town" new title for FRANK CAPRA'S "Opera Hat," Columbia. . . "The Three Godfathers" is final title for M-G-M's "Men Without Love."

"Milky Way" Seattle Top, Gets $8,700

SEATTLE, Feb. 16.—In spite of cold weather "The Milky Way" breezed into a strong $8,700 at the Fifth Avenue, passing par by $1,700.

"Strike Me Pink" continued to demonstrate strength in its third week and took $5,100, over the line by $1,100, at the Liberty. Jackie Cooper in person, with "Tough Guy" and "Drift Fence" on the screen at the Paramount, kept the house filled with children all week. The gross was $6,550.

Total first run business was $35,950. Average is $33,500.

Estimated takings for the week ending Feb. 8:

"CAPTAIN BLOOD" (F. N.)
BLUE MOUSE—(950), 25c-40c-55c, 7 days, 3rd week, extended run from Fifth Ave. **Gross:** $3,250. (Average, $4,000)

"THE MLKY WAY" (Para.)
FIFTH AVENUE—(2,500), 25c-40c-55c, 8 days. **Gross:** $8,700. (Average, $7,000)

"STRIKE ME PINK" (U. A.)
LIBERTY—(1,800), 15c-25c-35c-50c, 7 days, 3rd week. **Gross:** $5,100. (Average, $4,000)

"I DREAM TOO MUCH" (Radio)
MUSIC BOX—(950), 25c-40c-55c, 7 days. **Gross:** $3,100. (Average, $4,000)

"CEILING ZERO" (F. N.)
"YOUR UNCLE DUDLEY" (20th-Fox)
ORPHEUM—(2,450), 25c-30c-40c, 7 days. **Gross:** $6,300. (Average, $6,000)

"TOUGH GUY" (M-G-M)
"DRIFT FENCE" (Para.)
PARAMOUNT—(3,050), 20c-25c-30c, 7 days. Stage: Jackie Cooper and Rin-Tin-Tin, Jr. **Gross:** $6,550. (Average, $5,000)

"SWEET SURRENDER" (Univ.)
REX—(1,500), 15c-25c-40c, 7 days. Stage: Vaudeville headed by Jue Fong. **Gross:** $2,950. (Average, $3,500)

"Obsession" Big in Third Denver Week

DENVER, Feb. 16.—"Magnificent Obsession" is turning out to be one of the most remarkable draws here in a long time. With temperatures running to 25 degrees below zero it took $2,000 last week at the Broadway, over a first week normal by $750. The film had already played a week each at the Denver and Aladdin.

"The Milky Way" was good for $5,000, up by $2,000, at the Denham, and "Ceiling Zero" was strong at $6,500. "Rose Marie" failed to reach par in its second week at the Orpheum, but it was held for another.

Total first run business was $23,250. Average is $23,000.

Estimated takings for the week ending Feb. 12:

"INVISIBLE RAY" (Univ.)
ALADDIN—(1,500), 25c-40c-50c, 7 days. **Gross:** $2,250. (Average, $2,500)

"MAGNIFICENT OBSESSION" (Univ.)
BROADWAY—(1,500), 25c-40c, 7 days. Already played a week each at the Denver and Aladdin. **Gross:** $2,000. (Average, $1,250)

"THE MILKY WAY" (Para.)
DENHAM—(1,500), 25c-35c-40c, 7 days, played three on last week. **Gross:** $5,000. (Average, $4,500)

"CEILING ZERO" (W. B.)
DENVER—(2,500), 25c-35c-50c, 7 days, Stage band. **Gross:** $6,500. (Average, $6,000)

"ROSE MARIE" (M. G. M.)
ORPHEUM—(2,600), 25c-35c-40c, 7 days, 2nd week. **Gross:** $5,000. (Average, $6,000)

"STRIKE ME PINK" (U. A.)
PARAMOUNT—(2,000), 25c-40c, 7 days, following a week at the Denver. **Gross:** $2,500. (Average, $2,750)

Ohio Official Warns Tax Licenses Needed

TOLEDO, Feb. 16.—A warning has been issued to all places of amusement by Guy F. Chilcote, local excise tax manager, that amusement licenses must be applied for immediately under the new state admission tax law. Penalty for failure to obtain a license is from $25 to $100 for each place involved. Under the law there is no exemption from the three per cent tax on grosses, regardless of the admission charged. The law in effect last year exempted admissions of 10 cents or less.

The law does not apply to performance where beneficiaries of the net proceeds include religious, charitable or educational organizations.

Kapit to Attend N. E. A.

Harry A. Kapit, vice-president of Walter O. Gutlohn, Inc., producers of 16 mm. subjects, will attend the National Education Ass'n. convention in St. Louis the week of Feb. 24, to discuss the production of subjects for school use.

Uniform Protection Sought in Cleveland

CLEVELAND, Feb. 16.—Local theatre owners will try to effect a plan whereby there will be a uniform protection plan, such as was used here during 1933-34. When that agreement expired Jan. 1, 1935, distributors each set up individual protection schedules. The 15-cent houses were most affected when the old schedule expired, being pushed back an added two weeks in most cases.

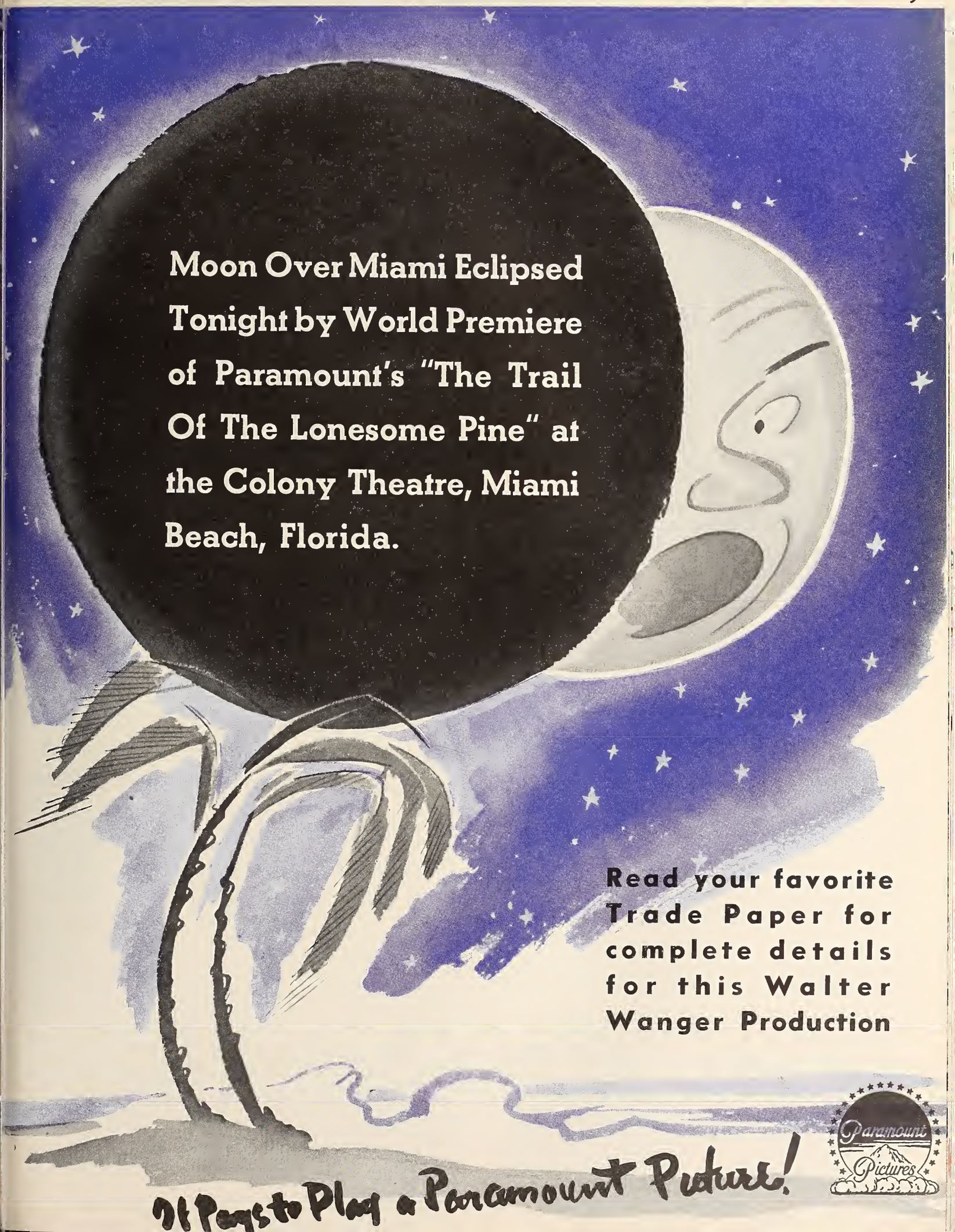
Advances Night Price

NEW HAVEN, Feb. 16.—Finding that the house was unvaryingly filled at matinee prices just before the price change on amateur night, the College has moved its change hour from 6 P.M. to 5 P.M. on that night only.

Fonda in "Intrigue"

HOLLYWOOD, Feb. 16.—Henry Fonda, who has just finished work in "The Trail of the Lonesome Pine," has been cast by Walter Wanger for "African Intrigue."

SPECIAL FLORIDA NEWS FLASH! FEB. 17,



"Marriage," Lowry, Lead In St. Louis

ST. LOUIS, Feb. 16.—Ed Lowry having lost none of his local personal popularity, the combination of his stage show and "My Marriage" on the screen at the Ambassador proved the best draw of the week with a gross of $15,250 against the house average of $10,000.

This showing was very good indeed considering that there was another week of sub-zero weather with the streets covered with ice.

"Petrified Forest" at the Orpheum did $9,900. The house average is $8,500. "Professional Soldier" and "Exclusive Story," the joint attraction at Loew's, did $10,000, or about $1,000 above average. This is somewhat behind what other recent attractions at this house have done. "Anything Goes" at Shubert-Rialto also was in the black.

Total first run business was $51,350. Average is $46,000.

Estimated takings for the week ending Feb. 6:

"MY MARRIAGE" (20th-Fox)
AMBASSADOR—(3,018), 25c-35c-55c, 7 days. Ed Lowry and stage show. **Gross:** $15,250. (Average, $10,000)

"LADY OF SECRETS" (Col.)
"DANGEROUS WATERS" (Univ.)
FOX—(5,038), 25c-35c-55c, 7 days. **Gross:** $8,500. (Average, $12,000)

"PROFESSIONAL SOLDIER" (20th-Fox)
"EXCLUSIVE STORY" (M-G-M)
LOEW'S—(3,162), 25c-35c-55c, 7 days. **Gross:** $10,000. (Average, $9,000)

"PETRIFIED FOREST" (W.B.)
ORPHEUM — (1,950), 25c-35c-55c, 7½ days. **Gross:** $9,900. (Average, $8,500)

"ANYTHING GOES" (Para.)
SHUBERT-RIALTO—(1,723), 25c-35c-55c, 7 days. **Gross:** $7,700. (Average, $6,500)

"Ceiling" $8,500 Leader in Houston

HOUSTON, Feb. 16. — Abnormally cold weather failed to check Cagney fans, and "Ceiling Zero" at the Majestic led the field with a take of $8,500, which was $1,500 up.

"Anything Goes" beat the Metropolitan $7,000 average by $500, but all other pictures fell below normal. Bank Night at the Kirby helped "Freshman Love" bring in $1,500 for the day.

"The Ghost Goes West" at Loew's fell to $6,500, or $500 under, and "Music Is Magic" at the Kirby for midweek fell off $300, registering $1,200. "Charlie Chan's Secret" at the Kirby for the week end also took the rap, grossing $2,800. Average is $3,000.

Total first run business was $28,000. Average is $26,000.

Estimated takings for the week ending Feb. 6:

"CHARLIE CHAN'S SECRET" (20th-Fox)
KIRBY—(1,450), 3 days. **Gross:** $2,800. (Average, $3,000)

"FRESHMAN LOVE" (W. B.)
KIRBY — (1,450), 1 day (Bank Night). Gross: $1,500. (Average, $500)

"MUSIC IS MAGIC" (20th-Fox)
KIRBY—(1,450), 3 days. Gross, $1,200. (Average, $1,500)

"THE GHOST GOES WEST" (U. A.)
LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $6,500. (Average, $7,000)

"CEILING ZERO" (F. N.)
MAJESTIC — (2,250), 25c-50c, 7 days. **Gross:** $8,500. (Average, $7,000)

"ANYTHING GOES" (Para.)
METROPOLITAN—(2,600), 25c-50c, 7 days. **Gross:** $7,500. (Average, $7,000)

"Milky Way" Los Angeles Top $23,500

LOS ANGELES, Feb. 16.—Even rainy weather couldn't halt "The Milky Way" at the Paramount. The crowds started early and kept arriving until the take reached $23,500, over normal by $5,500.

"The Lady Consents" made a fine showing at the Pantages with a gross of $6,600, up by $3,400, but failed to pull well at the Hillstreet where the gross of $6,500 was down by $1,500. "The Ghost Goes West" held up to $4,200 in its second week at the 4-star. "Ceiling Zero," in its second week at Warner's Hollywood and Downtown, took $10,380 at the former and $8,300 at the latter.

Total first run business was $85,750. Average is $86,150.

Estimated takings for the week ending Feb. 12:

"RIFF RAFF" (M-G-M)
"THREE LIVE GHOSTS" (M-G-M)
CHINESE — (2,500), 30c-55c, 7 days. **Gross:** $8,750. (Average, $12,500)

"SOAK THE RICH" (Para.)
FILMARTE — (800), 30c-40c, 7 days. **Gross:** $2,800.

"THE GHOST GOES WEST" (U.A.)
4 STAR—(900), 30c-55c, 7 days, 2nd week. **Gross:** $4,200. (Average, $3,250)

"FRONTIER" (Amkino)
GRAND INTERNATIONAL—(750), 35c-40c, 7 days, 2nd week. **Gross:** $1,750. (Average, $1,200)

"THE LADY CONSENTS" (Radio)
HILLSTREET—(2,700), 25c-40c, 7 days. **Gross:** $6,500. (Average, $8,000)

"RIFFRAFF" (M-G-M)
"THREE LIVE GHOSTS" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $11,000. (Average, $14,000)

"THE LADY CONSENTS" (Radio)
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $6,600. (Average, $3,200)

"THE MILKY WAY" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, Al Lyons and orchestra, Sunnie O'Dea, Midge Williams, Judy Starr. **Gross:** $23,500. (Average, $18,000)

"CEILING ZERO" (F.N.)
WARNER BROS. (HOLLYWOOD) — (3,000), 25c-40c, 7 days, 2nd week. **Gross:** $10,380. (Average, $14,000)

"CEILING ZERO" (F.N.)
WARNER BROS. (HOLLYWOOD) — (3,400), 25c-40c, 7 days, 2nd week. **Gross:** $8,300. (Average, $12,000)

"Rose Marie" Gets $8,000, Portland

PORTLAND, Feb. 16.—"Rose Marie" in its first week at the United Artists was in the hit class, securing $8,000, over normal by $3,000.

A dual at the Orpheum, "So Red the Rose" and "Dangerous," grossed $7,000, over par by $2,000.

Weather close to zero increased the overhead and cut into grosses.

Total first run business was $37,700. Average is $24,700.

Estimated takings for the week ending Feb. 8:

"CEILING ZERO" (F. N.)
BROADWAY—(1,912), 30c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"THE INFORMER" (Radio)
"GAY DECEPTION" (20th-Fox) (2nd Run)
BLUE MOUSE—(1,700), 20c-25c, 7 days. **Gross:** $1,700. (Average, $1,700)

"DANGEROUS" (W. B.)
"SO RED THE ROSE" (Para.)
ORPHEUM—(1,700), 30c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

"ANYTHING GOES" (Para.)
"CHATTERBOX" (Radio)
PARAMOUNT—(3,008), 30c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"ROSE MARIE" (M-G-M)
UNITED ARTISTS—(945), 30c-35c-40c, 7 days. **Gross:** $8,000. (Average, $5,000)

The Tops

St. Louis, Feb. 16.—Mrs. Alpha Sears thinks there is nothing to approach Warner product. She operates the State at Nashville, Ill., and is Grad Sears' mother.

"Maternelle" High In Montreal Slump

MONTREAL, Feb. 16. — Wintry weather put a damper on theatres. "La Maternelle" took $6,000 at the Imperial as compared with $3,500 par.

"Anything Goes" counted $11,000 at the Palace and this gross equalled average. Loew's made it $11,000, or $500 above the line, largely on the popularity of "Paddy O'Day" as first feature of a combination bill. "Rendezvous" topped the Capitol show for a take of $8,500. Second and last week of "Strike Me Pink" at the Princess brought $6,000 as compared with $12,000 for the previous week.

The legitimate stage was dark and chief opposition was the professional hockey matches.

Total first run business was $42,500. Average is $41,500.

Estimated takings for the week ending Feb. 6:

"RENDEZVOUS" (M-G-M)
"KIND LADY" (M-G-M)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $8,500. (Average, $9,500)

"LA MATERNELLE" (French)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. **Gross:** $6,000. (Average, $3,500)

"PADDY O'DAY" (20th-Fox)
"PURSUIT" (M-G-M)
LOEW'S — (3,115), 30c-34c-40c-50c-60c, 7 days. Stage: "Miami Nights Revue." **Gross:** $11,000. (Average, $10,500)

"ANYTHING GOES" (Para.)
PALACE — (2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $11,000. (Average, $11,000)

"STRIKE ME PINK" (U.A.)
"ATLANTIC ADVENTURE" (Col.)
PRINCESS—(2,272), 25c-30c-35c-50c-65c, 7 days, 2nd week. **Gross:** $6,000. (Average, $7,000) First week: $12,000.

"Soldier" Sets Pace in Detroit

DETROIT, Feb. 16. — "Professional Soldier" made an excellent showing at the Fox, in the face of continued zero weather. The $17,300 take was above average by $2,300.

"The Lady Consents" at the RKO Downtown pulled a good $11,900, up by $1,900, and "Ceiling Zero" was $1,400 over the line with $21,400 at the Michigan.

Total first run business was $70,700. Average is $65,000.

Estimated takings for the week ending Feb. 6:

"EAST OF JAVA" (Univ.)
"GREAT IMPERSONATION" (Univ.)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $4,100. (Average, $5,000)

"PROFESSIONAL SOLDIER" (20th-Fox)
FOX—(5,100), 15c-65c, 7 days. Stage: vaude. **Gross:** $17,300. (Average, $15,000)

"CEILING ZERO" (F. N.)
MICHIGAN — (4,100), 15c-65c, 7 days. Stage: vaude. **Gross:** $21,400. (Average, $20,000)

"MURDER OF DR. HARRIGAN" (F. N.)
"HER MASTER'S VOICE" (Para.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $3,800. (Average, $5,000)

"STRIKE ME PINK" (U. A.)
UNITED ARTISTS — (2,070), 15c-55c, 7 days. **Gross:** $12,200. (Average, $10,000)

"THE LADY CONSENTS" (Radio)
RKO DOWNTOWN——(2,950), 15c-65c, 7 days. **Gross:** $11,900. (Average, $10,000)

"Burlesque," Waring Smash Hits on Loop

CHICAGO, Feb. 16.—"King of Burlesque" was strong enough to beat out one of the coldest stretches in 26 years hereabouts. Even slippery streets couldn't keep the crowds away from the Chicago and the $44,500 take, with Fred Waring and his radio show on the stage, ran $12,500 over par.

"Magnificent Obsession" was also a money-maker in its second week. It hit $9,200, up by $3,700. "Riffraff" was good for $5,600 in its second week at the Apollo and "Strike Me Pink" took a par $17,000, also in its second week, at the United Artists.

Total first run business was $119,100. Average is $117,000.

Estimated takings:

Week Ending Feb. 4:

"A NIGHT AT THE OPERA" (M-G-M)
ROOSEVELT—(1,591), 30c-40c-60c, 7 days, 3rd week. **Gross:** $8,500. (Average, $11,000)

Week Ending Feb. 6:

"NEXT TIME WE LOVE" (Univ.)
PALACE — (2,509), 25c-35c-50c, 7 days. Stage: Clyde Beatty and his Animals, Ella Logan and vaudeville. **Gross:** $14,000. (Average, $19,000)

"KING OF BURLESQUE" (20th-Fox)
CHICAGO — (4,000), 35c-50c-68c, 7 days. Stage: Fred Waring and Radio show. **Gross:** $44,500. (Average, $32,000)

"A PERFECT GENTLEMAN" (M-G-M)
ORIENTAL — (3,490), 25c-40c, 7 days. Stage: "Spices of 1936" revue. **Gross:** $15,500. (Average, $15,000)

"MAGNIFICENT OBSESSION" (Univ.)
GARRICK—(900), 25c-35c-50c, 7 days, 2nd week. **Gross:** $9,200. (Average, $5,500)

Week Ending Feb. 7:

"RIFFRAFF" (M-G-M)
APOLLO—(1,400), 25c-35c-50c, 7 days, 2nd week. **Gross:** $5,600. (Average, $4,500)

"STRIKE ME PINK" (U. A.)
UNITED ARTISTS — (1,700), 30c-40c-60c, 10 days, 2nd week. **Gross:** $17,000. (Average, $17,000)

"SEVEN KEYS TO BALDPATE" (Radio)
STATE-LAKE—(2,776), 20c-30c-35c, 7 days. Stage: Mitzi Green and her revue. **Gross:** $14,800. (Average, $13,000)

"Island" on a Dual Only Buffalo Draw

BUFFALO, Feb. 16.—"Escape From Devil's Island," heading a dual bill with "A Feather in Her Hat," was practically the only attraction to get into the profit division to any extent last week. The $7,800 take at the Lafayette was over par by $1,800.

Continuance of the bitter cold kept people at home and all other houses were below par.

Total first run business was $37,200. Average is $42,000.

Estimated takings for the week ending Feb. 8:

"THE LADY CONSENTS" (Para.)
BUFFALO — (3,000), 30c-50c, 7 days. **Gross:** $8,300. (Average, $12,000)

"ROSE OF THE RANCHO" (Para.)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $6,600. (Average, $7,300)

"CEILING ZERO" (W.B.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $5,100. (Average, $7,300)

"THE MURDER OF DR. HARRIGAN" (W.B.)
"MILLIONS IN THE AIR" (Para.)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,900. (Average, $5,800)

"ESCAPE FROM DEVIL'S ISLAND" (Col.)
"A FEATHER IN HER HAT" (Col.)
LAFAYETTE — (3,300), 25c, 7 days. **Gross:** $7,800. (Average, $6,000)

"HAPPINESS, C. O. D." (Chesterfield)
GAYETY—(1,600), 15c-25c-35c, 7 days, vaudeville. **Gross:** $3,400. (Average, $3,600)



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"U" Decision Ready Soon, Says Cowdin

Denies Erpi Will Share In the Financing

A decision on the exercising of Standard Capital Co.'s option to acquire control of Universal can be made in the near future, J. Cheever Cowdin, head of Standard, said yesterday on his arrival from London on the *Europa*. The option continues in effect up to March 15.

While declining to confirm or comment on reports that the requisite financing for the exercise of the option had been set during his stay in London, Cowdin did make an emphatic deniel of a report that Erpi would be a financial participant. The Standard head said that his London trip had served to "clarify" many things involved in his company's current study of Universal's operations here and abroad and brought the study nearer to its conclusion. His London visit, Cowdin said, provided him with an opportunity of looking over Universal's foreign organization and properties and of meeting the people with whom he is dealing.

U. A. Gets Review On Sale Tax Issue

United Artists has been granted a writ of certiorari by the New York Supreme Court in a move to bring to the Appellate Division its appeal from the city's ruling that film rentals are subject to the two per cent city sales tax. The writ was served on the city comptroller yesterday and an answer must be filed with the court by March 4. The case will then be noticed for argument and a hearing will probably be held some time before the end of March.

Stebbins Quits Firm For New Connection

Los Angeles, Feb. 17.—Arthur W. Stebbins has resigned as director and chairman of the board of Stebbins, Letterman and Gates of New York and Stebbins, Letterman and Gates, Ltd., of Los Angeles to re-enter the insurance business here on his own.

Associated with him will be Cosgrove & Co., Inc., large insurance brokers and one of the largest of its kind west of Chicago.

Uses Snow Piles

St. Louis, Feb. 17.—Harold W. Evens, manager of Loew's State, took advantage of the big snow banks in various parts of the city by having his bill posters place cardboard announcements of the current films at his house atop the snow heaps.

Just a bit of old fashioned showmanship in an old fashioned Winter.

M-G-M Stand Upon Lewis Yarn in Air

M-G-M home office officials said yesterday they had not been advised whether or not the company had permanently abandoned plans for producing Sinclair Lewis' novel, "It Can't Happen Here," which Louis B. Mayer announced over the week-end would not be made "at the present time, because it would cost too much.

"If all this talk continues," Mayer was quoted as saying, "perhaps we will find it profitable to make the picture at once."

The M-G-M studio denied reports that the change in production plans was occasioned by a Hays organization ban on the novel which depicts America under a dictatorship, and its subsequent overthrow. No comment could be obtained from the M.P.P.-D.A. here which said that the matter, if brought to the attention of the organization, would be handled by the Hollywood office. Will H. Hays, who left Hollywood Friday, reiterated, when questioned in Chicago yesterday, the M-G-M denials that his organiza-

(*Continued on page 5*)

Racing Commision Opposes Dog Tracks

The New York State Racing Commission has sent to Senator John J. Dunnigan, president pro-tem of the Senate, a letter setting forth its opposition to the legalization of dog racing in New York. The letter characterized the so-called "sport" as "anti-economic, and opposed to the best interests of all sports." It pointed out that dog racing is essentially a betting proposition and that it furnishes unfair competition to theatres.

"This competition," says the letter, "becomes especially devastating in the small towns and city suburbs. The experience of the theatres in and around the tracks in New Jersey last year affords a good case history. Theatrical enterprise is entitled to protection against unnecessary hardship."

Members of the Racing Commission, who prepared the letter, are, Herbert Bayard Swope, chairman; John Hay Whitney and John Sloan.

Pantages Dies In His Sleep At Coast Home

Veteran Exhibitor And Horseman Was 72

Los Angeles, Feb. 17.—Alexander Pantages, theatre owner, veteran of the Klondike gold rush days, horseman, and colorful figure in the industry since its inception, was found dead in his home here this morning. Death was believed due to natural causes. He was 72.

For years Pantages had suffered from heart trouble. He is survived by his widow, Mrs. Lois Pantages, and two sons, Lloyd A. and Rodney, and one daughter, Carmen Considine.

Pantages was born on an island off the mainland of Greece. As a youth he worked at Cairo, Egypt. He reached this country, still a youth, in the gold rush excitement, and began his career in the show business by talking "Klondike Kate," song and dance girl, into working for him on a percentage basis. This was the first vaudeville in Alaska.

When he returned to Seattle he opened his first theatre, and during the succeeding years he built up a circuit of vaudeville and film houses in the west and in Canada that was said to have totaled more than 250 at one time. He sold out to RKO in 1929, and reports at the time were that he had received $24,000,000.

In 1933 he reentered exhibition and took over the Pantages, Hollywood. He announced plans for further expansion, but little was done.

Exhibitor-Ascap Talks to Continue

Meetings between representatives of the national exhibitors' protective committee and officials of Ascap will be continued from time to time as developments in the music performing situation warrant, Walter Vincent, chairman of the exhibitor committee, said yesterday. Representatives of the committee held their first meeting with E. C. Mills, Ascap general manager, late last week.

Vincent said the meeting left the discussion "in a fluid state." He said that there had been no assurances from Ascap that a reduction of its rates might be made as a result of the loss to its catalogue of the Warner music, but that Mills had advised them that "there was no intention on Ascap's part to work a hardship on the exhibitor or to ignore his problems as a result of the present music situation."

Sheehan Has Producer Post At Paramount

Agreement Calls for Ten Pictures Annually

Hollywood, Feb. 17.—Winfield Sheehan today reached an agreement with John E. Otterson to produce ten pictures annually for Paramount over a period of years. Sheehan will have his independent unit and will produce at the General Service Studios under the style of Winfield Sheehan Prod. The new producer is now on his way to New York accompanied by his wife, Mme. Maria Jeritza.

By the terms of the present arrangement, four pictures will be produced by Sheehan personally while the remaining six will have his supervision.

The present deal has been hanging fire for several months.

Missouri to Rule Again on Giveaways

Kansas City, Feb. 17.—Attorney General Roy McKittrick has termed his department's ruling that Bank Night is contrary to Missouri statutes, which was announced last week, premature. The opinion will be reconsidered.

McKittrick has written Franklin Miller, circuit attorney of St. Louis, who asked for the opinion, and who had threatened to bring charges against St. Louis theatres if they continued to use Bank Night, that in view of information theatres would take the question of legality of the promotion to the Missouri Supreme Court, he will withhold an opinion until such time as

(*Continued on page 5*)

Allied Owners Have $2,018,786 in Cash

Allied Owners' Corp., theatre owner and builder, which is reorganizing under Section 77-B of the Bankruptcy Act, has $2,018,786 in cash as of Jan. 31, last, according to a trustees' report filed in Federal court at Brooklyn yesterday. The trustees state that this represents an increase of $66,112 in the company's cash position as of Jan. 1.

Receipts for the month of January were $78,310 and disbursements were $12,197. The company has about $10,000,000 in bonds and debentures outstanding. The only proceedings remaining in the reorganization is the payment of fees to attorneys, trustees

(*Continued on page 5*)

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"Pasteur" $28,000 In Its First Week

"The Story of Louis Pasteur" got off to a good start at the Strand, hitting $28,000 for the first week. Weekend business for the second week is on a par with the first few days of the opening stanza.

"The Music Goes 'Round" opens Friday at the Capitol and will be followed by "Wife Versus Secretary."

"Quints" Debut Mar. 5

"The Country Doctor," starring the Dionne quintuplets, is slated to open at the Music Hall March 5. Some sequences were photographed in the Callender, Ontario nursery under the technical supervision of Dr. Allan Roy Dafoe.

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Insiders' Outlook

By RED KANN

Hollywood, Feb. 17.

WHAT to do with Mae West in these days of Production Code Administration and the resultant good will which the industry has been steadily building for itself in the press of the nation? An unhappy and perilous job at best, as each succeeding West attraction amply proves. There is her latest to consider and our first elected piece of business in Hollywood. Scarcely off the train, we sploshed our way to the Paramount projection room to see what there was to see. . . .

▼

Once known as "Klondike Lou" and now refurbished as "Klondike Annie," her newest is decidedly average entertainment wending its way in and out of the accepted Western tradition with one eye covetously fixed on the distant past, when Mae could do what she cannot now, and the other turned to the fashioning of essentially phony story and dramatic situations which may fit the code but certainly not West. For the truth of the matter is at once simple and obvious. Miss West is the arch exponent of the hurly burly, the double entendre, the questionable-in-taste. With free wheeling of all three, she has made box-office attractions in their time. Shorn of some of each, as prevails in the instance of "Klondike Annie," you get a Mae West with her bag of tricks largely turned inside out and so leaving woefully little left. . . .

▼

"Klondike Annie" has to do with the following situations: Miss West is first seen living with Harold Huber, an Oriental operating a joint in San Francisco in the '90s. The dialogue fails to say so, but there is the circumstance inescapably planted by situation in large degree and dialogue in lesser. Her planned escape "to associate with men friends of her own race" is discovered. In self-defense, since the Chinaman threatens to blind her, she stabs him to death and makes her escape on a tramp bound for Nome with Victor McLaglen in command and the Alaskan gold rush. At a northern point of call McLaglen learns through a police circular that Miss West is really the San Francisco Doll wanted for murder. . . .

▼

The West-McLaglen byplay—he on the make and Mae ready although playing hard to get—fills a substantial segment of the picture at this point. Helen Jerome Eddy, a settlement worker outfitted as a member of the Salvation Army, boards the ship, hell bent for the north and soul saving. She leaves her impress on Miss West in the whitewashing process which immediately ensues. Upon her death, plus impending police discovery, the star assumes the role of Sister Annie. In this guise, assumed far less in sincerity and much more in the desire to save herself from the gallows, Miss West arrives in Nome, there to be met by a simpering set of reformers headed by Harry Beresford. . . .

▼

Adopting what smacks of the Aimee Semple MacPherson type of religious ballyhoo, Miss West proceeds to apply her own particular style of technique to the job at hand and packs the settlement house with the riffraff of the sprawling frontier town. Steeped well in the bawdy overtones of her earlier and clearly established career, the idea clicks; Miss West thinks she salves the gnawings of her conscience and her debt to the original Sister Annie and fills the coffers of the settlement group with considerable cash. On the sidelines and waiting is McLaglen, ready to take his hotcha to the South Seas and thus out of reach of law and order. But Miss West decides to stay, Philip Reed, looking right handsome in his police outfit, having demonstrated his interest to her sufficient liking. Overhearing McLaglen yell who she really is, she confronts the officer with a genuine problem. Moved apparently by Mae's perpetual hourglass figure, he decides to step out of duty by resigning and into love by inclination. However, this Mae refuses to allow. She drops the fake psalm-singing role and returns to McLaglen, presumably on her way to the 'Frisco police to pay the penalty for easy handling of that knife in Huber's back. However, the picture instead ends in a clinch that implies her good intentions have gone bodily out of the most convenient porthole. . . .

▼

This was directed by Raoul Walsh, who once made "The Cocked-Eyed World." That, however, was in another day. It has a production code seal, too. No. 1,856 for the record. It was based on a play by Miss West, who also did both script and dialogue, as is her wont, and who arranged production detail to include her presence in every scene, supplied with all the answers. The credit citations also set forth that the original yarn had grafted to it a story by Marion Morgan and George Dowell with further material suggested by Frank Mitchell Dazey. Adult entertainment, this. And unexciting enough in its way. The difficulty about "Klondike Annie" is that it tried hard to get naughty, as well as objectionable, but did not make the grade because of the brakes sometimes known as the production code.

▼

Typical of the dialogue and correct in import if not always in text are lines like "It's a cold sheet with only one underneath it." There is, to boot, the song titled "It's Better to Give Than to Receive," sung by the congregation with a significant flashback to McLaglen. "A good line is hard to resist" is a third, and a fourth Mae's crack that she found McLaglen a "good loving man" all the weeks up from 'Frisco to Nome. By no means to be ignored is the deep philosophical reasoning which goes to point out: "Give a man a free hand and he puts it all over you."

"Klondike Annie" impresses as far more dull than daring. It's like a firecracker with most of the gunpowder removed. Not all, however, and sufficient to make a secondary explosion. . . .

"Modern Times" Is Banned in Germany

BERLIN, Feb. 17.—"Modern Times" will not be shown in Germany, it was revealed today, because of a ban by the Nazi Government. The Ministry of Propaganda declared the film was "contrary to the spirit of the New Germany of Chancellor Adolf Hitler."

Queried yesterday on whether United Artists would seek an appeal from the Nazi Government ban on "Modern Times," Arthur W. Kelly, executive vice-president, last night stated the company would not.

"It's up to Mr. Chaplin to do whatever he wants to about it," Kelly asserted.

O'Connor Switched From Japan to Cuba

Edward F. O'Connor, who was recently transferred from M-G-M's Shanghai office to Japan, again has been switched, this time to take charge of the company's branch in Cuba. Dave Lewis, who has been at the helm in Cuba, will assume charge of the Japan office.

O'Connor recently made efforts to enter Japan, but permission was denied by immigration authorities. He has been with M-G-M for seven years.

Arthur Loew is en route from Johannesburg, South Africa, to South America, where he will arrive March 1 for an indefinite stay.

Schmertzes Celebrate

CLEVELAND, Feb. 17.—I. J. Schmertz, Fox branch manager, and Mrs. Schmertz are celebrating their 25th wedding anniversary.

direction!

Director Henry "Bengal Lancer" Hathaway and the big Walter Wanger unit filming "THE TRAIL OF THE LONESOME PINE"

Paramount Pictures



"THE TRAIL OF THE LONESOME PINE"

The expert direction of one of the keenest minds in Hollywood . . . Henry Hathaway, who gave you that box office champion of 1935, "The Lives of a Bengal Lancer". . . direction which has movement, power, emotional impact, heart appeal, all the major box office qualities.

And every one of them heightened, strengthened, by natural color in this first outdoor feature picture ever completely filmed in Technicolor.



Paramount Pictures

Sylvia Sidney Fred MacMurray Henry Fonda in

"THE TRAIL OF THE LONESOME PINE"

with Fred Stone, Nigel Bruce, Beulah Bondi, Robert Barrett, Spanky McFarland, Fuzzy Knight.

A Walter Wanger Technicolor Production. A Paramount Picture. Directed by Henry Hathaway.

M-G-M Stand Upon Lewis Yarn in Air

(*Continued from page* 1)

tion had banned the production.

"No action on the book was taken by the Producers' Assn.," Hays said. "I have been out of touch with Hollywood since leaving and will not make any statement until I am in possession of the full details. I shall make a statement later if I think it necessary.

"The statement reported to have been made by Sinclair Lewis," Hays added, "is full of inaccuracies. There never was any question of this story affecting the Republican party in any way and no one, including myself, ever made any statement to that effect."

Industry opinion is that the M-G-M action was taken because of the probability of retaliatory action by Germany and Italy, spokesmen for both of which nations were quoted as saying they were pleased by the decision not to produce the picture. Paramount's recent complications in Spain, in which a ban on the company's entire product in that country was threatened for a time, because of alleged material offensive to Spain in "The Devil Is a Woman," was cited as a case in point.

Missouri to Rule Again on Giveaways

(*Continued from page* 1)

that body has ruled on the question. He also pointed out that the New Hampshire Supreme Court, as well as that of Iowa, had held the plan legal.

In the premature opinion issued by Franklin E. Reagan, assistant attorney general, last week, the Iowa statute governing lottery was explained as more technical and narrow than Missouri's. Reagan expressed the belief that Missouri courts, under the broader statute, would hold "consideration" to be any definite form of consideration recognized in the law of contract.

McKittrick's department last March held Bank Night was a lottery.

Allied Owners Have $2,018,786 in Cash

(*Continued from page* 1)

and others for their services. Appeals from the allowances granted some of the fee applicants by the U. S. District Court here have been carried to the U. S. Supreme Court where a decision is now being awaited. Following this the company will be discharged from the custody of the court.

Allied Owners owns the Brooklyn Paramount, Loew's Pitkin, Kings and Valencia, and theatres in Birmingham, Ala., Glens Falls, N. Y., and Fremont, O. The company was one of the largest unsecured creditors of Paramount Publix in that company's reorganization proceedings.

NUNNALLY JOHNSON
"The Prisoner of Shark Island"
WILLIAM MORRIS OFFICE

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Desert Gold"

(*Paramount*)

HOLLYWOOD, Feb. 17.—This handsome western, placing heavy emphasis on humor and fast riding, should appeal in a big way to boots and saddle fans. Buster Crabbe plays the part of the Indian owner of a fabulously rich gold mine which Monte Blue, bad man, wants. Blue kidnaps Crabbe and tortures him in a lonely mountain camp, hoping to learn from him the location of the mine. Mining engineer Tom Keene rescues Crabbe, thus winning the friendship of his tribe. The Indians give Keene the job of developing the mine.

Keene is in love with Marsha Hunt, who is engaged to Blue. He kidnaps her on her wedding night and flees with her to the secret mine. There follows a battle with bullets and dynamite. The villains are wiped out and the lovers are left united and happy.

Crabbe has little to do as a stoic Indian, but he looks the part. Keene is engaging as a flippant lover, and Marsha Hunt is excellent as a spirited frontier sweetheart. Raymond Hatton, as her father, has several highly amusing scenes. Robert Cummings, as a rather silly tenderfoot, draws plenty of laughs, while Si Jenks shines in the short part of a stage coach driver. Monte Blue does a really fine villain. James Hogan's direction gives full emphasis to speed and tension, especially in a scene between Cummings and a rattlesnake.

The screen play, from the novel of Zane Grey, was done by Robert Yost and Stuart Anthony. The photography by George Clemens is unusually fine. Harold Hurley produced and William Lackey supervised. The humor of the production and the prominent names deserve the stress.

Production Code Seal No. 1,931. Running time, 55 minutes. "G."

Looking 'Em Over

"Sunset of Power"

(*Universal*)

A western that is definitely in the better class, this film, with a fair story and well composed action and riding sequence played against pictorially beautiful outdoor scenery, should please.

Buck Jones plays a cowhand at Charles Middleton's ranch. Opening with the boys going to town for a drink, the narrative begins rambling, with well spaced spots of action and some shooting toward the problem of Dorothy Dix and cattle rustling. Miss Dix's problem is with her grandfather, Middleton, who has marital plans for her and harbors some hard feeling because she is the last of the Brennan line and a female. Charles King acts out a good part as the cheat who is made foreman of the ranch and just about compelled to marry Miss Dix. With a murder and a last minute kidnapping to stave off the ill-matched wedding, the piece closes when Jones and Middleton settle their accounts with King.

As usual, Jones' performance is top notch and Middleton is excellent as the grandfatherly old codger. Miss Dix handles a dramatic role convincingly. Ray Taylor directed. Allen Thompson's and Herbert Kirkpatrick's camera work is exceptional.

Production Code Seal No. 1,741. Running time, 65 minutes. "G."

Connery Hits Use of Army-Navy in Films

WASHINGTON, Feb. 17.—Free use of the military and naval forces at a time when thousands of unemployed extras are walking the streets was attacked today by Representative William P. Connery, junior Democrat from Massachusetts, speaking at the bi-monthly luncheon of Variety Club. Although declaring himself pro-film, Connery stated his intention to introduce legislation to prevent such pictures as "Annapolis Farewell."

The Congressman also expressed regret at the reappearance of double-meaning dialogue and warned that a continuance would bring censorship.

Bank Night Files 14 Actions in Indiana

INDIANAPOLIS, Feb. 17.—Affiliated Enterprises, Inc., of Denver, has filed suit in Federal Court here to enjoin N. C. Weinberg of this city and the management of 13 theatres from operating Cash Nights. The suit asks damages of $10,000.

Weinberg has arranged Cash Night for several local neighborhood houses and a number in smaller Indiana cities. The suit contends that despite the change in name, Cash Night is an infringement. Max M. Plesser, attorney, speaking for the theatre men, asserts the plaintiff has no cause for action.

"U" European Heads Here on Production

For the purpose of discussing Universal's plan to inject an international technique and flavor in pictures to be produced in Hollywood and in Europe, Joseph Pasternak, Herman Kosterlitz and D. Rabinowitz will arrive today on the *Ile de France* for conferences with Nate Manheim, in charge of the company's foreign activities, and later go to the coast where they will produce a feature with this in mind.

The sessions with Manheim will last several days, following which Pasternak, Kosterlitz and Rabinowitz will leave for Hollywood for conferences with Carl Laemmle on foreign production plans. Universal executives feel that in having the three foreign production men make one film on the coast the internationalization angle will be easier to grasp. This provides for less dialogue and more action.

Manheim will not accompany the trio west, but will depart shortly afterwards to sit in on the coast confabs.

Copyright Hearings To Open on Feb. 25

WASHINGTON, Feb. 17.—Hearings on copyright legislation will open befor the House Patents Committee Feb. 25, it was made known today by Representative Sirovich of New York, chairman. Apparently spurred on by the petition filed last week by Representative Zioncheck of Washington for the discharge of the committee from further consideration of the legislation, Chairman Sirovich revealed that the hearings will cover both the Duffy Bill, passed by the Senate last session; the Daly Bill, submitted in the House last month as a substitute, and any other plans which may be brought up for solution of the copyright problem.

Plans for the creation of a subcommittee have apparently been dropped as a result of the Zioncheck attack, it being stated that the hearings would be held before the full committee.

Delay Sound Men Status

HOLLYWOOD, Feb. 17.—The question of jurisdiction over sound men, scheduled for settlement here over the week-end, has been postponed and probably no adjustment will be made until March, it was learned from I. A. T. S. E. headquarters. Pat Casey, studio labor representative, said that no arbiter has been appointed yet.

J. D. Clark Flies East

HOLLYWOOD, Feb. 17.—John D. Clark, general sales manager of Twentieth Century-Fox, left for New York tonight by air, but will return here by Feb. 25. In between will be a sales meeting of the company's top flight sales executives from the field in Chicago on Feb. 21-22 when new season's plans will be discussed.

Fox Buys "Slaver"

HOLLYWOOD, Feb. 17.—"The Last Slaver," adventure story of the closing days of the African slave trade, has been purchased by Twentieth Century-Fox. Nunnally Johnson, script writer of "Shark Island," will be associate producer.

Koplar-Warner Action Concluded

WILMINGTON, Feb. 17.—Sam Morris, Warner director, and Thomas Garrett, New York attorney, were the last witnesses to testify as the Koplar action against the Warners and the organization's directorate came to a close in the U. S. District Court here this afternoon.

Morris, who testified just before the trial closed, told of a promise made to pay to Waddill Catchings, another Warner director, a sum of money in addition to the commission due him for his services to the organization.

Garrett testified as to the fairness of the compromise that was ratified at the annual stockholders' meeting of the company last December. His testimony centered about the employment contract between Renraw and the company. The stockholders at their last annual meeting approved a settlement of the controversy between the company and Renraw, Inc., over remuneration for services of the three Warner brothers. Under the terms of the settlement approved, the Warner company was to receive from Renraw 100,000 shares of Warner Pictures stock and agree to pay the legal fees and expenses of Max Goldberg who brought the suit against the company as stockholders.

Judge John P. Nields set May 5 as the date for argument. The motion for dismissal, which was made by Joseph L. Proskauer today, will also be heard on that date.

Loew's Seeks Delay In Two Bronx Cases

Attorneys for Loew's will ask for a month's postponement of the hearing scheduled Friday against the Elsmere and Grand in Bronx Special Sessions in connection with games. If the delay is granted, a similar request will be made on Feb. 28 when a like complaint is set in the same court involving the Paradise.

One of the reasons for the continuation will be that an appeal from a decision in the Appellate Division of the Brooklyn Supreme Court on the Winthrop, Brooklyn, will come up for hearing about the middle of March in the Court of Appeals, Albany. In view of this, Loew's legal representatives will try to have their cases put over until the determination of the three judges in Albany.

Leopold Freidman of Loew's is expected from the coast the end of the week. Irving Greenfield, his assistant, will seek the continuations.

Grainger to Leave 20th-Fox April 15

E. C. Grainger's resignation as eastern division sales manager of Twentieth Century-Fox becomes effective April 15, it was learned yesterday. Grainger forwarded his resignation late last week to John D. Clark, general sales manager, who was attending production conferences at the company's studio.

Clark is expected back here today, but probably will not announce a successor to Grainger until a later date. He leaves Friday for Chicago.

Grainger resigned the sales post he had held for many years to become general manager of the Feiber & Shea circuit.

Purely Personal

ARTHUR W. KELLY, PAUL LAZARUS, HARRY GOLD, HARRY H. THOMAS, AL HOVELL, CHARLES MOSES, JOE TEPPERSON, ARTHUR LEE, GEORGE WEEKS, A. J. WAXMAN, WILLIAM FEITELSON, JACK GOLDSTEIN, GREGOR DICKSON, BUDDY MORRIS, A. J. VAN BEUREN, TRUMAN TALLEY, LEW LEHR, ED THORGESON, CHARLES PAINE, FRANK UNDERWOOD, JOCK LAIT and BOB GOLDSTEIN, at the Tavern yesterday.

•

MILTON C. WEISMAN is in Miami. He left Saturday shortly after Federal Judge JULIAN W. MACK signed an order allowing Weisman, Quinn, Allen & Spett a fee of $60,000 in the reorganization of Fox Metropolitan Playhouses.

•

EDWARD A. DIAMOND, distribution manager of Cinepix, has appointed ALAN E. STAR to head the non-theatrical division of the company to start a distribution service in schools, churches and clubs.

•

SAMUEL GOLDWYN, with MRS. GOLDWYN and their son, SAMUEL, JR., arrive here tomorrow on the Century. He will look over the new plays and the current crop of stage stars.

•

MAX A. COHEN, the theatre man, suddenly changed his plans and instead of going to Honolulu for a vacation he left Sunday for Hollywood, Fla.

•

AL JOLSON and RUBY KEELER are planning their European trip for this spring, following the completion of "The Singing Kid" and "Colleen."

•

ANATOLE LITVAK, European director, will leave for the coast today to start work on WALTER WANGER'S "Sahara," starring CHARLES BOYER.

•

HERMAN STARR of Warners returned from Wilmington yesterday. He was expected to go on the stand in the Koplar suit, but wasn't called.

•

WILLARD MCKAY returned yesterday from a Florida vacation after a slight delay when his plane was grounded at Washington.

•

LOUISE STUART, New York model, has been signed by Paramount and will leave for the coast immediately.

•

WILL H. HAYS made a stop-over in Chicago en route east from the coast and is expected here today.

•

JAMES CAMPBELL and IRWIN DASH of G. B. have arrived from London. They are stopping at the Warwick.

•

H. C. GRUBBS has been appointed director of distribution of Erpi Picture Consultants.

•

MYRON SATTLER of the New York Paramount exchange is going in for ox blood shirts.

•

GRAD SEARS is sighing with relief now that his boy is well again.

•

ARTHUR WILLI, RKO Radio talent scout, is back from the coast.

•

Y. FRANK FREEMAN is out of town on a brief business trip.

FRED SCHWARTZ, up-and-coming son of A. H., had a busy day yesterday. In the morning he was guest of a cocktail party given by his father at the Centry Circuit headquarters. At 5 P. M. he was married to SHIRLEY WILKINS at Temple Emanu-El. Following the wedding, a reception was held at the Waldorf. This afternoon SCHWARTZ and his bride sail for a Honolulu honeymoon.

•

ROBERT BENJAMIN of Phillips & Nizer again has postponed his coast trip and now is scheduled to leave tomorrow.

•

HERMAN RIFKIN, Boston franchise holder for Republic, has returned from the coast.

•

J. J. UNGER held a pep talk meeting at the Paramount New York exchange yesterday.

•

W. RAY JOHNSTON is being bothered by a cold again.

•

. . . *Denver*

GEORGE ALLAN will reopen the old Empress as the Center the last of this month. The assistant manager will be GEORGE ALLAN, JR., and REX JEWELL will have charge of the stage shows.

GENE DU CHEMIN, formerly with the Denver Poster Service, is in Salt Lake City for some time.

FOREST SWANSON, who was formerly with the Atlas Theatre Co. at Lamar, Col., has been transferred to the Roxy here.

R. J. MORRISON, manager of the Twentieth Century-Fox exchange, is on a sales trip through New Mexico.

HARRY NOLAN, theatre supply man, is spending his vacation in Texas on his ranch at Brownsville.

CHARLES BUMSTEAD, operator of a portable circuit in Colorado, is planning a new five-town portable circuit in South Dakota.

J. T. SHEFFIELD is spending a few weeks in Denver. Sheffield owns Republic exchanges in Denver, Salt Lake City, Portland, Butte and Seattle.

•

. . . *Lincoln*

BOBBY BROWN'S wife and child back from a long visit with relatives in Ohio.

MAYNARD NELSON, former publicity man for the band leader, CARL KING, is now taking care of the Albion, Neb., end of HARRY WEINBERG'S circuit.

JACK TAVLIN, interested in the Del Rio midget trio, persuaded the newsreel men here covering the HOOVER speech to do several shots of the tots, who were playing at the Lincoln.

JOHN ECHOLS, who practically lived with a duck for 10 days exploiting "Collegiate," almost cried when the man who owned the duck came and took him away.

•

. . . *Pittsburgh*

HARRY KALMINE has been confined to his home for several days with a bad bronchial cold.

JOHNNY MAYER, the Penn's sign artist, has just become the father of a baby girl.

JUD SPIEGLE and MRS. SPIEGLE are back in town from their two-week honeymoon in Florida.

MAX SHULGOLD, Monarch salesman, will become a benedict next month.

"Rose" Smash In Cleveland; Gets $23,000

CLEVELAND, Feb. 17.—"Rose Marie" was a smash hit at Loew's State. It piled up $23,000, leaving par $11,000 behind, in spite of zero weather.

"The Petrified Forest" also was in the money in a big way, the $12,500 gross being $4,500 over normal. "The Invisible Ray" turned in an excellent $5,000 at the Allen.

The food show, starring Julia Sanderson and Frank Crumit, and the Playhouse stage presentation of "The Petrified Forest," combined with continued zero weather, were stiff competition.

Total first run business was $58,000. Average is $42,000.

Estimated takings for the week ending Feb. 14:

"THE INVISIBLE RAY" (Univ.)
ALLEN—(3,300), 30c-35c-42c, 7 days. **Gross:** $5,000. (Average, $3,000)

"ROSE MARIE" (M-G-M)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $23,000. (Average, $12,000)

"HER MASTER'S VOICE" (Para.)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $3,000. (Average, $4,000)

"PROFESSIONAL SOLDIER" (20th-Fox)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Clyde Beatty and His Animals. **Gross:** $14,500. (Average, $15,000)

"THE PETRIFIED FOREST" (W. B.)
WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $12,500. (Average, $8,000)

Widen N. H. Council

NEW HAVEN, Feb. 17.—The New Haven Council of Theatre Patrons has inducted seven new organizations to membership, among them the League of Women Voters, the American Ass'n. of University Women, and the New Haven Committee, Museum of Modern Art.

Wall Street

Fractional Losses Mark Stocks

	High	Low	Close	Net Change
Columbia, vtc	41⅛	40½	40⅞	— ⅝
Columbia, pfd	49½	49	49	— ½
Consolidated	6⅞	6⅜	6⅜	— ⅜
Consolidated, pfd.	19⅞	19⅛	19¼	— ¾
Eastman Kodak	159½	159½	159½	+1
Loew's, Inc.	52	51⅜	51⅝	— ¾
Loew's, pfd	106	105⅝	106	+ ⅞
Paramount	11⅜	10⅝	10⅞	— ⅜
Paramount 1 pfd.	84	82	82½	—1½
Paramount 2 pfd.	12¾	11⅞	11⅞	— ¼
Pathe Film	8½	8⅛	8¼	— ⅛
RKO	8½	8⅞	8⅛	.....
20th Century-Fox.	27	26½	26½	— ½
20th Century, pfd.	37	35¼	36	— ⅝
Universal, pfd	63	62¾	63	— ½
Warner Bros.	13½	12¾	13¼	+ ¼

Sonotone, Technicolor Curb Gains

	High	Low	Close	Net Change
Sentry Safety	1⅜	1⅜	1⅜	.....
Sonotone	2⅝	2½	2⅝	+ ⅛
Technicolor	25⅛	25	25½	+ ¼
Trans-Lux	4¾	4½	4⅝	— ⅛

Bonds Fractionally Off

	High	Low	Close	Net Change
General Theatre 6s '40	24	23½	23½	— ½
General Theatre 6s '40 ctf.	24	23½	23½	— ⅜
Loew's 6s '41 ww deb rights	103⅛	103	103	.....
Paramount B'way 3s '55	59	58½	58½	—1
Paramount Pict. 6s '55	95½	95	95	— ¼
Warner Bros. 6s '39 wd	98	97½	97½	— ½

(Quotations at close of Feb. 17)

DID YOU EVER HEAR A CRITIC SINGING?



THEN GATHER 'ROUND, MATES, AND LISTEN WHILE THE NEW YORK CRITICS SING THE PRAISES OF

PAUL MUNI in "THE STORY OF LOUIS PASTEUR"

Thousands upon thousands of words of undiluted and unparalleled praise in 12 great New York dailies certify another rearin'

WARNER BROS. HIT

✓ *Checked and*
✓✓ *Double-Checked*

As a Top Cash Proposition by Biggest Muni Week-End take on Record in Year's Toughest Weather and Indefinitely Extended Run

AT N. Y. STRAND WORLD PREMIERE

HERE IS every syllable from every review—from every New York paper—unedited and unexpurgated! The keynotes above each clipping will give you the general idea. But if you have time, read every line and see if you can find a *single word* of blame!

"A cinematic masterpiece -thrilling, gasping sequences-must be seen!"—American

'Story of Louis Pasteur' Is Tensely Gripping Drama; Muni Powerful as Its Star

SCREEN REVIEWER SEES THE NEW FILM

CLIMACTIC SCENES FROM FILM ON LIFE OF GREAT SCIENTIST, LOUIS PASTEUR

By REGINA CREWE,
Motion Picture Editor N. Y. American.

"THE STORY OF LOUIS PASTEUR," a Warner Brothers Picture produced by Cosmopolitan Productions from a story and adaptation by Sheridan Gibney and Pierre Collings directed by William Dieterle and presented at the Strand Theatre.

THE CAST:

Louis Pasteur ..... Paul Muni
Mme. Pasteur ..... Josephine Hutchinson
Annette ..... Anita Louise
Jean Martel ..... Donald Woods
Dr. Charbonnet ..... Fritz Leiber
Joseph Meister ..... Dickie Moore

Ripped from the record of vital statistics, rich in the pulsing drama of life and vivid with the threatening menace of death's dark wings, the immortal story of Louis Pasteur greets you in graphic limning on the screen of the Strand Theatre. No more tensely dramatic truth is phrased in history's exciting pages than this struggle of a gentle hero against the allied forces of ignorance, pride and prejudice in a pitched battle to save mankind from monstrous unseen death.

Less than fifty years ago the blessing of motherhood was a curse. In giving life, every woman walked in the valley of the shadow. The percentage of mortality from a mysterious fever that followed was appalling. Less than fifty years ago, France, already impoverished by the burdens imposed by Teutonic conquerors, faced starvation with the sudden death of her herds. Less than fifty years ago the bite of a rabid animal was fatal as the sting of a cobra.

Then came Louis Pasteur. He made the world safe for motherhood. He practically paid the war debt of his native land. He rescued the world from the obscene death that once lay in the venom of maddened beasts. Such is the man, and such his story as unfolded in Warner Brothers' mighty motion picture.

They—the learned physicians and scientists of the Academy—laughed at Pasteur as he sat down at his microscope. They laughed so long and loud that the Emperor, himself, sent the little chemist into virtual exile when he dared propound his theory that disease was caused by minute life, bacteria which swarmed murderously in millions waging eternal war on all mankind.

But their laughter faded when his prophecy was fulfilled in the death of the Empress' kinswoman after motherhood. Ignorance accused him of black magic. Envy persecuted him. Prejudice hated him. Then from the quiet countryside of Arbois, where he had taken refuge, came word that in all of France only the sheep of this pleasant valley were free from the disastrous plague of anthrax. A committee of medicos was dispatched to investigate and found Louis Pasteur inoculating the healthy herds with a germ-destroying serum. He met their challenge, and won when untreated sheep died while his lived.

Back in his laboratories the dread disease of rabies takes the scientist's attention. Before his tetanus anti-toxin is perfected Russia sends a score of wolf-bitten victims who implore his healing. Fearing the results of an incomplete cure, and knowing his enemies would gladly subject his neck to the sharp embrace of Mme. Guillotine, should the loss of a single life be laid to him, the harassed Pasteur broken-heartedly declines to experiment upon the doomed and wailing Russians. Then the drama is personified in little Joseph Meister, childish victim of a mad dog. In dead of night Pasteur takes a chance. He administers the serum, and —this same Joseph Meister, a very real person, is alive today in Paris!

But while he labors to save the lives of others, his own beloved daughter faces death from the fatal fever that he knows is caused, not by Providence, but by infection from unsterile surroundings. His arch-enemy, chief antagonist of his theories, is the one physician available, and to him Pasteur must entrust his daughter's life and that of her child. The two strike a dramatic bargain. If Dr. Charbonnet will follow directions at the accouchement, then Pasteur will sign a confession that he is a pretender and a charlatan.

These, then, are just a few of the gripping moments seared in memory from "The Story of Louis Pasteur." There are many other thrilling, gasping sequences. There is the sweet romance of Mr. Muni and Josephine Hutchinson, and the tender passion of Anita Louise and Donald Cook. There is conflict galore—the heart-break of Pasteur which must be shared by the audience, and then the final magnificent, though tear-stained triumph in which the world acknowledges his sublime victory. These things must be seen. At the Strand. Now.

Paul Muni, in the title role, has never given a more vivid, a more impressive, a more vital portrayal than he offers in his powerful, ever discerning characterization of Louis Pasteur. He looks the part, and the dignity of the character has descended upon his shoulders. He keeps the man always warm, always human, always simple, ever lovable. Pasteur is re-created in Paul Muni.

A long list of carefully chosen players appear in his support. Miss Hutchinson is a sweetly understanding wife, Anita Louise an angelic daughter, Donald Woods an upright lover, Halliwell Hobbes scores as the great Dr. Lister; Fritz Leiber is perfect as the sneering doubter, Charbonnet; young Dickie Moore lends appeal as the boyish Meister, while others, too numerous to name, contribute to the picture's excellence. William Dieterle's direction breathes warm life into history's pages, and "The Story of Louis Pasteur" is a cinematic masterpiece.



"And now, Joseph," says Pasteur (Paul Muni) as he addresses Joseph Meister (Dickie Moore), "You go down in history as the first person to be cured of rabies."



"We have won," cried Pasteur, "but how could I have gone on without you?" The great French scientist, brought back to life by the art of Paul Muni, is addressing Mme. Pasteur, played on the screen by Josephine Hutchinson. Also in this picture is Anita Louise, the Pasteur daughter.



Persecuting Pasteur—"You are hereby forbidden," said the Emporer, "to practice medicine in France."

"Breathless and stirring—deeply moving—decidedly on the must list!" —*Sun*

"The most distinguished drama of the season. A picture you must see!"—*Journal*

The New Talkie

Paul Muni in an Exciting and Noble Film, 'The Story of Louis Pasteur.'

By EILEEN CREELMAN.

Those amazing Warners, having successfully revived the gangster melodrama this season, have now jumped a long way in the other direction. Their current presentation at the Strand, as exciting in its own way as any tale of G-Men, is a drama of scientific research, "The Story of Louis Pasteur." The wily Warners have used their knowledge of showmanship to make the discovery of a new germ a breathless and stirring business even to audiences more used to machine-gun antics on the Strand screen.

"The Story of Louis Pasteur" is of course a picture that should be seen by every one, from disillusioned adults to children eager for adventure. It is a drama of adventure, of illusions too, and high courage in the face of ridicule and skepticism. Scientific data have been simplified so that any layman, even a young child, could follow the theories without effort. The suspense surrounding each experiment has been heightened and high lighted until its success becomes a matter of personal concern to each spectator. And Louis Pasteur, irascible, tactless, absorbed in his work, and intolerant of ignorance, becomes, through Paul Muni's interpretation, a human as well as a dignified figure.

These Warners have a daring all their own. This time they have chucked out the usual movie plot, using the dramatized biographical method of books rather than centering the film about one incident. The one romance, the love story of Pasteur's daughter and a young doctor, is both unimportant and innocuous. The drama is that of science, of men fighting to break down the unbelief and ignorance of a lazy world; and its telling here takes Louis Pasteur from his early middle age, when he fled from Paris and the jeers of the medical profession, to that final triumphant evening when all the great scientists of his country met to honor and salute him, an old and very weary man. That last scene, like that in which Pasteur proves the worth of his anthrax vaccine, is deeply moving.

Science, one may here learn, proceeds by devious means, by trial and error as much as by persistent experimentation. It was the scoffing of his principal adversary, the eminent Dr. Charbonnet, who injected the supposedly deadly rabies serum into his arm to disprove Pasteur's theory, who thus accidentally brought about a discovery of the cure for hydrophobia. He became, Pasteur later exclaimed delightedly, the great chemist's favorite guinea pig.

Then there is the scene with the sheep, with Pasteur frantically hoping that the vaccinated ones may be found alive; and that dramatic experiment with small Joseph Meister, doomed to horrible death by rabies; and the cure of the desperate Russians; and that hysterical moment in which Charbonnet, bargaining shrewdly with Pasteur, agrees to deliver Annette's child if Pasteur himself will turn against his own theories. This last incident, by the way, is perhaps the only one that seems imaginary. The rest, many of them historic moments, are vividly real.

Mr. Muni, surrounded by a host of excellent character actors wearing long beards, gives one of his typically strong and sincere performances as Louis Pasteur. Anita Louise, frail and lovely as usual, is briefly present as his daughter Annette. Donald Woods plays the eager Dr. Martell; Josephine Hutchinson has the colorless part of Mme. Pasteur.

"The Story of Louis Pasteur," a dramatic show as well as a noble tribute, is decidedly on the must list.

ROSE PELSWICK REVIEWS 'PASTEUR' FILM

Muni's Acting Brilliant in Fine Picture

By ROSE PELSWICK

Intensely impressive and stirring is "The Story of Louis Pasteur." A powerful narrative that depicts the career of the famous French chemist whose scientific discoveries and medical reforms made him one of the greatest benefactors of the human race, the Cosmopolitan production at the Strand Theatre takes its place as the most distinguished screen drama of the season.



ROSE PELSWICK

Emotionally as well as intellectually exciting, the picture is something new in screen writing. Here is a biography entirely free from the artificialities of a scenarist's imagination. Simply, and with no attempt to color facts with the movies' conventional love interest or manufactured melodramatics, the film tells the story of a man of science and his battle against bacteria, and succeeds in making it an arresting document that teems with suspense and builds to a tremendous climax.

Paul Muni portrays Pasteur, and his characterization is a masterpiece of realism and sincerity. Always a conscientious actor, here he submerges himself so thoroughly in the role that the spectator forgets Muni and sees only the obscure country chemist who devoted himself tirelessly to research for the betterment of mankind.

Life-Long Fight

With Pasteur's life-long fight against disease as its theme, the picture follows the chemist from the time that he tried to convi Napoleon 3d of the importa of antisepsis in the practice medicine until the day when, pa alyzed as the result of overwo he was finally honored by t hitherto skeptical Academy Medicine.

His entire career a strugg against ignorance and ridicule o the part of his contemporarie Pasteur is shown as he vainly at attempted to point out the death dealing connection between bacil lus and disease to the careles physicians of his day. Banished from Paris, he finds his first rec ognition 10 years later in the vil lage of Arbois where his anti-toxin saves the cattle of that district from the dread disease known as anthrax.

The picture then details his magnificent laboratory war against rabies and his triumph with what is the Pasteur treatment for hydrophobia today. And the story development by which he proves his theories—his acceptance of challenges by his chief detractor, Dr. Charbonnet; his cure of the little German boy when failure would have meant prison or the guillotine; his subsequent cure of a number of Russian peasants who pitifully offer themselves for experiment—make for tensely absorbing and inspirational drama

Brilliant Production

A brilliantly devised production, the picture will hold you enthralled from its opening sequence until its profoundly moving conclusion. Mr. Muni, naturally, is the dominating character, but Cosmopolitan has surrounded the star with an exceptional cast, even the most minor bit player contributing richly to the whole. Josephine Hutchinson gives an effective performance as Pasteur's sympathetic wife and Fritz Leiber's portrayal of the mocking Charbonnet is outstanding. A romantic theme that is made subordinate to the main trend of the story is admirably handled by Anita Louise, as Pasteur's daughter, and Donald Woods as the chemist's assistant and son-in-law. The laboratory scenes and the costumes and manners of 19th Century France are atmospherically convincing and much credit goes to Sheridan Gibney and Pierre Collings for the screenplay and to William Dieterle for his understanding direction. "The Story of Louis Pasteur" is a picture you must see.

"As exciting and thrilling in its own way as 'G-Men'!" —*World-Telegram*

"Certain to take its place on everybody's best-ten lists for the year!" —*Post*

'Story of Louis Pasteur' Opens at the Strand

Life of Great Researcher Is Told Dramatically in Paul Muni's New Picture.

By WILLIAM BOEHNEL.

BELIEVING that sometimes the public tires of run-of-the-mill screen entertainment and is willing—even eager—to accept films about something that matters, the Warner Brothers have screened impressively and excitingly Louis Pasteur's gallant and eventually successful struggle to convince prejudiced and stubborn scientists of the 1860s that germs were mankind's greatest enemies and his discovery of serums which successfully checked anthrax and hydrophobia, in "The Story of Louis Pasteur," at the Strand.

A thrilling chronicle film founded on fact, it commemorates a great man in simple, human, natural terms. Without once becoming hysterical about its lofty theme and its epochal character, the film tells its story of man's relentless warfare on germs, not as a lantern slide lecture but as a human and inspiring document. Not only is "The Story of Louis Pasteur" a gallant film adventure, it is also as exciting and thrilling in its own way as "G-Men," and I hope that it will be just as successful.



William Boehnel.

* * *

The Tragic Story of Pasteur.

THE producers begin their film in 1860 in Paris with Louis Pasteur's scathing attack upon medical men for their stupidity in refusing to admit that germs are killing most of their patients and openly accusing them of being responsible for the many deaths among women during child birth because of the unclean instruments they are using. Ridiculed by the medical profession as a charlatan, Pasteur almost wins the support of the Empress Eugenie, who becomes interested in his experiments, but instead, because of the influence several powerful members of the medical society have with the Emperor, he is virtually exiled from Paris.

More than ten years later, with France faced with the problem of paying an enormous war indemnity to victorious Germany, the new government becomes interested in the news that the sheep in a small village are healthy while others all over the country are dying from anthrax. Since the government is planning to pay its indemnity to Germany through the sale of sheep, a commission of doctors is sent to the little village to investigate.

Here the commission discovers that the sheep are alive and well because of a vaccine that Pasteur and his assistants have administered to them. Still dubious, one of the leading lights of the medical society enters into a contest with Pasteur. He insists that if he inoculates fifty sheep with the dreaded anthrax germ they will all die, regardless of the fact that he condescendingly allows Pasteur to vaccinate half of them. When the twenty-five that Pasteur inoculates with the anti-anthrax vaccine live, his fame becomes worldwide.

* * *

The Conquest of Hydrophobia.

PASTEUR'S next efforts are to eliminate the dread hydrophobia. Again his efforts are ridiculed and he is accused of being a charlatan by bigoted physicians, but in the end, although he is broken physically by overwork, Pasteur's experiments are successful and he is acclaimed by men of science from all over the world.

In the role of Pasteur, Paul Muni is superb, while the part of his understanding wife is expertly played by lovely Josephine Hutchinson. The minor roles are unusually well handled by Fritz Lieber, Henry O'Neill, Porter Hall, Raymond Brown, Halliwell Hobbes and Frank Reicher. Donald Woods and Anita Louise do a nice job as the young lovers, whose romance in no way interferes with the main purpose of the narrative, which is to illustrate conscientiously the life of one of the world's greatest benefactors, something it does with great dignity and power.

SCREEN VIEWS AND NEWS

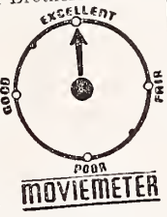
Muni's "Louis Pasteur" Superb Screen Tribute

Powerful, Poignant and Enlightening Picture Inspires Strand Audiences; Supporting Cast Splendid

By IRENE THIRER

A POWERFUL, poignant and enlightening tribute to the memory of the eminent chemist Louis Pasteur is Paul Muni's portrait of him in the Warner Brothers' vehicle current at the Strand.

"The Story of Louis Pasteur," directed dramatically and sympathetically by William Dieterle, treats in inspiring fashion of the French scientist's strife-filled carcer—a life devoted to struggle against those of the medical profession who, for years, would not recognize his theories and discoveries; his battle against microbes; his unceasing fight for the use of antiseptics and vaccine as protection against disease and death.



In Mr. Dieterle's film, Mr. Muni has thoroughly absorbed the character of Pasteur, via what must have been diligent research and untiring rehearsals. As Louis Pasteur he gives no suggestion of Paul Muni—and that is an achievement, indeed.

The picture moves with a dignity and forcefulness and conviction which should be heartily endorsed by the average movie fan, as well as those in the scientific know. For, besides being a stimulating account of a great man's activities and accomplishments, it is vastly engrossing movie material as just that. Even if "The Story of Louis Pasteur" were not a true record, faithfully filmed, it would still be a good picture. It has romance and human interest and complication, and suspense, and occasional flights of humor, and much charm, and glorious photography, and a superbly knit continuity, and a satisfying conclusion, and excellent acting.

At this time, we might mention that Anita Louise is delightful as Pasteur's daughter. Josephine Hutchinson, with believable make-up, does beautifully as the patient Mme. Pasteur. Fritz Leiber's Dr. Charbonnet—Pasteur's arch enemy until he is eventually convinced—is magnificent. Halliwell Hobbes makes the British Dr. Lister a truly fine person. Donald Woods lends youth and vitality to the role of Pasteur's assistant who weds the chemist's daughter. Porter Hall, Akim Tamiroff, Herbert Heywood, Brenda Fowler, Henry O'Neill, Niles Welch, Frank Reicher, Dickie Moore, Ruth Robinson and Leonard Mudie are seen to advantage in lesser roles. And there are flashes of Iphigente Castiglioni as the Empress Eugenie, who believed in Pasteur; of Walter Kingsford as Napoleon III, who laughed him out of court as a witch doctor, and of Herbert Corthell, as President Thiers of the new French Republic, who decorated the chemist, for the people of France, when he was finally accepted by the Academy of Medicine.

There are countless stirring sequences—especially that wherein Pasteur vaccinates fifty sheep with anthrax germ.

Among the countless stirring sequences is one wherein Pasteur first proves to an astonished world that a herd of sheep vaccinated with Anthrax germs live and thrive whereas another herd, thrown to infested pastures without being inoculated, die off like flies. This episode is thrilling beyond description—as is another, wherein Pasteur inoculates a small boy against rabies, contracted by a mad dog bite. As the days elapse, the child gradually gains in his battle for life, and the audience actually gloats with Mr. Muni's Pasteur over the lad's recovery. So many other passages are fascinating and exciting that the film will linger long in the memory of the picture peruser. And when 1936 comes to a halt, "The Story of Louis Pasteur" is certain to take its place on everybody's best-ten lists for the year.

"Exciting and beautiful – far more exciting than the run of films!" –*Herald-Tribune*

"One of those exceptional pictures you should not miss – vastly exciting" –*Mirror*

"Intensely thrilling story made into a vital motion picture – deeply moving!" –*News*

LIFE OF PASTEUR THRILLING FILM



Paul Muni, Josephine Hutchinson and Anita Louise as they appear in "The Story of Louis Pasteur," which had its premiere showing at the Strand Theatre yesterday.

By KATE CAMERON.

"The Story of Louis Pasteur," a Cosmopolitan production, story and screen play by Sheridan Gibney and Pierre Collings, directed by William Dieterle and presented at the Strand Theatre.

THE CAST

Louis Pasteur	Paul Muni
Madame Pasteur	Josephine Hutchinson
Annette Pasteur	Anita Louise
Dr Radisse	Porter Hall
Dr Rossignol	Raymond Brown
Jean Martell	Donald Woods
Napoleon III	Walter Kingsford
Empress Eugenie	Halliwell Hobbes
Dr. Lister	Henry O'Neill
Dr. Roux	Henry Kolker
Dr Charbonnet	Dickie Moore
Joseph Meister	Akim Tamiroff
Dr Zaranoff	Fritz Leiber

The intensely thrilling story of the enormously important discoveries of Louis Pasteur, the great French scientist who had great direct or indirect effect on the lives of all of us, has been made into a vital motion picture by Warner Brothers. With Paul Muni in the role of Pasteur, the film is now being shown at the Strand Theatre.

Muni's characterization of the scientific Titan is impressive and sometimes deeply moving, as the story of his hunt for the microbe and his battle with the reactionary members of the French Academy of Medicine to have his discoveries acknowledged and his anti-toxin for rabies approved, is unreeled on the screen. There is the same cure for rabies approved, is unreeled on the screen. There is the same throbbing under-current of excitement in the Pasteur drama, as written originally for the screen by Sheridan Gibney and Pierre Collings, that one felt in Sidney Howard's play "Yellow Jack," while watching the historic drama of Dr. Walter Reed and his co-workers of the army in Cuba tracking down the elusive mosquito, which was killing off thousands of people every year by infecting them with the deadly virus which resulted in yellow fever.

The Muni picture has been more dramatically written and has been given a more fluid and actionable treatment than the French language film which Sacha Guitry wrote, produced, directed, and starred in, and which is now being shown at the World Theatre on 49th Street. The latter film is devoted to lengthy arguments before the Academy, while the Cosmopolitan production gives us a more intimate

ON THE SCREEN

By Richard Watts Jr.

'The Story of Louis Pasteur'—Strand

Paul Muni



In "The Story of Louis Pasteur"

"THE STORY OF LOUIS PASTEUR," a screen drama by Sheridan Gibney and Pierre Collings, directed by William Dieterle and presented by Warner Brothers at the Strand Theater with the following cast.

Louis Pasteur	Paul Muni
Madame Pasteur	Josephine Hutchinson
Annette Pasteur	Anita Louise
Jean Martelleur	Donald Woods
Dr Charbonnet	Fritz Leiber
Dr Roux	Henry O'Neill
Dr Rossignol	Porter Hall
Dr Radisse	Raymond Brown
Dr Zarnoff	Akim Tamiroff
Dr Lister	Halliwell Hobbes
Dr Pfeiffer	Frank Reicher
Joseph Meister	Dickie Moore
Mrs. Meister	Ruth Robinson
Napoleon III	Walter Kingsford
President Thiers	Herbert Heywood
Empress Eugenie	Iphigenie Castiglioni
Midwife	Brenda Fowler
Coachman	Leonard Mudie
Boncourt	Herbert Bergner
One of Pasteur's assistants	Andre Beranger
Courier	Lionel Pape

The cinema is concerned with the pursuit of the germs of anthrax and hydrophobia in the new picture at the Strand Theater now playing, but not the customary encounter of a juvenile and an ingenue, but the first meeting between two great scientists when the discovery is made that the sheep treated with a new serum have lived that the photoplay's first climax is reached. The battles are fought out in laboratories and in sessions of grave scientific associations. Its villains are not sinister bandits or treacherous seducers, but merely the reactionary habits of eminent and well meaning pillars of the medical community. I could go on for some length suggesting to you the lack of presumable box-office delights in the new film, but if I continued to do any such thing I would deceive you miserably. For "The Story of Louis Pasteur," written and directed with honesty and tenderness, and stirringly played by Paul Muni, is only exciting and beautiful screen drama, but possesses a quality of nobility that actually makes you proud of the petty, hapless and bewildered human race.

If by any unfortunate chance the idea should get about that "The Story of Louis Pasteur," because it deals with adventure in science, rather than in romance in science, rather than in romance between the pedantic and laborious work that deserved merely a polite admiration and was to be applauded because it was a fine educational thing for the children to see, then a great error will be made by criticism and publicity. For the truth of the matter is that the picture is far more exciting and heart-warming than the run of films celebrating presumably less cerebral topics. The romance between Pasteur and the great Pasteur's daughter is conventional enough, but it is soon forgotten when the great French chemist begins the creation of modern medicine. His battle against charlatanism in the Academy of Medicine and his fight against disease and death becomes one of the epic struggles of humanity.

In "Yellow Jack," Sidney Howard proved the possibility of getting the quality of heroism and great drama into the somewhat similar story of a great American microbe hunter, Dr Walter Reed. For some ridiculous reason, the play was not vastly successful at the box office. It is pleasant to think that perhaps the much abused cinema audiences will change the verdict against the scientific play by a hearty approval of "The Story of Louis Pasteur." The producers of the film certainly have not cheapened it, but they have given it a certain dignity that should help to make it popular at the box office.

Perhaps it should be reported that the work is a straightforward account of the struggle of Pasteur against the superstition and backwardness of medical ideas in the early days of the Second Empire and the early days of the Third Republic. It begins with the great scientist held in scorn by his colleagues as a mountebank and ends with his acceptance by his grudging fellow scientists as one of the true heroes of mankind.

All of the slightly episodic story is not only well planned, but is extremely well played. Mr. Muni, one of the screen's most intelligent and resourceful actors, is splendid in his difficult role and I know that you will not see a more stirring moment of playing in the drama all year than the instant when Pasteur realizes that he has saved the life of the sheep and that his cure for anthrax is a success.

Miss Josephine Hutchinson as the wife and the pretty Miss Anita Louise as the daughter have little to do, but there are exceptionally fine performances by Fritz Leiber as the most relentless of Pasteur's enemies (a really first-rate portrayal), by Henry O'Neill as a loyal follower of the great man, and by Porter Hall as a dubious, but eventually convinced, doctor. There is a good impersonation of Napoleon III by Walter Kingsford.

"THE STORY OF LOUIS PASTEUR" PROVES IMPRESSIVE FILM

Scientist's Role Played Well By Muni.

By BLAND JOHANESON,

"The Story of Louis Pasteur" at the Strand.

A really fine picture; as exciting as it it impressive.

Produced by Cosmopolitan; directed by William Dieterle.

THE CAST

Louis Pasteur	Paul Muni
Annette Pasteur	Anita Louise
Dr Radisse	Raymond Brown
Napoleon, the third	Walter Kingsford
Dr Lister	Halliwell Hobbes
Dr Charbonnet	Fritz Leiber
One of Pasteur's assist	Andre Beranger
Dr Zaranoff	Akim Tamiroff
Boncourt	Herbert Heywood
President Thiers	Herbert Corthell
Midwife	Brenda Fowler
Madame Pasteur	Josephine Hutchinson
Jean Martell	Porter Hall
Dr Rossignol	Donald Woods
Empress Eugenie	Iphigenie Castiglioni
Dr Roux	Henry O'Neill
Joseph Meister	Dickie Moore
Courier	Niles Welch
Dr Pfeiffer	Frank Reicher
Mrs Meister	Ruth Robinson
Coachman	Leonard Mudie

STIRRING, dramatic and exciting, this is the first film drama close to our times and vital to our problems. Handsomely produced, splendidly acted and deftly directed, it is a film to thrill and excite all the thoughtful.

Beginning with Pasteur's early life, it pursues his vivid career to its conclusion. Paul Muni, assuming the colorful role does the most exhilarating work of his career as Dr. Louis Pasteur.

The story introduces the star as the struggling young man whose daring theories on microbes confound the austere academy. It describes his risky experiments on cattle and livestock. It builds to a mighty climax as the young chemist risks the guillotine to minister to a small boy infected with hydrophobia. Never shallow, nevertheless, small, it presents a stirring picture of the eternal battle between progress and tradition.

THE YOUNG MAN who dared everything to give the world clean milk, pure meat, aseptic childbirth, while all the medical profession fought and ridiculed him, makes a stirring and unusual figure for the film. His story introduces scenes of thrilling drama and heartbreaking loveliness.

Muni, sincere, intelligent, impressive as ever, has a role hugely enjoys. Dr. Pasteur longs to our immediate history and Muni plays him with beautiful reverence and restraint. never once lapses into the splendid character resource theatrical mood. He makes true.

IN HIS SUPPORT, Muni is tunate. He has winning Josephine Hutchinson to play his wife, vivid players as Fritz Leiber, mond Brown, Porter Hall to sent his opponents. A mellow beautiful romantic theme is duced by the sweet Anita and by Donald Woods.

Dramatic, exciting, intelligent and thrilling, "The Story of Pasteur" is one of those rare tional pictures you should miss. It is deeply moving, usual and vastly exciting a of a great and humane character.

SPACE US

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"A credit to the Warner Bros. studios and to the whole motion picture industry!" – *Morning Telegraph*

"Notable – a subject that should speak personally to every audience!" – *Times*

"Dynamic . . . tense, compelling photoplay . . . it is Muni's greatest role!" – *B'klyn Times-Union*

The Current Cinema

By SEYMOUR ROMAN

Paul Muni is Starred in "The Story of Louis Pasteur," First National Production Now at the New York Strand Theatre.

"The Story of Louis Pasteur," dynamic cinema account of one of the world's greatest scientists, opened Saturday at the New York Strand Theatre with Paul Muni in the title role, and an exceedingly competent cast in support. The film records the dramatic highlights of a life essentially dramatic, and it does so with due regard to the individual, if not to history. Despite Warner Brothers' extravagant claims for their new epic as "the first original screen biography," Pasteur's life has been rewritten to some extent.

A quibbling complaint, perhaps, because "The Story of Louis Pasteur" is a tense, compelling photoplay, sincerely and thoughtfully presented. It offers Mr. Muni his finest opportunities, and it moves with a rapidity and smoothness difficult in a film which must encompass, in detail, some 32 years of an active life.

Louis Pasteur, chemist, is hated and feared by the doctors of France, who refuse to believe in, or even listen to, his theories regarding the microbe as a source of disease. His crusade for sanitary and antiseptic hospital treatment only results in his banishment from Paris by royal command.

In Arbois, ten years later, Pasteur is found busy saving the sheep and cattle of the district from anthrax, the black plague which has swept all the rest of France. Even here, though there is direct evidence of the truth of his work, he is not believed, and a gigantic experiment is planned to rid the medicine men of France "once and for all of this 'mountebank.'"

Pasteur, triumphant, turns his attention to a treatment for rabies. His subject is a little boy, and then 19 Russians who had been bitten by wolves. Again he triumphs, and the entire world of science falls at his feet.

Those are the specific items of this "Story of Louis Pasteur." They are presented in careful, conscientious manner, so that even the layman can both follow explanations and enjoy them.

But it is Pasteur himself of whom the picture takes notice. This irascible, bearded young man, husband and father, who disregards his family in order to track down "wee beasties." Who is human enough to laugh to himself at the title, "Doctor," when it is borne by men who refuse to listen. Who willingly jeopardizes his future because of his belief in himself. Who allows himself to be derided in the streets of Paris because he is working for the world to come.

It is Mr. Muni's greatest role, his greatest performance. Josephine Hutchinson is splendid as the understanding, retiring wife of Pasteur. Anita Louise and Donald Woods carry on a small romantic interlude as Pasteur's daughter and research assistant, respectively.

In minor roles, attention must be paid to Fritz Lieber, Porter Hall and Raymond Brown, as Pasteur's bitterest opponents, and to Henry O'Neill and Halliwell Hobbes, as Pasteur's aids and as Lister.

Compared to the "Pasteur" turned out by Sascha Guitry in France, Warner Brothers' "Story of Louis Pasteur" is, frequently, an infinitely superior production. But, then, the former pretended to be little more than a character study of Pasteur that fact, however. Sascha Guitry's version did contain one scene of dramatic intensity, almost disregarded by Hollywood, that moments when the boy, Joseph, was undergoing treatment for hydrophobia. Warner Brothers here has seen fit to scatter audiences interest, treating that incident with casualness, because at the same time, Pasteur's daughter is soon to become a mother, those Russian peasants are standing in the rain mutely pleading for help, and Pasteur himself is on the verge of a nervous breakdown.

THE SCREEN

'The Story of Louis Pasteur,' at the Strand, Is a Notable, if Freehand, Portrait.

THE STORY OF LOUIS PASTEUR, based on a story and screen play by Sheridan Gibney and Pierre Collings, directed by William Dieterle; a Warner Brothers production. At the Strand.

Louis Pasteur	Paul Muni
Marie Pasteur	Josephine Hutchinson
Annette Pasteur	Anita Louise
Dr. Jean Martel	Donald Woods
Dr. Charbonnet	Fritz Leiber
Dr. Emile Roux	Henry O'Neill
Dr. Rossignol	Porter Hall
Dr. Radisse	Raymond Brown
Dr. Zarnoff	Akim Tamiroff
Dr. Lister	Halliwell Hobbes
Dr. Pfeiffer	Frank Reicher
Joseph Meister	Dickie Moore
Mrs. Meister	Ruth Robinson
Emperor	Walter Kingsford
President Thiers	Herbert Corthell
Empress	Iphigenie Castiglioni

By FRANK S. NUGENT.

There are times when even a film reviewer feels the need of a preamble and today is one of them. With your permission, then, before speaking of "The Story of Louis Pasteur," which moved into the Strand over the week-end, the department will confess that it is guilty of heresy. It believes that accuracy is not the most important part of biography. It will accept errors of time and place cheerfully, and it will condone the addition of known fiction to known fact provided these untruths are committed in the interests of a greater truth, which would be the preservation of the spirit—not the chronological letter—of a man's life.

"The Story of Louis Pasteur" telescopes the French scientist's years and highlights his achievements. It embrolls him in a prolonged feud with the French Academy of Sciences and its president. It has him incur Napoleon III's displeasure and virtual banishment from Paris. It delays his recognition until the evening of his life. It portrays him as a model of scientific detachment, the laboratory method personified, a modest, academic, self-effacing man.

Most, if not all, of this is against the weight, of such biographical evidence as one might encounter in the more staid Britannica or in the lively pages of Paul De Kruif. And possibly because we have heretical notions, we believe that "The Story of Louis Pasteur" is an excellent biography, just as it is a notable photoplay, dignified in subject, dramatic in treatment and brilliantly played by Paul Muni, Fritz Leiber, Josephine Hutchinson and many other members of the cast.

To what purpose would you quarrel with the screen biographer's premise that in 1860, when the film picks up the life of Pasteur, his was the only voice crying out in a wilderness of medical ignorance for physicians to wash their hands, boil their instruments and so avoid infecting their patients with puerperal fever? Because it ignores the work of Lister, Koch and Leeuwenhoek? To what end would you deny that the French Academy and the Emperor Napoleon III were so deaf to his pleas that they one ridiculed him and the other expelled him? Because these were exaggerated reactions, because nothing of the sort happened?

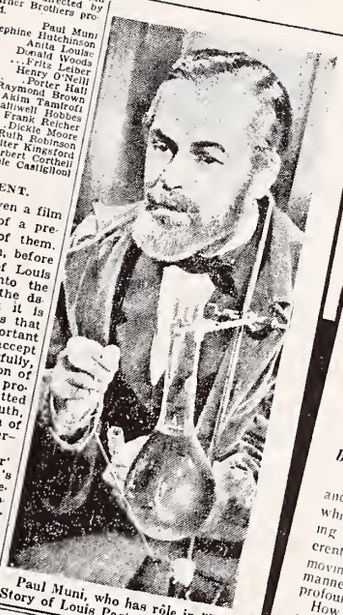
Off hand, the answers would have merit, yet ignorance was the men-ace, of the time and it had to be personified—even at the expense of the Academy. Once you accept the essential accuracy of the conflict between crusading science on the one hand and entrenched medical stupidity on the other, you should be willing to condone every factual sin the film commits.

Thus Pasteur's discovery of the anthrax vaccine, which saved the cattle of France from the black plague, may not have been the instrument which restored him from exile and to a certain measure of honor; but its importance as a scientific discovery is no less because the film pretends so. In fact, it is vastly more dramatic to tell it that way.

The same argument would apply to the film's next dramatic episode, his finding of the toxin anti-toxin cure for rabies. The picture involves this, somehow, with Pasteur's bitter feud with Dr. Charbonnet of the French Academy, and with the need of his daughter for medical care when only Charbonnet is available. Charbonnet—says the script writers—offers to tend the girl if Pasteur will admit in writing that his cure for hydrophobia is worthless. He signs the paper, his daughter is attended but even the French Academy has a conscience and Pasteur, no longer regarded as a dangerous charlatan, receives at last the recognition and bomags he so richly deserved.

The biographical film can be a cold thing, and it generally is. Its most usual manifestations are the costume and period photoplays—the ravished dramas of Disraeli, Napoleon, Barnum or Diamond Jim Brady—which have little relation to modern life and depend for their appeal upon one's interest in antiquities. In this life of Pasteur, a scientist who died forty-one years ago but left a vibrant footprint to mark his passing, the Warners have chosen a subject that should speak personally to every audience and should receive, in return, something more than the transient attention accorded the ordinary photoplay.

Pasteur's life is warm and vital, of itself. It has lost none of that warmth through Mr. Muni's sensitive characterization, through the gifted direction of William Dieterle and the talents of a perfect cast. It may not be the province—and probably it was not the primary motive—of a Hollywood studio to create a film which is, at the same time, a monument to the life of a man. But "The Story of Louis Pasteur" is truly that.



Paul Muni, who has rôle in "The Story of Louis Pasteur."

SCREEN PRESENT

'Story of Louis Pasteur,' With Mun Is Credit to Warners and Industry

by Leo Mishkin

At one fell swoop the screen goes in for the contemplation of science and some really distinguished biography in "The Story of Louis Pasteur," which opened at the Strand Theater on Saturday. With Paul Muni playing the title role, and with the adaptation and direction handled in a reverential and reasonably faithful manner, the film stands forth as honestly moving epic, treated in the grand manner, and to be viewed with profound respect and deference.

How close this photoplay actually comes to depicting the life of the father of modern antisepsis this department is unprepared to say. Undoubtedly up for their values, undoubtedly there are highlights as highlights. To quibble at merits as such things would be to find fault with the whole subject of motion picture biography. It is enough that The Story of Louis Pasteur" does its touching up and dramatizing in a highly capable manner. It makes for good, sound cinema, and this department has always been found on the side of good, sound cinema.

Laughed Out of Paris

It is Pasteur's preoccupation with germs and microbes that provide the chief basis for the story of the film. In the beginning he seeks to prove that 'childbed fever" is caused by uncleanliness in obstetrics and is laughed out of Paris for his pains. Taking up residence in Arbois, the chemist saves the sheep of the countryside from the plague of anthrax that is sweeping the rest of France, but still he is doubted. Only when a test is devised, by members of the French Academy of Medicine does he come through with his victory.

Naturally, his experiments with rabies, or hydrophobia constitute the climax of the film. First he experiments on dogs and then his experiments almost come to failure when the great Dr. Charbonnet, one of the head skeptics, injects the virus into his own arm and dares Pasteur to cure him if he will die. It develops that the great Dr. Charbonnet had used a virus that was fourteen days old and comparatively weak, but that comes later. In the meantime Pasteur gives his attention to saving the life of little Joseph Meister, who had been bitten by a mad dog in Alsace, and also tries to save some Russian peasants who had been sent on to Paris for experimentation in the same field. It is already quite well known that victory comes to him in these cases as well and that he is finally recognized by the Academy as one of the great scientists of France.

Muni Startlingly Real

Mr. Muni, in a startlingly realistic makeup, plays the role of the chemist with his customary ability, giving evidence once more of being a sincere and honest performer. Josephine Hutchinson is a shy and somewhat studden wife, overwhelmed by the greatness of her husband, and the necessary romance is supplied by Donald Woods, as an assistant to Pasteur and Anita Louise, as his daughter. In the minor roles, some bunnets may be tossed at Fritz Leiber for his characterization of Dr. Charbonnet, the skeptic, to Henry O'Neill, as another assistant in the Pasteur laboratories, to Akim Tamroff, as the Russian doctor who brought the rabies-ridden peasants to Paris, and to Halliwell Hobbes, as the great Lister of England.

It is fine and occasionally really great photoplay, this "The Story of Louis Pasteur." It merits lie in both the material it has to present and the way in which it is presented. It is a matter of credit to the Warner studios and to the whole motion picture industry that it has been made at all and that it has come out

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AND ALL THAT COMES

AMAZING NATIONA

AS TH

NEW YORK AMERICAN—SUNDAY

reat Scientific Discoveries Made Accidentally

teur Stumbled on the Greatest Medical Triumph of All Time and Radium, Vitamins, Fever Treatment for Paresis and Many Other Mysteries of Nature Solved by Chance









YOUNG AMERICA

Pasteur's Victory Over Plagues Vividly Presented

SWORDS, trumpets, marching men—these are all pictured when the word "battle" is mentioned. But battles of

tain diseases are caused by tiny organisms — bacteria or bacilli. He also showed how to make the bacilli *cure* these diseases.



Pasteur bids goodbye to the child whose

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BOSTON EVENING AMERICAN

HAILS PASTEUR FILM

First Patient Saved From Rabies

See Pictures on Page 17

When "The Life of Louis Pasteur," Paul Muni's latest starring vehicle, was previewed recently in a New York projection room, there was present the first American ever to be treated by the great French scientist for hydrophobia.

He is William Lane, 64, of Irvington, N. J.

Lane was a messenger boy of 14 in Newark when he, along with three other youths, was bitten by a mad dog. Hydrophobia then meant almost certain death. But reports had come from France about an obscure chemist who had successfully treated the disease. Although no one particularly believed him, he represented the only hope for escape from agonizing death for the four boys. A New York newspaper quickly raised a fund of $1000 and sent the youths to Pasteur. Their cure is history. They were hailed as heroes on their return and went into vaudeville, onto lecture platforms, and exhibited themselves in medical schools.

Only once during the screening did Lane speak. He turned to his wife and, in a hushed voice, said: "It's just like it was then—Pasteur, and the room and all."

A finer compliment could not have been paid to Muni, as Louis Pasteur, nor to Cosmopolitan Productions for their faithful and painstaking efforts to make this an authentic and great biography.

The picture opens at the Metropolitan Theater on Friday.

BOSTON, SATUR

The Pilo

Established by the Second Bishop o
Boston in 1829

The Pilot is maintained in the interest of the Catholic Church of the Archdiocese of Boston.

Worth Our Support

A motion picture soon to be released presents the life of a great man of science, Louis Pasteur. The picture is reported as an honest and successful effort to present a genuine Pasteur, the scientist whose research and discovery changed the whole character of medicine. If the first critical reviewers are correct, we have here another of those really superb pictures, entertaining and instructive, offensive neither to moral sense nor intelligence.

The picture makes clear a point of great apologetic importance, namely, that scientists, even great scientists, sometimes disagree. They differ at times vehemently, with a
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FEBRUARY 1, 1936

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NEW YORK AMERICAN—A Paper for People Who Think—SUNDAY, FEBRUARY 2, 1936

MARCH of EVENTS

THE LIFE OF PASTEUR

A Great Benefactor Of Humanity.

Inspiration for Every Earnest Man.

A great man as was ever born in France—mother of as many great men, was Louis Pasteur, scientist, chemist, biologist, friend of humanity, of highest, noblest, most unselfish character. The world knows him, vaguely, as the man who perfected the French vineyards from the destructive mold known as mildew, especially as the man who cured mad-dog victims. Adored and honored and loved by all farmers that raise livestock, he showed how to protect animals from disease by vaccination.

Pasteur to ever abolished the persistent idea that life, high or low, can develop "spontaneously," and showed the part that microbes play in our daily lives in disease and in death.

He solved the mysteries of fermentation, showing the breweries of England, France and all the world how to prevent the souring of beer, which had seemed impossible.

Known to all the world for his inoculations against rabies, by the satisfaction of saving many in this revolting way of life, and, thanks to his years of scientific inoculation against rabies, there came no more cases of that dreadful epochal time.

Pasteur's father fought in the army of Napoleon on the Spanish peninsula, worshipped the Emperor, treasured to his last day the Legion of Honor ribbon received from him.

His motto was: Travailler, travailler toujours. ("Work, work, work always.")

PASTEUR came of a peasant family. His near ancestors were serfs like many others. The name comes from the days of a nobleman or of a convent or monastery. They were unable to dispose of their goods or their persons.

Pasteur's great, great grandfather, Claude Etienne Pasteur, bought his freedom from the Lord of the Bâtaux. Four pieces of the land—four days—were the price paid. Pasteur's father and grandmother could not read or write, although they were able to sign their marriage certificates.

But like other French peasants they encouraged education. They could appreciate it, ignorance they knew, for instance, like loan of money when she wanted to send the boy of the family to school.

Pasteur's father fought in the army of Napoleon on the Spanish peninsula, worshipped the Emperor, treasured to his last day the Legion of Honor ribbon received from him.

Attacked by the ignorant, and particularly by the [illegible] among so-called "learned men," Pasteur, after welcoming criticism based on fact, rejoicing every thing else, worked until he had reached the summit of his glory—

[illegible] her little boy, 9 years old, terribly mangled by a mad dog.

The little Alsatian, going alone to school, was attacked by the furious dog, thrown to the ground, and while covering his face with his hands, was bitten repeatedly. A fellow-worker beat the dog off with an iron bar, carried the child, covered with blood and spitting to bite, to his home. Terror the child suffering from fourteen wounds, barely able to walk, was taken by his mother to Pasteur.

The responsibility was great, but Pasteur, although not yet ready to treat human beings, decided that it was his duty to save that child if he could.

The first operation was made, an injection in the side of the throat of a little drop of a liquid prepared with some fragments of medulla of a mad dog, taken from the brain of a mad dog. Day by day the inoculations were made, the treatment more highly poisonous and dangerous. Pasteur's wife, wisely admirable, devoted herself to the child's care, and Pasteur, as he wrote to her children during their father's absence, "kept vigil during the long nights" [illegible] the fashions of the child." The treatment lasted ten days; the little boy was inoculated twelve times. The injections of medulla used on the boy, toward the end were so strong as to produce madness in rabbits and dogs. The child was cured.

SOON regular treatments were established, lines of patients from all over the world, including some from this country, the children of workingmen, [illegible] Newark, N. J., were [illegible] waiting for treatment. A temporary building was [illegible] [illegible] [illegible]

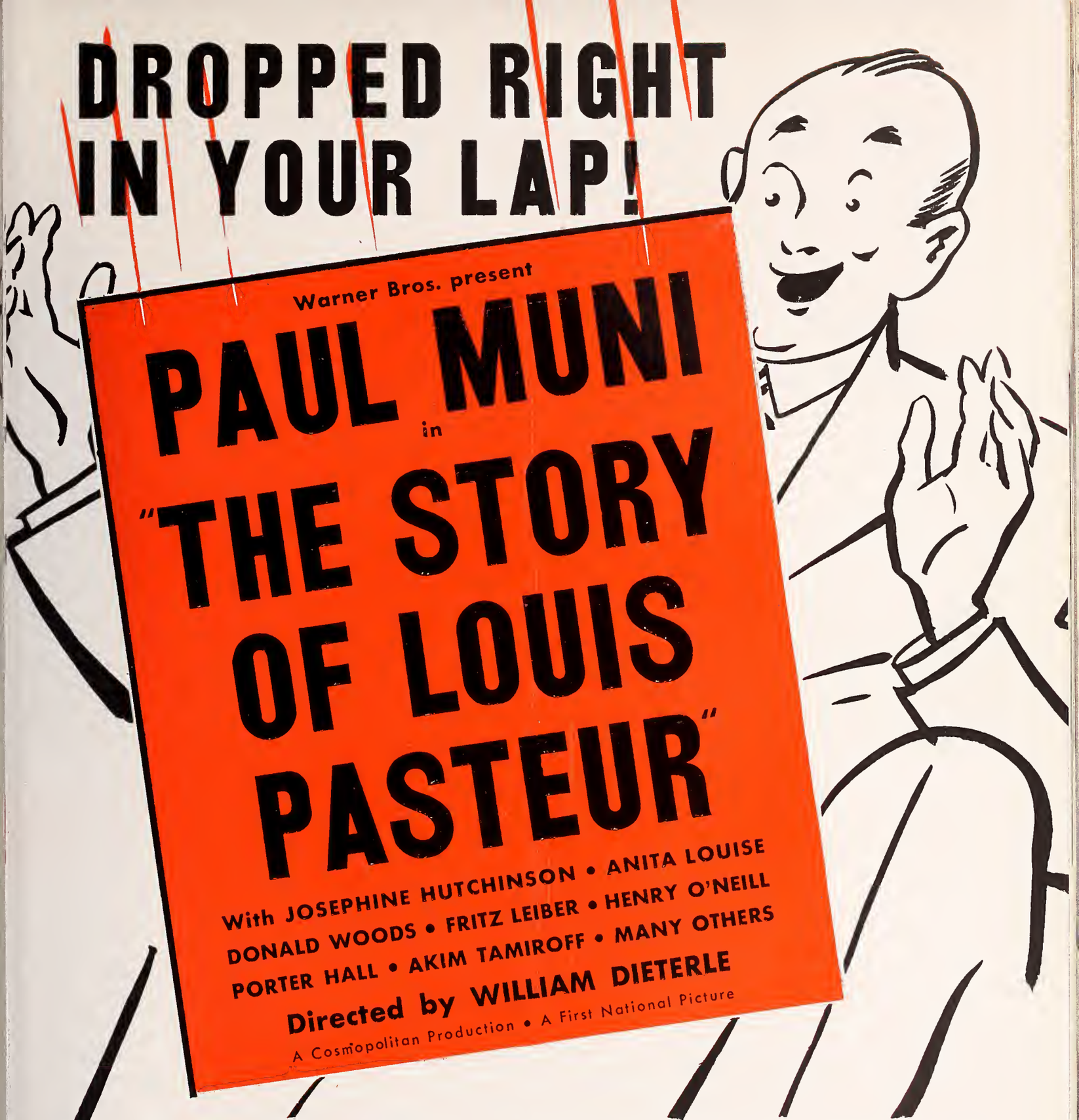


SHAKE HANDS, GENTLEMEN!

The trade press and newspaper critics agree, man to man and eye to eye, one hundred and no one hundredths percent, about "The Story of Louis Pasteur".

Almost three months ago the gentlemen of the trade press started warning you in loud and insistent tones that "Pasteur" was going to be a hit of the de luxe order—sometimes known as the "wow" type. And now look what's happened! Put ditto marks under their previews and you'd have an almost exact approximation of what the gentlemen of the public press are saying today. So score another point for the accuracy and reliability of the forecasts of the better trade papers!

DROPPED RIGHT IN YOUR LAP!



A Tested and Proved Money-Maker All Set Up and Ready to Shoot! Advertised and Publicized to the Limit in Key Papers from Coast to Coast!

Release February 22nd—And We're Ready for Right Dates...Right Now!

LET US SHOW YOU HOW TO GO AFTER THIS ONE!

Write our Ad. Dept. for special ways to get *extra* revenue through schools, colleges, committees, etc.

"The Story of Louis Pasteur" followed by two days the brilliant success of "Petrified Forest" at Radio City Music Hall.

"Pasteur" followed by one day the record-breaking 3-week run of "Ceiling Zero" at the Strand.

"Ceiling Zero" followed the 3-week run of "Captain Blood."

"Road Gang," surprise sensation, will follow "Pasteur."

Boris Karloff in "The Walking Dead" will follow "Road Gang."

"Colleen," with Dick Powell, Ruby Keeler, Jack Oakie and Joan Blondell, will follow "The Walking Dead."

Al Jolson's "The Singing Kid" will follow "Colleen."

Joe E. Brown in "Sons O' Guns" will follow "The Singing Kid."

Marion Davies in "Hearts Divided" will follow "Sons O' Guns."

"Anthony Adverse" starring Fredric March will follow "Hearts Divided."

"Green Pastures" will follow "Anthony Adverse."

So Follow the Leader . . . .

WARNER BROS.

Lloyd, Cantor Films Strong Detroit Draws

DETROIT, Feb. 17.—This town's film patrons are having a hard time deciding whether to go see "The Milky Way" or "Strike Me Pink," so they're going to see both.

The Lloyd opus garnered $22,400, up by $2,400, at the Michigan, and Cantor's musical held up to $12,200 in its second week at the United Artists. In the meantime "Next Time We Love" was pulling an excellent $16,300 at the Fox.

Total first run business was $69,200. Average is $65,000.

Estimated takings for the week ending Feb. 13:

"LONE WOLF RETURNS" (Col.)
"YOU MAY BE NEXT" (Col.)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $4,800. (Average, $5,000.)

"NEXT TIME WE LOVE" (Univ.)
FOX—(5,100), 15c-65c, 7 days. Stage: Vaudeville. **Gross:** $16,300. (Average, $15,000.)

"THE MILKY WAY" (Para.)
MICHIGAN—(4,100), 15c-65c, 7 days. Stage: Vaudeville. **Gross:** $22,400. (Average, $20,000.)

"THREE LIVE GHOSTS" (M-G-M)
"FRESHMAN LOVE" (W. B.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $4,200. (Average, $5,000.)

"STRIKE ME PINK" (U. A.)
UNITED ARTISTS—(2,070),15c-55c, 7 days, 2nd week. **Gross:** $12,200. (Average, $10,000.)

"MUSS 'EM UP" (Radio)
RKO DOWNTOWN—(2,950), 15c-65c, 7 days. **Gross:** $9,300. (Average, $10,000.)

"Marie" Houston's Leader at $12,000

HOUSTON, Feb. 17.—"Rose Marie" was the pace-setter at Loew's State, in spite of Bank Night opposition from five theatres, a stage show at the Metropolitan next door, and the "Hollywood" opening of the new Tower Friday night. The gross was $12,000, which was $5,000 up. It was held over for a second week.

An all negro stage revue led by Lucky Millinder with "If You Could Only Cook" raised the ante at the Metropolitan by $2,500. The total was $9,500. "Red Salute" at the Kirby for the week-end also was high with a take of $3,300. Average is $3,000. "The Great Impersonation" at the Kirby mid-week broke even with $1,500. The Majestic took the rap with "The Petrified Forest," ringing up only $5,500 as against an average of $7,000.

Total first run business was $33,000. Average is $26,000.

Estimated takings for the week ending Feb. 13:

"RED SALUTE" (U. A.)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $3,300. (Average, $3,000)

"THE PAYOFF" (F. N.)
KIRBY—(1,450), 15c-35c, 1 day. (Bank Night). Gross: $1,200. (Average, $500)

"GREAT IMPERSONATION" (Univ.)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,500. (Average, ($1,500)

"ROSE MARIE" (M-G-M)
LOEW'S STATE — (2,750), 25c-40, 7 days. **Gross:** $12,000. (Average, $7,000)

"PETRIFIED FOREST" (W. B.)
MAJESTIC—(2,250), 25c-50c, 7 days. **Gross:** $5,500. (Average, $7,000)

"IF YOU COULD ONLY COOK" (Col.)
METROPOLITAN—(2,600), 25c-50c, 7 days. Lucky Millinder and All Negro Revue. **Gross:** $9,500. (Average, $7,000)

Out Hollywood Way

HOLLYWOOD, Feb. 17.—W. P. LIPSCOMB intends to buy some race horses, he says. . . . GEORGE O'BRIEN going to Honolulu after he finishes "O'Malley of the Mounted." . . . GEORGE BANCROFT is a pearl fisher on the side. . . . He owns a schooner cruising in the South Seas. . . . LILLIAN DEIGHTON named as head of DAVID O. SELZNICK's research department.

SAMUEL GOLDWYN'S publicity department being enlarged to provide a press room where the reporters can wait for the news to break. . . . STEVE HANNIGAN handling opening of "The Trail of the Lonesome Pine." . . . STEFFI DUNA has birthday party on set of "Dancing Pirates." . . . FRANK WILSON, New York stage player, signed by Warners for "The Green Pastures."

FRED DATIG, Paramount casting director, back at his desk after four months' illness. . . . SAM FOX to publish three songs from Republic's "Laughing Irish Eyes." . . . JOE E. BROWN rehearsing the burlesque Apache dance for "Sons o' Guns" at Warners. . . . BURNS and ALLEN back at Paramount. . . . Warners sign ANN TOBIN, recent U.C.L.A. graduate, to term contract.

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Casting — ERIC BLORE in Radio's "One to Two." . . . JEAN SENNETT, contract player, assigned to "Law in Her Hands," same studio. . . . OLIVIA DE HAVILAND opposite ERROL FLYNN in "The Charge of the Light Brigade," same lot. . . . HERBERT MARSHALL and GERTRUDE MICHAEL to be teamed in "Something to Live For," Paramount. . . . MOLLY LAMONT in "Mary of Scotland," Radio.

JOHN BEAL to have lead in "His Majesty Bunker Bean," Radio. . . . HILDA VAUGHN, MARGARET HAMILTON, PAUL HARVEY and MURRAY KINNELL signed for Radio's "The Witness Chair." . . . KAY LINNAKER in Republic's "Tiger Valley."

CAROL HUGHES assigned to "Murder in the Big House," Warners. . . . HALLIWELL HOBBES in "Hearts Divided," ROBERT MIDDLEMASS, HENRY O'NEILL, PAULA STONE, HOBART CAVANAUGH and HELEN MACKELLER in "Two Against the World," and MARIE WILSON, VIRGINIA BRISSAC, OLIN HOWLAND and ANDRE BERANGER in "Big Business," all Warners. . . . FRIEDA INESCOURT, WILLIAM STACK and DAVID TORRENCE signed for "Mary of Scotland," Radio.

ROBERT MONTGOMERY and MYRNA LOY in M-G-M's "Love on the Run." . . . FRANCHOT TONE cast in "His Brother's Wife," same studio. . . . CHARLES WINNINGER added to the Jones family in the series formerly called "Our American Family" to be released by Twentieth Century-Fox as "The Jones Family."

Directors—NATE WATT assigned to direct "Navy Born," Republic. . . . WILLIAM KEIGHLEY, now co-directing "The Green Pastures" with MARC CONNOLLY at Warners, to direct EDWARD G. ROBINSON in "Ballots vs. Bullets." . . . WILLIAM DIETERLE signed to a four-year contract by Warners.

+

Writers — MICHEL JACOBY and ROLAND LEIGH finish script of "The Charge of the Light Brigade," Warners. . . . JOHN LLOYD, author of "The Wooden Kimono," doing an original, "Quarantine," at Warners. . . . GEORGE MARION, JR., signed by WALTER WANGER to do the script of "Spendthrift." . . . RICHARD SHERMAN, author of "To Mary, With Love," signed by Twentieth Century-Fox to a term contract which leaves him six months to do magazine work.

+

Story Buys—DAVID O. SELZNICK takes option on "Haven for the Gallant," by THOMAS ROURKE. . . . "Mother Carey's Chickens," KATE DOUGLAS WIGGIN'S story, bought by Radio for ANNE SHIRLEY. . . . Same studio also buys "Watch Your Step," an origial by LEE LOEB and HAROLD BUCHMAN, for FRED ASTAIRE and GINGER ROGERS. . . . OWEN WISTER'S "Tim McLean" bought by Paramount for GARY COOPER.

Closes Burroughs Deal

HOLLYWOOD, Feb. 17.—J. Samuel Berkowitz' Far West Exchange has signed with Burroughs-Tarzan for distribution through California, Arizona, Nevada, Hawaii, Oregon, Washington and northern Idaho.

Other franchises closed by Burroughs-Tarzan are with Henri Ellman for northern Illinois; with Jack Adams for Texas; with Harry Silverman for Oklahoma, and with C. W. Trampe for Wisconsin.

The company plans a maximum of 24 features and two serials for the coming season.

Rites for N. Pinanski

BOSTON, Feb. 17.—More than 3,000 here today attended the funeral of Nathan Pinanski, 73, father of Samuel Pinanski, president of M. & P. Theatres Corp. The elder Pinanski was also a pioneer exhibitor, owning a large number of theatres. He was also known as one of the leading Jewish philanthropists in the United States.

"Mohicans" Is Delayed

HOLLYWOOD, Feb. 17.—The fact that Edward Small will start his first Radio picture, "Marry the Girl," on March 1 will not interfere with "The Last of the Mohicans," which will go into production shortly after April 1, according to Harry Goetz.

"The Last of the Mohicans" will be the last Reliance film for United Artists release. Its release date, set for June 19, will be postponed to some date in July, according to Goetz.

The Reliance offices still are being maintained at the RKO-Pathe lot, though Edward Small already is occupying offices at Radio.

To Form Amateur Unit

PITTSRURGH, Feb. 17. — Bernie Armstrong, house organist at the Harris-Alvin, who also conducts a weekly sponsored amateur hour every Sunday on WJAS, will form a unit of his prize-winning talent and install it at the Alvin for a week's engagement starting next Friday.

"Rose Marie" Hits $26,000 In Pittsburgh

PITTSBURGH, Feb. 17.—"Rose Marie," despite snowstorms, zero and everything else, ran up a new high at the Penn, getting close to $26,000 in nine days and showing sufficient strength at the finish to send the picture to the Warner for a continuation of its downtown run.

At the same time, the latest first-run house, the Casino, formerly the Harris, made an auspicious debut under its new operator, George Jaffe, formerly burlesque impresario here, collecting a remarkable $10,000 with "Crime and Punishment" and the "Folies de Paree" revue. A personal appearance of Phil Baker, with "The Lady Consents," took $19,500 at the Stanley. "Next Time We Love" at the Fulton, heading a double bill that also included "Dancing Feet," managed to reach par.

The other two double feature houses didn't fare so well, however. "The Invisible Ray" and "The Calling of Dan Matthews" sunk the Alvin to $3,500, while the Warner had a difficult time picking up $3,850 with "Tough Guy" and "Freshman Love."

Total first run grosses were $66,850. Average is $50,500.

Estimated takings for the week ending Feb. 13:

"THE INVISIBLE RAY" (Univ.)
CALLING OF DAN MATTHEWS" (Col.)
ALVIN—(2,000), 25c-40c, 7 days. **Gross:** $3,500. (Average, $5,500)

"NEXT TIME WE LOVE" (Univ.)
"DANCING FEET" (Republic)
FULTON—(1,700), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"CRIME AND PUNISHMENT" (Col.)
CASINO—(1,800), 25c-40c, 7 days. Stage: "Folies de Paree" revue with Bill Telaak. **Gross:** $10,000. (Average, $6,500)

"ROSE MARIE" (M-G-M)
PENN—(3,300), 25c-40c, 9 days. **Gross:** $26,000. (Average, for 7 days, $12,000)

"THE LADY CONSENTS" (Radio)
STANLEY—(3,600), 25c-55c, 7 days. Stage: Phil Baker, Beetle, Bottle, Ward Wilson, Three Emerald Sisters, Agnes Moorhead, Frazee Sisters, Pete, Peaches and Duke. **Gross:** $19,500. (Average, $18,500)

"TOUGH GUY" (M-G-M)
"FRESHMAN LOVE" (W. B.)
WARNER—(2,000), 25c-40c, 7 days. **Gross:** $3,850. (Average, $5,000)

Cinaudagraph to Move

STAMFORD, Feb. 17.—The Cinaudagraph Corp. of Long Island City, manufacturers of acoustical products for the industry, has leased No. 1 plant of the Petroleum Heat & Power Co. here. Operations will be transferred to this city starting May 1.

Seiler Back to Wurtzel

HOLLYWOOD, Feb. 17.—Sol Wurtzel has signed Lew Seiler to direct "The First Baby" for Twentieth Century-Fox. The story is an original by Lamar Trotti. Seiler had left the lot after directing "Here Comes Trouble" for Wurtzel.

Gerald Hoyt to St. John

TORONTO, Feb. 17. — Gerald Hoyt has been put in charge of the St. John, N. B., branch of Empire Films, Ltd., by A. W. Perry, general manager. He succeeds Harold D. Buckley.

"Rose Marie" Big Despite K. C. Freeze

KANSAS CITY, Feb. 17.—"Rose Marie" demonstrated that cold weather can't handicap a big attraction. It ran the Midland gross up to $20,000, over par by $9,000.

In spite of this competition "The Milky Way" was good for $8,500, over the line by $1,500, at the Newman.

Other houses found the going rough, with the competition including a Better Homes and Building Exposition of the Auditorium and Nazimova stage play, "Ghosts," drawing strongly.

Total first run business was $43,700. Average is $37,000.

Estimated takings:

Week Ending Feb. 11:

"MILKY WAY" (Para.)
NEWMAN—(1,500), 25c-40c, 7 days. **Gross:** $8,500. (Average, $7,000)

"CEILING ZERO" (F. N.)
MAINSTREET—(3,100), 25c-40c, 7 days. **Gross:** $6,500. (Average, single bills, $8,000)

Week Ending Feb. 13s

"ROSE MARIE" (M-G-M)
MIDLAND—(4,000), 25c-40c, 7 days. **Gross:** $20,000. (Average, $11,500)

"MAGNIFICENT OBSESSION" (Univ.)
TOWER—(2,200), 25c-35c, 7 days. Stage: Revel, Baxter & Dean, Flo & Bob Robinson, and the Three Kanes. Gross: $6,400. (Average, $7,000)

Week Ending Feb. 14:

"GREAT IMPERSONATION" (Univ.)
UPTOWN—(2,000), 25c, 7 days. **Gross:** $2,300. (Average, under 25c-40c policy, $3,500)

"Rose" New Haven Leader at $11,500

NEW HAVEN, Feb. 17.—"Rose Marie" at Poli's hit the high spots in a week of bad weather, reaching $11,500, or $4,500 over normal.

"Milky Way" and "Remember Last Night" opened two days early at the Paramount, and garnered $7,000, up from the seven-day average by $2,200. The Roger Sherman, with "Petrified Forest" and "Freshman Love," reported a steady take which added to $5,700, as compared to the usual $4,700. The College went $400 down the scale from normal with "Sylvia Scarlett" and "Seven Keys to Baldpate," grossing $2,400.

Total first run business was $26,600. Average is $19,300.

Estimated takings for the week ending Feb. 14:

"SYLVIA SCARLETT" (Radio)
"SEVEN KEYS TO BALDPATE" (Radio)
COLLEGE—(1,499), 25c-35c, 7 days. **Gross:** $2,400. (Average, $2,800)

"THE MILKY WAY" (Para.)
"REMEMBER LAST NIGHT" (Univ.)
PARAMOUNT—(2,400), 35c-50c, 9 days. **Gross:** $7,000. (Average, $4,800)

"ROSE MARIE" (M-G-M)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $11,500. (Average, $7,000)

"THE PETRIFIED FOREST" (W. B.)
"FRESHMAN LOVE" (W. B.)
ROGER SHERMAN—(2,200), 7 days. **Gross:** $5,700. (Average, $4,700)

Wanger Completes Cast

HOLLYWOOD, Feb. 17.—Margaret Bovard, Grace Goodall, Sarah Edwards and Ann and Mary Brude, twins, have been added to the cast of Walter Wanger's "Palm Springs."



"Rose" Is $12,000 Hit in Louisville

LOUISVILLE, Feb. 17.—"Rose Marie" was in the big money at Loew's State. It piled up $12,000, over normal by $6,500, and led a general upturn in grosses.

"The Milky Way" at the Rialto topped ordinary $4,500 business with a $7,000 take. "Evergreen" passed par at the National by $500, but the excellent stage show is generally credited for the above-average business.

"Ceiling Zero" was a profit-maker at the Mary Anderson, grossing $3,600 on its second week. This is $100 to the good, and a better figure than is usually returned on an extension.

Bad weather the first part of the week was followed by an abrupt rise in temperature, accompanied by heavy rainfall.

Principal opposition was a food show held all week at the Jefferson County Armory.

Total first run business was $32,800. Average is $24,200.

Estimated takings:

Week Ending February 13:

"ROSE MARIE" (M-G-M)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $12,000. (Average, $5,500)

"THE MILKY WAY" (Para.)
RIALTO—(3,000), 15c-25c-40c, 7 days. **Gross:** $7,000. (Average, $4,500)

"NEXT TIME WE LOVE" (Univ.)
STRAND—(1,500), 15c-25c-40c, 7 days. **Gross:** $3,300. (Average, $3,500)

"CEILING ZERO" (F. N.)
MARY ANDERSON—(1,000), 15c-25c-40c. 7 days, 2nd week. **Gross:** $3,600. (Average, $3,500)

"EVERGREEN" (G. B.)
"TANGO" (Chesterfield)
NATIONAL—(2,400), 15c-25c-40c, 7 days. Stage: vaudeville, 4 days, Old Time Fiddlers Contest, 1 day; straight pictures, 2 days. Stage: Freddie Stritt, Britt Wood, Mallette, Jack & Jill, Sam, Gil & Louie, Dale Evans. **Gross:** $3,500. (Average, $3,000)

Week Ending February 15:

"SPLENDOR" (U. A.)
"ESCAPE FROM DEVIL'S ISLAND" (Col.)
"SKY DEVILS" (U. A.)
"TO BEAT THE BAND" (Radio)
ALAMO—(900), 15c-25c, 7 days, split week. **Gross:** $1,100. (Average, $1,400)

"THE MELODY LINGERS ON" (U. A.)
"THE CALLING OF DAN MATHEWS" (Col.)
BROWN—(1,400), 15c-25c-40c, 7 days. **Gross:** $2,300. (Average, $2,800)

Form Two; Dissolve One

ALBANY, Feb. 17.—Two new firms have been incorporated here and one has been dissolved.

Those formed are: Odyssey, Inc., by Rose Lader, Hilda Goldman and William J. Bratter, and Newsies, Inc., by Jules Suppin, Benedict Santospirito and Irma Weisman.

The firm dissolved was Ackro Theatrical Enterprises, Inc.

Roach Signs 2 Writers

HOLLYWOOD, Feb. 17.—Hal Roach has signed Richard Flournoy, and Bert Granet, writers, to term contracts. Flournoy is working on the script of "Once Over," a feature which will star Jack Haley, and Granet has not been assigned. Roach also has signed Milton Krasner to a term contract as cameraman.

Warner Offices Moved

BOSTON, Feb. 17.—Warner theatre offices have been moved from the Warners exchange to the Hotel Statler, adjacent to the film district.

"Secrets" and Cortez Top in Capital Slump

WASHINGTON, Feb. 17.—Opening with a snow storm and closing with a sleety rain, the total gross last week hit the skids. The combination of "Lady of Secrets" and a personal appearance of Ricardo Cortez, however, sent the Earle take to $19,000, or $600 over par.

Backed by a heavy campaign, the Metropolitan took $5,000 for "You May Be Next," over average by $700.

"First a Girl," on an eight-day run at the Belasco, took $3,300, or $300 over the usual seven day average.

"A Tale of Two Cities," playing its fourth downtown week—the second at Loew's Columbia an a return engagement—received $3,500, or a mere $100 under the first run average.

At RKO-Keith's "Next Time We Love" slipped $1,000 under par for a take of $9,500. "Tough Guy" and a stage show dived to $16,000 at Loew's Fox, a figure $4,900 under average. The second week of "Strike Me Pink" at Loew's Palace was weak at $7,100.

Total first run business was $63,400. Average is $76,700.

Estimated takings, exclusive of tax:

Eight Days Ending February 12:

"FIRST A GIRL" (G. B.)
BELASCO—(1,140), 25c-65c, 8 days. **Gross:** $3,300. (Average, 7 days, $3,000)

Week Ending February 13:

"LADY OF SECRETS" (Col.)
EARLE—(2,218), 25c-77c, 7 days. Stage: Ricardo Cortez, Thelma Leeds, Harry King & Sinclair Twins, The Nonchalants. **Gross:** $19,000. (Average, $18,400)

"A TALE OF TWO CITIES" (M-G-M)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement), 2nd week. **Gross:** $3,500. (Average, first week, $3,600)

"TOUGH GUY" (M-G-M)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: "Phil Lampkin's Varieties," with the Funnyboners, Johnny Burke, Miles & Kover, Ruthie Barnes, Honey Troupe. **Gross:** $16,000. (Average, $20,900)

"STRIKE ME PINK" (U. A.)
LOEW'S PALACE—(2,370), 35c-55c, 7 days, 2nd week. **Gross:** $7,100. (Average, first week, $15,900)

"YOU MAY BE NEXT" (Col.)
METROPOLITAN—(1,591), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,300)

"NEXT TIME WE LOVE" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $9,500. (Average, $10,600)

Zeller Gets New Post

KANSAS CITY, Feb. 17.—Phil Zeller, formerly with the Glenn W. Dickinson circuit at Manhattan, Kan., and elsewhere, has been made manager of the Mokan by W. D. Fulton.

Ben Hill, Mokan manager, goes to the Tivoli for a while, and Ted Stiles of the Tivoli has been made bookkeeper at Fulton's central offices.

N. O. to Aid Producers

NEW ORLEANS, Feb. 17.—This town intends to furnish official cooperation to any film producer desiring to make scenes here. The publicity committee of the Chamber of Commerce, made up of Harry S. McLeod, Rodney Toupe, Vic Meyers and Robert Blair, has its plans all set.

Charter Amity Harbor

ALBANY, Feb. 17.—Amity Harbor Enterprises, Inc., Queens, has been formed here by Ethni Morton, Sidney Snyderman and Lillian Dufek.



$10.00 Preview Auspices
Adventure Society, Ritz Carlton
Hotel, New York, February 19th

WORLD PREMIERE ROXY,
NEW YORK, FEBRUARY 28th

WALTER HUSTON as

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"Rose Marie" Minneapolis Top, $13,000

MINNEAPOLIS, Feb. 17. — "Rose Marie" was such a consistent draw all week in spite of the continuance of the record sub-zero that it was moved from the Minnesota to the State. The take at the Minnesota was $13,000, over par by $3,000.

"Next Time We Love" held up on both sides of the river. It reached $6,500 at the Orpheum here, over the line by $1,000, and went to $5,000, up by $1,000, at the St. Paul Orpheum.

"The Informer" was outstanding at the St. Paul World, going $1,000 over the line for a total of $2,500.

Total first run business in Minneapolis was $28,500. Average is $25,500. Total first run business in St. Paul was $19,000. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Feb. 12:

"MAGNIFICENT OBSESSION" (Univ.)
WORLD—(400), 25c-55c, 7 days, 5th Loop week. **Gross:** $2,500. (Average, $3,000)

Week Ending Feb. 13:

"THE WIDOW FROM MONTE CARLO" (W.B.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Feb. 14:

"ROSE MARIE" (M-G-M)
MINNESOTA—(4,000), 25c-55c, 7 days. **Gross:** $13,000. (Average, $10,000)
"NEXT TIME WE LOVE" (Univ.)
ORPHEUM—(2,900), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)
"PROFESSIONAL SOLDIER" (20th-Fox)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,000. (Average, $5,500)

St. Paul:

Week Ending Feb. 14:

"COLLEGIATE" (Para.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)
"RIFFRAFF" (M-G-M)
RIVIERA—(1,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)
"NEXT TIME WE LOVE" (Univ.)
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)
"NEVADA" (Para.)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)
"THE INFORMER" (Radio)
WORLD—(400), 25c-35c, 7 days. **Gross:** $2,500. (Average, $1,500)

Cincy Picture on View

CINCINNATI, Feb. 17.—"And Good Will Toward Men," a picture produced and directed locally, depicting methods employed by directors and workers at the Goodwill Industries and Settlement, is being shown at the Industries Auditorium. Children's clinics, day nurseries, vocational classes and similar activities are included.

"Two Against World" Set

HOLLYWOOD, Feb. 17. — Warners have set "Two Against the World," an original story by Michael Jacoby, for early production. Humphrey Bogart and Beverly Roberts will play the leading roles, and William McGann will direct. "Big Business" will be the next film for Guy Kibbee.

Son to J. J. Lynch

BOSTON, Feb. 17. — Jeremiah J. Lynch, manager of the M. & P. Paramount at Newton, is the father of a boy.

"Fang" on a Dual At $3,900, Omaha

OMAHA, Feb. 17.—Twenty-two days of sub-zero weather have slowed theatre attendance somewhat, but the first runs are still on the profit side of the ledger. "Fang and Claw," topping a dual bill with "Two in the Dark" at the Brandeis, went $500 over the line on a take of $3,900 for six days.

"Anything Goes" and "The Great Impersonation" at the Omaha reached $5,100, and "Dangerous" and "Red Salute" at the Orpheum were good for $8,150.

Total first run business was $16,150. Average is $16,400.

Estimated takings:

Week Ending Feb. 12:

"FANG AND CLAW" (Radio)
"TWO IN THE DARK" (Radio)
BRANDEIS—(1,200), 25c-35c-40c, 6 days. **Gross:** $3,900. (Average, 6 days, $3,400)
"ANYTHING GOES" (Para.)
"GREAT IMPERSONATION" (Univ.)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $5,100. (Average, $5,000)

Week Ending Feb. 13:

"DANGEROUS" (W.B.)
"RED SALUTE" (U.A.)
ORPHEUM — (3,000), 25c-40c, 7 days. **Gross:** $8,150. (Average, $8,000)

Capital Stock Par Franchise Tax Base

NEW ORLEANS, Feb. 17.—Corporations of Louisiana must pay their state franchise taxes on the par value of their capital stock, without deducting any deficit for operating losses and the like in any given year, according to a four-to-three decision of the state Supreme Court, handed down recently.

The decision broke a three-to-three tie through the vote of Justice-elect A. L. Ponder, who was called in to give the deciding opinion, in the case of the state against the Bisso Realty and Investment Co. The company had sought to deduct $108,000 of operating losses from its $276,000 of capital stock.

Burroughs' Second Ready

HOLLYWOOD, Feb. 17.—Burroughs-Tarzan Pictures will start their second feature, "City Pavements," immediately after completion of "The Drag-Net." The producers plan to complete three features before they choose exchange affiliates to handle distribution. Ben S. Cohen, president, and Harry Rathner, sales manager, will visit the key distributing centers, and award franchises to exchanges.

Takes Canadian House

VANCOUVER, B. C., Feb. 17.—Famous Players Canadian has taken the old Starland at Nelson, B. C., on a long term lease, and after remodeling, will reopen it as the Strand. The house has been dark for several years.

Theatre Firm Chartered

GREENWOOD, S. C., Feb. 17.—Greenwood Theatres, Inc., has been chartered to operate theatres. H. F. Kincey is president.

Taube Joins "U" Staff

DETROIT, Feb. 17.—Sid Taube has succeeded Frank Stuart as state salesman for the Universal exchange. Taube formerly handled state right roadshow productions here.

Police Aid Shows

Bethel, Conn., Feb. 17.—The Methodist Church here has had to call in the police department to help it with its sound film showings. At the first showing some weeks ago street noises prevented a large part of the congregation from hearing what was going on.

The police will try to control some of the traffic movement.

Bans All Giveaways In County in Maine

PORTLAND, Me., Feb. 17.—All cash giveaways have been banned in Cumberland County by order of County Attorney Walter M. Tapley, following the conviction of three former employes of the Keith here, of conspiring to deliver a cash award in the theatre's Greyhound Derby game.

Greyhound Derby is distributed by Meyer Gruber and Harry Bloomberg of Boston, who, in connection with their handling of Parlay Cash Night, are being sued for alleged infringement by Bank Night which is particularly hit by the order, inasmuch as it was believed clear in Maine following the refusal of the state Supreme Court to declare it illegal. County Attorney Ralph O. Dale of Sagadahoc said he would not press charges further.

Western Houses Now Using Presentations

LINCOLN, Feb. 17.—Several houses in this territory have begun to use vaudeville, notably the Wilbur Cushman circuit, where the 20-person unit type of show has been found successful.

Among the smaller towns where theatres are using the stage units from one to three days a week are: Bozeman, Billings, Livingston, Mont.; Sheridan, Rock Springs and Wheatland, Wyo.; Scottsbluff, Neb.; Cheyenne, Wyo.; Rapid City, Lead, Deadwood, and Hot Springs, S. D.; Santa Fe, N. M., and La Junta and Trinidad, Col.

Denver Operators Elect

DENVER, Feb. 17.—Operators' Local No. 230 here has elected the following officers to serve two years: G. W. Thomas, president; G. G. Pettibone, vice-president; T. T. Anglen, financial secretary; G. L. Campbell, recording secretary; Victor Travis, business agent; C. W. Bishop, sergeant-at-arms; A. E. Wilson, N. Jinacio and L. A. Ritchey, trustees.

Denver Musicians Elect

DENVER, Feb. 17.—Officers for the coming year have been elected by the Denver Musicians Union. They are: Michael Muro, re-elected as president; G. A. Forter, vice-president; Charles C. Keys, recording secretary, and John Herr, financial secretary.

Reject Mass. Holiday

BOSTON, Feb. 17.—The committee on the judiciary of the state legislature has turned down an attempt to established another legal holiday in the state, "Worshipful Day," a holiday in New Hampshire.

"Rose Marie" Smash Hit in Two Hub Spots

BOSTON, Feb. 17. — This town turned out in a big way for "Rose Marie," playing day and date at Loew's Orpheum and State. The $20,500 take at the former was $7,500 over par and at the latter the $18,000 gross was $6,000 over normal. This makes a total of $38,500 for the two houses.

"Seven Keys to Baldpate" also was in the big money, with Gene Raymond on the stage, at the RKO Boston. The week's total was $28,000, on the profit side of the line by $13,000. Other spots felt the competition.

Total first run business was $109,000. Average is $85,500.

Estimated takings for the week ending Feb 14:

"ANYTHING GOES" (Para.)
(Second Run)
"IT'S A GREAT LIFE" (Para.)
FENWAY—(1,382), 30c-50c, 7 days. **Gross: $5,000.** (Average, $4,500)
"THE GHOST GOES WEST" (U. A.)
KEITH'S MEMORIAL—(2,907), 25c-65c, 5 days, 2nd week. **Gross:** $7,000. (Average, 7 days, $12,000)
"ROSE MARIE" (M-G-M)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $20,500. (Average, $13,000)
"ROSE MARIE" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $18,000. (Average, $12,000)
"PETRIFIED FOREST" (W. B.)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: Tom Howard and George Shelton heading lavish stage show. **Gross:** $22,000. (Average, $22,000)
"ANYTHING GOES" (Para.)
(Second Run)
"IT'S A GREAT LIFE" (Para.)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $8,500. (Average, $7,000)
"SEVEN KEYS TO BALDPATE" (Radio)
RKO BOSTON—(3,246), 35c-65c, 7 days. Stage: Gene Raymond, Hollywood on Parade, Edward Rosenwald and Orchestra. **Gross:** $28,000. (Average, $15,000)

Hub Gets Novel Booking

BOSTON, Feb. 17.—An unusual booking arrangement here is the spotting of a 20th Century-Fox feature day-and-date at the first run Loew's Orpheum and State Theatres. RKO and M. & P. have been dividing 20th Century-Fox product among their five first run houses. The feature is "Professional Soldier." It is given top booking on a double feature bill that includes an M-G-M release.

Beery in Chicago Deal

CHICAGO, Feb. 17.—Wallace Beery arrived here today via a TWA plane and proceeded to put his signature on a contract for a personal appearance at the Chicago for one week starting March 6. Beery will get $7,500 for the engagement, it is reported.

Pickford-Lasky on Next

HOLLYWOOD, Feb. 17. — Pickford-Lasky Prod., having completed "One Rainy Afternoon," are preparing their second, tentatively titled "Tonight, Lover, Tonight," starring Nino Martini.

Warners Change Title

HOLLYWOOD, Feb. 17. — Warners have changed the title of "Men on Her Mind" to "Hard Luck Dame." The cast is headed by Warren William and Bette Davis.

The Leading Daily Newspaper of the Motion Picture Industry

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ITOA Denied Injunction on City Sale Tax

Brooklyn Court Refuses To Pass Upon Levy

The I.T.O.A.-sponsored motion for a temporary injunction against the levying and collection of the city sales tax on film rentals was denied yesterday by Justice Callahan in N. Y. Supreme Court.

In its opinion the court pointed out that while "it may be that as to some transactions involved in the rental of films no tax is collectible, such questions should not be passed on at this time or in this proceeding" and denied the motion without prejudice to any appeal action directed against the legality of the tax as applied to film rentals.

The suggested procedure of contesting the legality of the tax as applied to film rentals is the course being taken by local distributors through the appeal of the United Artists exchange from the city comptroller's ruling holding rentals to be subject to the tax. A writ of certiorari has already been obtained by the exchange to bring the case to the Appellate Division, which is the course prescribed in the sales tax law itself for contesting the city's application of the tax. The United Artists appeal, however, may not be argued before the end of March.

The injunction move was undertaken by Harlou, Inc., and Quinral, Inc., two companies operating Brooklyn theatres, for whom Weisman, Quinn, Allen & Spett, attorneys for the I.T.O.A., served as counsel. In their motion for the injunction the

(*Continued on page 6*)

Chaplin Film Nears $125,000, 2 Weeks

With $110,000 in the till for the first 12 days, "Modern Times" is expected to chalk up a two-week gross of about $125,000 at the Rivoli. The first week's take was $65,000. The first five days of the second stanza grossed slightly under the same period of the opening week.

No Paper Saturday

Motion Picture Daily **will not publish on Saturday, which is Washington's Birthday, a legal holiday.**

Block Booking Hearings Set For Feb. 27 by Senate Group

By CLARENCE LINZ

Washington, Feb. 18.—Hearings on block booking legislation will be opened Feb. 27 by the Senate Interstate Commerce Committee appointed last week by Chairman Wheeler of Montana.

The sub-committee is headed by Senator Neely of West Virginia, whose bill to prohibit block booking and blind selling will be the subject of the hearings. Similar legislation is also expected to be considered in the near future by the House Committee on Interstate and Foreign Commerce.

The Senate sub-committee held its first meeting this afternoon to consider what action it should take with respect to picture legislation, and decided, despite the volumes of testimony on the subject which have been taken in the past, to give all parties to the booking controversy another opportunity to present their views.

Gardner Says Much British Sound Old

By BRUCE ALLAN

LONDON, Feb. 8.—Speaking at a luncheon tendered by RCA to signalize his appointment as European manager, Bernhard Gardner declared that a large percentage of the reproducing equipment in British theatres is out of date, producing only 50 per cent of the sound capability of films. The plant could not be modernized, he declared; it was a case of "virtually scrapping the existing equipment."

* * *

Details issued today of the offer of £1,000,000 in five per cent first mortgage debenture stock, by Associated British Picture Corp., state that the issue is partly to provide for the purchase of 30 houses, of which 21 are freehold. It is stated that the profits of the company during the present financial year, based on nine months' figures, are expected to exceed by £200,000 the figure of £481,972 recorded last year. Net assets of the company are put at £8,486,850. The whole of the debenture stock of £3,500,000 has now been issued. The freehold and leasehold properties on which it is secured are valued at over £5,700,000. A. B. P. operates 260 theatres.

Goldwyn Says B. & K. Split Lifts Returns

CHICAGO, Feb. 18.—Bookings through independents in this territory are returning more revenue for his pictures than he obtained through B. & K., declared Samuel Goldwyn here today between eastbound trains.

Goldwyn conferred with U. A. sales executives here.

"We are doing better without B. & K.," was the way he put it. "You

(*Continued on page 6*)

Census Check Uses Elaborate System

PHILADELPHIA, Feb. 18. — Rapid progress in the work of taking the new national amusement census as part of the business census undertaking of the Department of Commerce is reported at the bureau's headquarters here.

In the amusement industry as in certain others the census will classify establishments or organizations as independent and individually operated, units of a branch system or units of a corporate chain system. Reports will cover operating revenues, operating expenses and employment data. However, no figures for any business classification will be published unless enough individual reports are included to make it impossible to distinguish the facts about any particular individual firm or corporation, according to census headquarters.

An elaborate system of checking and re-checking against reports received from 400 supervisor offices throughout the country has been devised at the national headquarters here to guard against inaccuracies appearing in the census of any of the business classifications. A force of nearly 3,000 workers under Fred A. Gosnell, chief statistician, is required at the census headquarters for this work, the bureau reports.

Report DeMille Deal For Nine Each Year

HOLLYWOOD, Feb. 18.—It is understood here that under the pending deal with Paramount, Cecil B. DeMille, heading his own unit, will produce nine features yearly, financed by Paramount. The first will probably be "Buffalo Bill," with Gary Cooper, Fred MacMurray and Carole Lombard.

Circuits Here Move Swiftly To Get Houses

Independent Groups Aim To Solidify Holdings

At least seven independent theatre circuits in the local area are now engaged in negotiations to solidify their holdings with every important name circuit either discussing building plans or acquisition of properties from landlords.

The deals, regarded as at the peak for any one time in the Greater New York territory, find Randforce, Skouras, Brandt, Isle, Jack W. Springer, Cohen & Seigel and Sam Cocalis bidding for properties to bolster their current operations.

While the various operators named are reticent about specific sites under negotiation, all admit deals are under way, with consummation expected as soon as an accord is reached on terms. The independent moves are in direct contrast to major circuit plans. Loew's and RKO executives state no new additions are contemplated. However, developments which may bring about a change in attitude leave the major companies open to deals.

Some of the negotiations are re-

(*Continued on page 6*)

Court Move Coming On Ohio's Film Ban

COLUMBUS, Feb. 18.—Sentinels of the Republic, Inc., Philadelphia, has appealed the action of the censor board in banning "The Amateur Fire Brigade," an animated cartoon depicting President Roosevelt in caricature, and the case is heading for a court test, according to Raymond Pitcairn, national chairman of the Sentinels.

Roy Reichelderfer, censor chief, says he feels the board has acted wisely, because the film "encourages disrespect for the President of the United States."

The board reviewed the film four times before rejecting it, but passed "America's Bulwark of Liberty," a companion picture by the same producers.

Duals, 10 Shorts

Norwalk, Feb. 18.—Once a week the Rialto is offering two features plus 10 shorts. It is the longest program offered by any theatre in the state.

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German Chaplin Ban Yarn Is "Premature"

BERLIN, Feb. 18.—Reports that Germany has barred "Modern Times" are described as "premature" at the Propaganda Ministry. The film has not been presented for review, it was stated, and no announcement will be made until it has.

Chaplin's "The Gold Rush" was banned when presented for revival on the ground that it did not conform to the spirit of "the new ideology."

William J. Gane Dead

PHILADELPHIA, Feb. 18.—William J. Gane, 57, for many years an exhibitor here and at one time manager of the Manhattan, New York, is dead after a short illness. Funeral services will be held tomorrow morning.

MOTION PICTURE DAILY
Is now located in its new offices at
ROCKEFELLER CENTER
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Insiders' Outlook

By RED KANN

Hollywood, Feb. 18.

CONSIDERABLE of the noise now fulminating and to come, no doubt will pivot around the selling point that "The Trail of the Lonesome Pine" is the first essentially outdoor melodrama in Technicolor's new three-way blushes. But, merchandisable as that is, there is a good deal more to be said about this picture of Walter Wanger's, made for Paramount release. . . .

▼

Based on the John Fox, Jr., opus and whipped into script by Grover Jones, this is a combination, and an adroit one, of many of the fundamental situations which have done valiant service for the industry over a long period of years. Love interest and conflict, heroism and the two-fisted he-man formula are mixed with comedy relief played off against nature in colors which are usually extremely effective and sometimes not. At any rate, there is plenty of it. . . .

▼

It's all about hill-billies, the Blue Ridges and the onslaught of civilization in the form of a coal mining company which wants and gets, but pays for, the land owned by the traditional enemies, the Tollivers and the Falins. Fred MacMurray represents the friendly invaders. He saves Henry Fonda's life by an emergency operation on a gun wound gone to pot and so ingratiates himself to a point where the Tollivers, headed by Fred Stone and of which Fonda is one, sell. Sylvia Sidney, not entirely believably, plays the mountain girl whom everyone expects to marry Fonda. Only she does not and in the end finishes up in MacMurray's arms, where she wanted to be all along. . . .

▼

The feud is pretty much dominant throughout. There is Beulah Bondi, as Melissa Tolliver, who wants it stopped. But by the time Miss Sidney returns from Louisville where her coating of culture is being applied by MacMurray's sister, little Spanky McFarland, her brother, dies when the Falins blow up the railroad bridge and the steam shovel parked on its tracks. Sylvia seeks revenge in the only way she knows, and that's the rifle ritual of the feud. MacMurray, however, undertakes to settle the score when Fonda, having learned Miss Sidney loves the other fellow, does the manly thing and goes alone, minus gun, to patch the generation-old argument with his enemies. It works out, but not before Fonda is plugged in the back by a scurrilous Falin who, in turn, is shot to death by his own father. Fonda dies, the MacMurray-Sidney match is thereby sealed and peace returned to the hills. . . .

▼

"The Trail of the Lonesome Pine" is, therefore, rousing melodrama in its final reels and leisurely in its early ones. Some trimming of its present 100 minutes, it is this space's idea, would tighten matters and make what is built well in the popular entertainment mould into something even better. The producer, however, advises the picture is ready to go as is. The array of sterling performances is a formidable one and includes, not necessarily in order of merit, Stone, Miss Bondi, Fonda, Fuzzy Knight, as a singing troubadour; MacMurray, Nigel Bruce, Spanky, Robert Barrat and Sam Hinds. . . .

▼

About the color. Generally it makes the picture rich and many of the outdoor shots are beautiful. Howard Greene was at the camera with Robert C. Bruce in general charge of that department on this job, It seemed to us that Technicolor, judged from this effort, has something to overcome in its blues and its reds which are so definite they are not entirely natural. The dramatic direction was in the hands of Henry Hathaway, the "Belgan Lancer" man; his job is a good one. Stamped by production code administration, the seal number is 1,859. . . .

▼ ▼

While all of this concerns Wanger, this seems to be the time to point out that his deal with United Artists, effective with next season, created a stir in Hollywood and leaves Paramount with a hole to plug in its production setup. Wanger has under direct contract a number of important players, their number embracing Miss Sidney, Fonda, Joan Bennett, Charles Boyer, Madeleine Carroll—for ten over the span of the next three or four years—and Frances Langford. His writing crew, now under the U. A. banner, takes in Dorothy Parker, Alan Campbell, Gene Towne, Graham Baker, Ed Chodorov, who once was a press agent in New York for Columbia, and Lynn Starling. Wanger quit Paramount, where he could have made a new deal, because he was dissatisfied with his return. That makes the reason the perfunctory one. . . .

Spear Suit on Quins Quashed in Chicago

CHICAGO, Feb. 18.—Ivan Spear's suit for $1,000,000 against Pathe News charging the defendant with inducing the father of the Dionne quintuplets to breach an exclusive contract he said he held for the rights for theatrical appearances and photographs, has been dismissed in Federal Court here.

In dismissing the action, the court held that the complaint failed to state the cause of action and that the Spear contract with the father of the quins was against public policy. Also named as co-defendants were Kresge's, Woolworth's, NEA, Scripps Howard, a number of radio companies and others.

Pathe, in defending the suit, contended it never made a contract with the father, but instead entered into a deal with the guardians of the babies.

Spear also alleged the various defendants conspired to freeze him out. The complainant also had a contract with the father for the appearance of the babies at the World's Fair, held in Chicago last year. Dr. Roy Allen Dafoe would not permit the quintuplets to leave Callander, Ont.

RKO Building Men In New Lunch Group

About 30 employes and executives of *Quigley Publications,* Republic and RKO yesterday met at Jack Lyons' restaurant and moved to make this eatery a central gathering place for film and theatre companies located in Radio City.

Among those attending were W. Ray Johnston, E. H. Goldstein, Budd Rogers, Barrett McCormick, A-Mike Vogel, Sam Hacker, Ed Finney, Robert Griffith, Robert Socas, Paul Radin, Will Murphy, Dennis J. Shea, Morris Kinzler, Bill Ornstein, Ted Sullivan, Gertrude Merriam, Robert Harrison, Dan Halperin, Al Friedlander, Ray Gallo, Ray Gallagher, M. Freise, Sam Kestenbaum, William Pierce, Fred Schaefer, Dave Strumpf, Lou Chapman, Herbert Fecke, Tim Leahy and others.

The next get together will be Monday.

Asks Delay on Loew Issue

WASHINGTON, Feb. 18.—An amendment to its application to SEC in connection with the offering of its proposed issue of $15,000,000 3½ per cent debentures has been filed by Loew's, Inc. The company seeks a delay in the date of the offering to Feb. 25.

Warner Meet Postponed

The regular monthly meeting of Warner directors, scheduled for yesterday, was adjourned yesterday for three weeks until Harry M. Warner returns from the coast. Warner left with Edward G. Robinson on Monday.

Lichtman Reaches Coast

HOLLYWOOD, Feb. 18.—Al Lichtman arrived here after some delay. His trip by air required 43 hours. J. Robert Rubin and Leopold Friedman leave for the east tomorrow.

Kent to Go South Today

S. R. Kent today will leave for Boca Raton, Fla., for a vacation. He returned last week from the coast.

Appeal Upon Young Action Set in May

An appeal by RKO Pathe Pictures, Inc., on a motion to dismiss a plagiarism suit for $2,000,000 filed by James Young, husband of Clara Kimball Young, in the N. Y. Supreme Court, is scheduled for hearing in the Appellate Division next month. The complaint, originally brought in Oct., 1933, at first was dismissed on grounds of insufficiency and then was re-filed.

RKO Pathe attorneys contend the suit involves a copyright and as such should come within the jurisdiction of the Federal Court. The State Court has held that the manuscript involved was submitted in this city and denied the dismissal. W. S. Savage, counsel for the defendant, will argue the appeal before five judges.

Young alleges in his suit that the picture "What Price Hollywood?" which was made with Ann Harding, is an infringement on his book "What Price Sex in Hollywood?"

U. A. Board to Name O'Brien Successor

The annual meeting of United Artists stockholders is scheduled for early in April at which time a new board of directors is slated to be elected. The vacancy created by the resignation several weeks ago of Dennis F. O'Brien, United Artists general counsel, is expected to be filled at that time.

O'Brien's resignation was tendered to make a place on the board for a representative of the new Pickford-Lasky producing organization. O'Brien continues as Miss Pickford's attorney and his firm, O'Brien, Driscoll & Raftery, continues as counsel for United Artists. Ed Raftery of the same firm continues on the board as a Douglas Fairbanks representative.

Switch Columbus House

COLUMBUS, Feb. 18.—The Hartman, recently acquired by Charles F. Boda as a legitimate house, has swung into the picture column, with a first run policy. Matinee rate is 30 cents, with evening tariff 30 and 42 cents. The house, originally a legitimate stand, was taken over by J. Real Neth a few years ago and operated with various policies until released to Boda. Legitimate attractions will be played occasionally.

Dartmouth Studies Films

HANOVER, N. H., Feb. 18.—The history of films is being offered for the first time in a new course at Dartmouth College, under the joint guidance of the departments of English and Art and Archaeology. The latest projection and sound equipment has been installed in Dartmouth Hall for the study.

M-G-M Buys Wead Yarn

HOLLYWOOD, Feb. 18.—M-G-M has purchased "Wings of Tomorrow," an original by Commander Frank Ward. The yarn deals with aviation in the future. No writing, directing or cast assignments have been made as yet.

Dorothy Parker Signed

HOLLYWOOD, Feb. 18. — Dorothy Parker and Alan Campbell have been signed by Walter Wanger to do additional dialogue for "The Moon's Our Home."

Purely Personal

JOSEPH KONINGFEST, French independent producer, sails Friday on the *Ile de France* for Paris. KONINGFEST, about two months ago arrived with two pictures he made in Paris and made several efforts to negotiate a deal to re-make the feature on the coast for American consumption, but nothing came of the talks.

•

JOSEPH PASTERNACK, HERMAN KOSTERLITZ and GREGOR RABINOVITCH, the three Universal foreign producers who arrived on the *Ile de France* yesterday, will continue on tomorrow to the coast.

•

WILLIAM F. RODGERS has returned from Washington. TOM CONNORS and J. S. MACLEOD have been planning trips to M-G-M exchanges, but have canceled them for the time being.

Quip of the Day

Hollywood, Feb. 18. — *Jerry Hoffman, Louella Parson's assistant, coming out of a preview, was reading the credit sheet of the picture he had just seen, when the producer accosted him:*

"Looking over the credits?", queried the presenter.

"No, just reviewing the bidding," piped Jerry.

JEFFERY BERNERD, GB general manager in England, arrives today on the *Majestic*. He will take in the premiere of "Rhodes" at the Ritz Carlton next week.

•

SAUL C. COLIN, formerly associated with RKO, Paramount and other companies in Paris, is now affiliated with the Louis Shurr Agency, stage and screen scenic designers.

•

AL FRIEDLANDER'S back in town after a trip to Buffalo. He tried to fly back, but the plane grounded in Syracuse.

•

GENE BUCK, Ascap head, is in Washington for sub-committee hearings on the Duffy Copyright bill. Due back Friday.

•

WILLIAM LEVY of the Universal office in Java, is in town conferring with NATE MANHEIM. He leaves for Europe in a few weeks.

•

HOWARD S. CULLMAN, trustee of the Roxy, arrived on the coast yesterday via boat. He'll take in the studios and vacation at the same time.

•

ROBERT YOUNG is due back next week from England where he made a picture for a British company.

•

EDWARD M. SAUNDERS, who returned a few days ago from the coast, has gone to Miami for a vacation.

•

MAX REINHARDT left yesterday for the coast to confer with JACK L. WARNER on future plans.

•

HARRY HAMILTON'S novel, "Banjo on My Knee," has been purchased by Twentieth Century-Fox.

•

VAN NESS PHILIP, R.C.A. executive, arrives today on the *Manhattan*.

EDDIE FARLEY and MIKE RILEY, co-authors of "The Music Goes 'Round and Around," have been signed by Columbia to make a personal appearance tour in connection with the "Music Goes 'Round."

•

LOUIS SCHINE and GEORGE LYNCH are due from Gloversville, N. Y., tomorrow to confer with MILT KUSELL on a Paramount product deal for next season.

•

. . . Boston

ELEANOR MACDONALD, secretary to CHARLES W. KOERNER of RKO, is mourning the death of her mother in Brookline.

RALPH RIPLEY, manager of the M. & P. Theatres Corp., Codman Square, has lost his sister.

ALEX TRADD, local distributor and technician, is planning to leave for the Near East to marry.

EDWARD ROSENWALD of the RKO Boston, a hunting enthusiast, has been presented a gun by fellow employes.

JEREMIAH LYNCH, manager of the Paramount in Newton, is the father of a seven-pound son.

GLADYS PILLMAN, formerly with RKO here, is recovering from an automobile accident.

•

. . . Los Angeles

BILL WINSHIP, back after three and a half weeks in Arizona for All Star Exchange.

RAY OLMSTEAD spent part of last week-end stuck in the mud of the clay road which leads to his San Diego ranch.

HARRY STEARNS, formerly United Artists salesman in Denver, here with the intention of staying.

EDDIE COOKE, after only seven weeks of trying, succeeded in opening his Christmas lighter.

LOU METZGER, Southern California operator, on his way to Australia for a vacation.

•

. . . Pittsburgh

PHIL BAKER'S radio sponsors held a big reception here for him before his opening at the Stanley.

IRENE LEE, the Pittsburgh girl who has headed the New York branch of the SMALL-LANDAU agency for the last six months, has just had her option taken up.

RUTH WAAG is JOE FELDMAN'S new secretary in the Warner publicity office. She succeeds VIOLET SLOANE.

JOHN MCGREEVY, booker for the Harris Amusement Co., has gone to St. Petersburg with the family for his first vacation in four years.

•

. . . St. Louis

FRANK OLSEN is in charge of the big benefit dance the I. A. T. S. E. will hold at the Aragon Ballroom Feb. 10.

J. CONSENTINO, auditor for Amity and Spectrum Pictures, is in town.

RAY BLASS, theatre architect, has just been married to JEAN B. FELKER at Ann Arbor, Mich.

JOHN JOSEPH has been ill with a throat infection.

HARRY BALABAN and NATE PLATT have gone to the West Indies for a mid-winter vacation.

CHARLIE MILLER is making a tour of the Superior Film Co., exchanges. He will visit Indianapolis, St. Louis and Milwaukee.

Caesar Asks Warners To Return to Ascap

Warners were urged to renew their membership in Ascap by Irving Caesar, music publisher and author, much of whose work is published by Warner music subsidiaries, in a letter to the company made public yesterday.

Caesar's communication was in reply to a recent letter from the Warner music companies to authors and composers affiliated with them reporting on progress being made on the licensing of Warner music for public performance. Caesar's reply challenges Warners' right to proceed with its licensing negotiations without consulting the authors and composers whose work comprises the Warner catalogues. He also challenges the company's right to transfer the theatre music tax to the producer, a move which Herman Starr, Warner vice-president, was recently quoted as saying the company was considering.

Caesar's letter criticized the recent Warner infringement actions against radio broadcasters, declaring that the size of the damages being sought might invite unfavorable revision of the Federal copyright laws by Congress.

Suit Aims to Halt Showing of "Pine"

An order to show cause why a stay should not be issued to halt the exhibition of "The Trail of the Lonesome Pine" was obtained in New York supreme court here yesterday by the Trail Co., which claims ownership of certain motion picture and dramatic rights to the work which it asserts have not been obtained by Paramount.

Justice Aaron Levy, who signed the order, set a hearing for Monday.

Paramount legal officials could not be reached for comment on the action. The picture was previewed at Miami Beach by Paramount Monday night and begins an indefinite run at the Paramount this morning.

Notables See "Pine"

MIAMI BEACH, Feb. 18.—Among the film folk and notables who attended the opening of "The Trail of the Lonesome Pine" at the Colony were Albert Warner, Irene Rich, John Golden, Daniel Frohman, H. I. Phillips, Gar Wood, Damon Runyon, Hervey Allen, Dubose Heyward, George Ade and David Wilentz.

Idaho Quarantine Ended

MOUNTAINHOME, IDA., Feb. 18.—Theatres here have reopened after a two-week quarantine. Highways between Twin Falls and Wells, Nev., are blockaded by snow. The Lincoln Highway east of Evanston is clogged with snowdrifts.

Will Open Bronx House

Consolidated Amusements on Friday will open the new Earle, seating 1,000, at 161st St. and River Ave., Bronx. This is the last of a group of houses the circuit built in this section of the city.

McMahon in Hospital

O. R. McMahon, comptroller of KAO, yesterday entered a Brooklyn hospital and today will be operated upon.

Circuits Here Move Swiftly To Get Houses

(Continued from page 1)

garded by the unaffiliated theatre men as "self-preservation." Others are held to be expansion moves.

All of the seven circuits mentioned have made substantial acquisitions in the last year. Consolidated, which has built three new theatres in the west Bronx during the past few months, has no plans for the new season, but circumstances which may be brought about by moves of other independents, principally invasion into Consolidated zones, will be met by Laurence Bolognino, vice-president of Consolidated.

Harry Shiffman, president of Isle Theatres, has a deal on for a number of theatres; Max A. Cohen and Arthur Seigel, who took over the George M. Cohan recently, are dickering for a few houses; George Skouras is after the Majestic, Jersey City; Randforce may build or take over a handful of Brooklyn projects. Cocalis, who operates a number of theatres independent of his joint circuit with Springer, has acquisition and building plans in work. Springer has a deal on for several units.

Century and Prudential, two circuits which usually build their own theatres, have no plans for new structures during the near future.

It is known that some of the smaller theatre owners are interested in building, principally in Brooklyn and Long Island, as well as adding a new unit here and there.

Century Files Plans for Two

Century circuit, with 25 theatres, has filed plans for two new structures in Brooklyn and on Saturday will take over from Randforce the Parkside, also in Brooklyn, a 600-seat house.

The two new units will each cost around $125,000 and will take approximately four months to build. Construction will begin as soon as the weather breaks. Both will seat 1,000.

One of the new theatres will be erected at Quentin Rd. and 12th St., the other at 19th St. and Ave. M.

Goldwyn Says B & K Split Lifts Returns

(Continued from page 1)

don't have to have palaces to show pictures. Make your picture the palace. The independent exhibitor should have a chance to live and I'm giving him that chance. No combination ever won out in the picture business.

"Pictures that cost a million can't be sold for a nickel. For example, in a downstate town here we used to get $100 flat rental. The last picture we played there under the new release grossed $1,300. The Balabans are good friends of mine—grand people, good showmen—but they have an exaggerated idea of the importance of their theatres."

Goldwyn said he was planning to make the "Goldwyn Follies" next fall, with beautiful girls selected from every state in the union. He also said he would make "Hurricane" in Technicolor, sending Howard Hawks to the South Seas for scenes.

Variety Club Chatter

Cincinnati

CINCINNATI, Feb. 18.—One of the outstanding events of the current social season was the installation dinner held at the Hall of Mirrors in the Netherland Plaza at which HARRY J. WESSELL, new chief barker, and his aides were inducted into office. Approximately 260 attended.

Among the notables were HAROLD VAN OTMAN, former lieutenant-governor of Indiana; JOHNNY HARRIS, national chief barker, Pittsburgh; M. R. CLARK, chief barker, Columbus; MARC J. WOLF, chief barker, Indianapolis; Mayor RUSSELL WILSON, EDWARD B. IMBUS, vice-mayor; JIM STEWART and JIM WILSON, City Councilmen of Cincinnati. Large delegations were on hand from Pittsburgh, Columbus and Cincinnati.

Judge E. T. DIXON was master of ceremonies. Talent was provided by the RKO Shubert, the Lookout House, a night spot across the river on the Kentucky side, and several special acts from Chicago. PAUL KRIEGER was in charge of the entertainment. Col. ARTHUR FRUDENFELD is main guy of the side show gang.

JIM GRADY, who holds down the managerial chair at the Fox exchange, is the father of a baby daughter.

Washington

WASHINGTON, Feb. 18.—"Metro-Goldwyn-Mayer Day" was celebrated, with RUDOLPH BERGER and NORMAN PYLE as kings for a day at the semi-monthly luncheon.

Representative WILLIAM P. CONNERY, JR., chairman of the Committee on Labor, was the guest of honor and principal speaker.

Taking for a title of his major remarks the need of humor today, CONNERY drew the analogy between circumstances obtaining during the war and now when the battle against the depression, while less gory, is nonetheless strenuous.

In satisfying that demand for humor and entertainment the Congressman paid a tribute to the industry.

CONNERY said that unless the industry stays cleaned up it will have the Legion of Decency to contend with in a manner even more militant than it was last year. Federal action—even censorship—was not beyond the realm of possibility, he stated. CONNERY declared that the industry, notwithstanding the self-imposed regulation and quasi censorship, is subtly returning to the use of sexiness and double entendre.

For the first time, Variety itself provided one of the hit bits of entertainment, a wrestling match between Butch, the Blood, alias the Whole Industry (HARROLD A. WEINBERGER), and the Gas House error, alias LEO the Lion (HERMAN P. AMSHER), with SAM M. FLAX as referee. The one-fall bout was won by Leo, but the decision was questioned and the match repeated in slow motion.

BERT GRANOFF, Earle Theatre tenor, with BOB STICKNEY as accompanist, started the program. BEN LYON responded to an introduction.

From Loew's Fox came JOHNNY WOOD, imitator, and SARAH ANN MCCABE, singer, and MELISSA MASON, dancer.

A four-piece Meyer Goldman orchestra furnished music.

WILLIAM E. S. WILCOX and ROBERT M. GRACE will be kings at the next luncheon to be held March 2.

Shortly after March 1 Architect-Barker F. KEMP MOHLER expects the remodeled clubrooms will be ready for house-warming.

LOUIS E. HARRIS, insurance broker, has been elected to affiliate membership.

Censorship Pioneer Dismissed in Penna.

HARRISBURG, Pa., Feb. 18.—Joseph A. Berrier of this city, one of the most important figures in the work of the Pennsylvania State Board of Censors since its establishment in 1914, was dismissed today from his post as administrative assistant to the board. The dismissal is thought to be of purely political origin.

Berrier was appointed by Governor John K. Tener 22 years ago, since which time more than 1,000,000 films have passed through the censors' hands. He has served as consultant to the boards of numerous states upon their inauguration of censorship in one form or another.

John C. Gore, of Uniontown, succeeds to the office.

Barrett on Ampa Bill

Wilton A. Barrett, secretary of the National Board of Review, and Joseph E. Hanson, executive vice-president of the Frank Presbrey advertising agency, will be the principal speakers at the Ampa weekly luncheon meeting at the Astor tomorrow. Peggy Fields and Roy Smeck, radio entertainers, are also to be on the program.

Injunction Denied On City Sales Tax

(Continued from page 1)

plaintiffs argued that the imposition of the sales tax on film rentals placed an undue burden on interstate commerce, involved the taxing by the city of a Federal instrumentality and was injurious to exhibition and might force the closing of theatres.

Justice Callahan also pointed out in his decision that I.T.O.A. had failed to advance any reasons to show that the comptroller has no jurisdiction to assess the tax.

Local exchanges will resume the collection of the tax as a result of the decision, but this will be returned to exhibitors if and when the tax is shown to be illegal.

Adds Ballet Sequence

HOLLYWOOD, Feb. 18.—Columbia has added a new ballet sequence to the Grace Moore picture, "The King Steps Out." Albertina Rasche is training the troupe.

MacMurray in Raft Role

HOLLYWOOD, Feb. 18.—George Raft has been replaced by Fred MacMurray in the Paramount production now in preparation which was to have starred Raft.

RKO Rent Suits End; Subsidiaries Moved

Following a settlement reached with landlords whereby RKO will pay a year's rent in lieu of cancellation of a 10-year lease, all subsidiary companies which have been in the Bond Bldg. yesterday moved to the RKO Bldg. in Radio City.

RKO originally held a 20-year lease in the Bond Bldg. at an annual rental of $60,000. With the removal of the parent companies some time ago, the landlords filed a number of suits which had been in the courts until a settlement of the lease was reached.

Dvorak Action Resumed

LOS ANGELES, Feb. 18. — Ann Dvorak's court application for clarification of her Warner contract was resumed here today before Judge Harry R. Archbold. Miss Dvorak's physicians testified that her physical condition was good at the time of the Warner suspension. J. R. Files, Warner attorney, contended that the firm was ready to reinstate the actress as soon as her physical condition was such as to warrant the action.

Warner Stock Hits 14

Warners' common stock yesterday hit a new high for the year on a turnover of 30,300 shares for the day. Up ¾ a point, the issue closed at 14, the top figure of the five-hour session. The preferred on the same exchange was off ⅝ on the day. On the bond market, Warners' 6's '39 wd gained a half point.

Pantages Rites Tomorrow

LOS ANGELES, Feb. 18. — Funeral services for Alexander Pantages, who died here yesterday, have been arranged for tomorrow at the Wee Kirk of the Heather in Forest Lawn. Interment will take place at the Forest Lawn Mausoleum.

Wall Street

Short Gains Revives Stocks

	High	Low	Close	Net Change
Columbia, vtc	41	40½	40¾	— ⅛
Columbia, pfd	49	49	49	.....
Consolidated	6⅞	6½	6⅝	+ ¼
Consolidated, pfd.	19½	18⅝	18⅝	— ⅝
Eastman Kodak	161	160	161	+1½
Loew's, Inc.	52¼	51¾	52⅛	+ ½
Paramount	11⅜	10¾	11⅜	+ ½
Paramount 1 pfd.	83⅜	82¼	82¼	— ¼
Paramount 2 pfd.	12	11¾	12	+ ⅛
Pathe Film	8⅜	8⅛	8⅜	+ ⅛
RKO	8¾	8	8¾	+ ⅝
20th Century-Fox	26¾	26⅛	26⅝	+ ⅛
20th Century, pfd	36¾	36	36	.....
Warner Bros.	14	13¼	14	+ ¾
Warner, pfd	55	55	55	— ⅝

Sonotone Gains ⅛ on Curb

	High	Low	Close	Net Change
Sentry Safety	1¼	1¼	1¼	— ⅛
Sonotone	2¾	2⅛	2¾	+ ⅛
Technicolor	26¾	25½	25½	.....
Trans-Lux	4¾	4½	4⅝	.....

General Theatre Bonds Up

	High	Low	Close	Net Change
General Theatre 6s '40	24	23½	24	+ ½
General Theatre 6s '40, ctf.	24	23½	24	+ ½
Keith B. F. 6s '46	94⅜	94⅜	94⅜	—1⅛
Loew's 6s '41 ww deb rights	102⅞	102⅞	102⅞	— ⅛
Paramount Pict. 6s '55	95	94½	94⅞	— ⅛
Warner Bros. 6s '39 wd	98	97	98	+ ½

(Quotations at close of Feb. 18)

Booked FIRST RUN from Coast to Coast

DANCING FEET

REPUBLIC'S GRAND GAY MUSICAL

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BEN LYON
JOAN MARSH
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"Entertainment that will appeal to all types. Highly romantic, has good comedy, fine dance routines and tap dancing, good singing and hit songs."
—*Showmen's Trade Review*

"Nice fare all around . . . high spot specialty dances plus catchy tunes."
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—*Hollywood Reporter*

Adapted from the Novel by ROB EDEN
Directed by JOSEPH SANTLEY
Supervised by COLBERT CLARK
Story by DAVE SILVERSTEIN
Screenplay by JERRY CHODOROV · OLIVE COOPER · WELLYN TOTMAN

REPUBLIC PICTURES

A REPUBLIC PICTURE

"Goes," with Waring, Loop Hit, $46,600

CHICAGO, Feb. 18.—Bitterly cold weather continued to hit theatres last week, but the holiday stirred up some excitement with the result that "Anything Goes," with Fred Waring on the stage of the Chicago, piled up a magnificent $46,600. This was $14,600 over normal.

"A Lady Consents" at the Palace, with Ruth Etting and a revue on the stage, managed to get slightly over par at $20,500. "Kind Lady," helped by Jackie Coogan and Betty Grable, was $1,000 up on a take of $16,000 at the Oriental. "King of Burlesque" and "Professional Soldier," at the Garrick and Apollo, respectively, were on the profit side of the line, but all other houses were in a bad way.

Total first run business was $128,800. Average is $117,000.

Estimated takings:

Week Ending Feb. 11:

"SHOW THEM NO MERCY" (20th-Fox)
ROOSEVELT—(1,591), 30c-40c-60c, 7 days. **Gross:** $9,800. (Average, $11,000)

Week Ending Feb. 13:

"A LADY CONSENTS" (Radio)
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Ruth Etting and revue. **Gross:** $20,500. (Average, $19,000)

"ANYTHING GOES" (Para.)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Fred Waring and Radio show. **Gross:** $46,600. (Average, $32,000)

"KIND LADY" (M-G-M)
ORIENTAL—(3,490), 25c-40c, 7 days. Stage: Jackie Coogan and Betty Grable in "Hollywood Secrets" revue. **Gross:** $16,000. (Average, $15,000)

"KING OF BURLESQUE" (20th-Fox)
GARRICK—(900), 25c-35c-50c, 7 days. **Gross:** $7,000. (Average, $5,500)

Week Ending Feb. 14:

"PROFESSIONAL SOLDIER" (20th-Fox)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $6,400. (Average, $4,500)

"THE GHOST GOES WEST" (U. A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $11,000. (Average, $17,000)

"ANNIE OAKLEY" (Radio)
STATE-LAKE—(2,776), 20c-30c-35c, 7 days. Stage: Eddie Rio and revue. **Gross:** $11,500. (Average, $13,000)

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MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Boulder Dam"

(Warners)

HOLLYWOOD, Feb. 18.—With the spectacular Boulder Dam project serving as a picturesque background, this picture is far from what may at first seem propaganda. Warners have taken occasion to build a thrilling story around the dam in addition to making the big hole in the Nevada mountains play an important part in the romantic leanings of Ross Alexander and Patricia Ellis.

Two episodes which will sufficiently hold the interest of patrons and probably have some also holding their seats, wishing the suspense were over, are: firstly, where the hero, at the risk of his life, goes to the aid of a brother dam worker who is driving a truck laden with dynamite and which has gone out of control as it races down the mountainside; secondly, the rescue of Lyle Talbot, the menace, as he is dangling from a cable in mid air. These are natural hair-raising scenes for patrons who can stand a good dose of excitement.

Prior to Alexander's getting a job at the dam, the story tells of his hasty departure from Detroit after he has killed his boss in a fist fight. Employed as a mechanic in a taxi garage, the ever-asserting hero tells his employer where he gets off picking on him and is fired, following which the fatal blow takes place. After a series of lifts on the road, Alexander reaches the dam headquarters. He finds disappointment at first in trying to land work, but eventually is put on the payroll.

Coming to the assistance of Miss Ellis, who experiences motor trouble on the highway, Alexander, as a result, is virtually adopted by the girl and her family until he gets set. As time passes on, he wins a promotion for the first daring life saving stunt involving the truck driver and also gradually wins the affection of the girl. Talbot, a former mechanic in the Detroit garage, has faint recollections about Alexander and when he recalls the incident which led to the hero's sudden flight, he gives him 24 hours to leave town. The injunction causes Alexander to drop his affair with Miss Ellis, much to the satisfaction of Talbot. After Talbot is rescued by the former killer, he reneges on his threat to reveal all, but Alexander comes clean, confesses and is assured the legal support of the organization building the project. The heroine, naturally, promises to wait for her man who is rewarded with another promotion.

Sy Bartlett, Ralph Block and Laird Doyle have patterned an engaging and entertaining screen play. Frank McDonald has done well by the direction. The entire cast is good. Sam Bischoff directed.

Production code seal, 1,753. Running time, 70 minutes. "G."

"The Music Goes 'Round"

(Columbia)

HOLLYWOOD, Feb. 18.—Relying principally on that infectious, tantalizing and ubiquitous tune, "The Music Goes 'Round and Around," Victor Schertzinger has bundled all the action into the last few reels of this musical. Up to the time Harry Richman introduces the zippy number in an extravaganza in which he is interested vitally, the pace unfortunately is slow. However, as soon as the first strains of the popular melody are heard, the picture takes on life.

To bring out variations effectively, Schertzinger has Herman Bing sing the song in his own peculiar style, while Michael Bartlett renders the fascinating number in an operatic vein. The composers themselves, Edward Farley and Michael Riley, join in a duet, explaining the words with the aid of an enlarged cornet. Finally, Richman sings it and then he has a first night audience attending his opening doing the same.

Lavishly produced, this film has one of the best current exploitation possibilities. Everyone knows about the song by now and it's a matter of telling the paying public that the song is a highlight of Richman's picture. Besides the star there are Rochelle Hudson, Walter Connolly, Bing, Bartlett and the composers. There isn't much to the story, which tells of Richman, a prominent Broadway musical star, falling in love with Miss Hudson, leading lady of her father's show boat. The sea-sailing melodrama is one of a by-gone era and is on the verge of sinking into the mortgagee's hands when the hero, incognito, buys an interest. He envisions big things for the troupe on Broadway.

Richman's purpose in adding to his own show the "sizzling" dramatic sketch by the troupe is to create a few laughs. Broadway doesn't receive the thespians as Miss Hudson had anticipated and this brings about discord in the romance. However, when Richman follows his fair maiden to the waterfront and sings "Rolling Along" to her a la "Romeo and Juliet," the heroine capitulates and comes a running to her Richman with open arms. Richman has a powerful voice and it is heard effectively several times. Miss Hudson confines her talents to acting.

Production code seal, 1,900. Running time, 65 minutes. "G."

"Dancing" and Show Lead in Philadelphia

PHILADELPHIA, Feb. 18.—One cheerful spot in a dull week that still felt the sting of winter and tied-up traffic, was the Earle. With the stage combination of Bebe Daniels, Ben Lyon, Toby Wing and Sammy Cohen, to lure in the customers, the house grossed $24,000 and would have hit higher were it not for the continued bad weather break. The film was "Dancing Feet."

Starting its grind showing on Wednesday, Chaplin's "Modern Times" got off to a good holiday start, playing to 1,941 more admissions than "City Lights," which played at the same house (Erlanger) five years ago, on its first day. Business took a nosedive yesterday in face of snow and sleet storms, but the week should gross well.

"The Ghost Goes West" topped the house average a trifle with $9,000 at the Aldine and was held a second week. "Every Saturday Night" took a fall at the Fox and was yanked after five days. The $11,500 taken by "The Milky Way" at the Stanley was only so so.

Total first run business was $78,800. Average is $77,900.

Estimated takings for the week ending Feb. 13:

"GHOST GOES WEST" (U. A.)
ALDINE—(1,200), 40c-55c-65c, 7 days. **Gross:** $9,000. (Average, $8,160)

"ROSE MARIE" (M-G-M)
BOYD—(2,000), 40c-55c, 7 days, 2nd week. **Gross:** $13,000. (Average, $14,000)

"ROSE OF THE RANCHO" (Para.)
ARCADIA—(600), 25c-40c-50c, 7 days, 2nd run. **Gross:** $2,200. (Average, $2,800)

"DANCING FEET" (Republic)
EARLE—(2,000), 25c-40c-50c, 7 days. Stage: Bebe Daniels, Ben Lyon, Toby Wing, Sammy Cohen. **Gross:** $24,000. (Average, $14,000)

"EVERY SATURDAY NIGHT" (20th-Fox)
FOX—(3,000), 40c-55c-65c, 5 days. Stage: Gomez and Winona; Popeye, the Sailor; Cass, Mack, Owen and Topsy; Ed Ford and Whitey. **Gross:** $8,000. (Average, 7 days, $14,000)

"STRIKE ME PINK" (U. A.)
KARLTON—(1,000), 25c-35c-40c, 7 days, 2nd run. **Gross:** $2,700. (Average, $4,000)

"CEILING ZERO" (W. B.)
KEITH'S—(2,000), 30c-40c-50c, 7 days, 2nd run. **Gross:** $2,900. (Average, $4,000)

"THE MILKY WAY" (Para.)
STANLEY—(3,700), 40c-55c, 7 days. **Gross:** $11,500. (Average, $14,000)

"YOU MAY BE NEXT" (Col.)
STANTON—(1,700), 30c-40c-50c, 7 days. **Gross:** $5,500. (Average, $7,000)

No Fuel; Houses Close

OMAHA, Feb. 18.—An acute shortage of fuel in western Iowa and many sections of Nebraska is forcing many theatres to close. With the roads blocked it is impossible to truck in coal or oil. Nebraska houses have closed at Superior, Nelson, Emerson, Pilger and Arcadia, while similar shut-downs have been recorded in the Iowa towns of Battle Creek, Sanborn and Waverly.

Do Three for Shirley

HOLLYWOOD, Feb. 18. — Radio has three stories in preparation for Anne Shirley, and the first complete script which receives an okay from Sam Briskin will be the first to go before the cameras. The stories are "M'liss," "Daddy and I," and "Mother Carey's Chickens."

"Goes" Leads San Francisco In Dull Week

San Francisco, Feb. 18.—Only two houses made much impression on the box-office lethargy last week. At the Paramount "Anything Goes," topping a dual bill with "Man Hunt," reached $14,200. This was over normal by $2,700.

At the Orpheum "The Invisible Ray," with "Whispering Smith Speaks," garnered $9,000, up by $2,200. "The Lady Consents" was good for $15,000 at the Golden Gate. All the other first runs, with the exception of the 400-seat Clay which had "The New Gulliver" on the screen, failed to get to first base.

Total first run business was $67,500. Average is $73,800.

Estimated takings:

Week Ending Feb. 11:

"THE LADY CONSENTS" (Radio)

GOLDEN GATE—(2,850), 25c-35c-40c, 7 days. Stage; band. **Gross:** $15,000. (Average, $14,500)

Week Ending Feb. 12:

"THE INVISIBLE RAY" (Univ.)
"WHISPERING SMITH SPEAKS" (20th-Fox)

ORPHEUM—(2,440), 15c-30c-35c-40c, 7 days. **Gross:** $9,000. (Average, $6,800)

"ANYTHING GOES" (Para.)
"MAN HUNT" (W. B.)

PARAMOUNT—(2,740), 15c-30c-35c-40c, 7 days. **Gross:** $14,200. (Average, $11,500)

"PETER IBBETSON" (Para.)

UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days, 2nd week. **Gross:** $5,000. (Average, $9,000)

Week Ending Feb. 13:

"DANGEROUS WATERS" (Univ.)
"CHATTERBOX" (Radio)

FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $4,800. (Average, $6,000)

"TALE OF TWO CITIES" (M-G-M)

ST. FRANCIS—(1,470), 15c-30c-40c, 7 days, 3rd week. **Gross:** $5,800. (Average, $7,000)

"MILKY WAY" (Para.)
"THE PERFECT TRIBUTE" (M-G-M)

WARFIELD—(2,680), 30c-35c, 7 days. **Gross:** $12,500. (Average, $18,000)

Week Ending Feb. 14:

"NEW GULLIVER" (Amkino)

CLAY—(400), 35c, 7 days, 2nd week. **Gross:** $1,200. (Average, $1,000)

"Rose Marie" Hits Oklahoma City Top

Oklahoma City, Feb. 18.—"Rose Marie" at the Criterion brought them out in the cold to the tune of $7,500, which was $2,500 over the house average.

The only other house to make a dent in the general lethargy was the Liberty which had "The Widow from Monte Carlo" and a stage show for four days. The take was $2,200. Normal for a week is $3,000.

Total first run business $15,800. Average is $14,000.

Estimated takings for the week ending Feb. 15:

"ROSE MARIE" (M-G-M)

CRITERION—(1,700), 10c-20c-36c-55c, 7 days. **Gross:** $7,500. (Average, $5,000)

"CEILING ZERO" (F.N.)

MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,700. (Average, $4,000)

"I DREAM TOO MUCH" (Radio)

CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,900. (Average, $2,000)

"THE WIDOW FROM MONTE CARLO" (W.B.)

LIBERTY—(1,500), 10c-20c-26c-41c, 4 days. Stage: "Sirens In Satin." **Gross:** $2,200. (Average for week, $3,000)

"CHATTERBOX" (Radio)

LIBERTY—(1,500), 10c-20c-26c-36c, 3 days. Gross: $500. (Average for week, $3,000)

Looking 'Em Over

"Hair Trigger Casey"

(*Atlantic-Berke*)

All the melodramatic incidents that make for die-hard western fans a pleasing offering are present in this picture. As westerns go, however, it is an ordinary production.

Jack Perrin, as captain of a cavalry unit near the Mexican border, is called back to his ranch, warned to be prepared for trouble. He encounters his foreman in a scrap with a Chinaman before he leaves and orders for him to return soon follow. At the ranch a cowhand has been murdered and Perrin, with plenty of he-man dialogue, is soon on the trail which involves the smuggling of Chinese over the border. After some riding, shooting and general action sequences the piece ends with the capture of the criminals.

Also in the cast are Betty Mack, the feminine interest; Wally Wales, Phil Dunham, Ed Cassidy and Robert Walker.

Harry Fraser directed from a story by Monroe Talbot. Robert Cline did the photography.

Production Code Seal No. 1,872. Running time, 60 minutes. "G."

"Two Cities" Gets $14,000, Montreal

Montreal, Feb. 18.—Two outstanding engagements featured the week. The Palace soared to $14,000 on "Tale of Two Cities" despite the continued Arctic weather and the film was held over for a second week. At Loew's "Hitch Hike Lady" on the screen and a Major Bowes' Unit on the stage brought $13,000.

"Dangerous," top feature of the duo at the Capitol, registered $9,000, while the Princess touched par at $7,000 with a double bill headed by "Professional Soldier." Second week of "La Maternelle" accounted for $3,000 at the Princess after a first week of $6,000 which is the tops for this house under the current policy.

Apart from hockey matches, which are drawing better than a month ago, there wasn't much opposition until Feb. 14, when St. Valentine's Day was observed with many dances.

Total first run business was $46,000. Average is $41,000.

Estimated takings for the week ending Feb. 15:

"DANGEROUS" (W.B.)
"THE WIDOW FROM MONTE CARLO" (W.B.)

CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $9,000. (Average, $9,500)

"LA MATERNELLE" (French)

IMPERIAL—(1,914), 20c-29c-34c, 7 days, 2nd week. **Gross:** $3,000. First week: $6,000. (Average, $3,500)

"HITCH HIKE LADY" (Republic)

LOEW'S—(3,115), 30c-34c-40c-50c-60c, 7 days. Stage: Major Bowes' Amateur Hour unit. **Gross:** $13,000. (Average, $10,500)

"A TALE OF TWO CITIES" (M-G-M)

PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $14,000. (Average, $11,000) Held over for second week.

"PROFESSIONAL SOLDIER" (20th-Fox)
"ONE WAY TICKET" (Col.)

PRINCESS—(2,272), 25c-30c-35c-50c-65c, 7 days. **Gross:** $7,000. (Average, $7,000)

Scientists for Halperin

Hollywood, Feb. 18.—Academy-Halperin Prod. have signed George Savidge, head of the Chicago Institute, as art director for "Revolt of the Zombies." Lee Smith, archeologist, will serve as technical director.

Zeidman Plans Special

Hollywood, Feb. 18.—B. F. Zeidman will produce "Revolt of the Zombies" as a special. Present plans call for a budget of between $50,000 and $60,000 on the film.

Set Big Lloyd Tieup

Chicago, Feb. 18.—The Paramount exchange has arranged a tieup with the Milk Foundation here, whereby 800,000 milk bottles will be capped with a special printed top telling of the opening of "The Milky Way," when the date for the premiere of the Harold Lloyd comedy is set.

To Begin Stage Shows

Cleveland, Feb. 18.—Jack Benny will inaugurate stage shows at Loew's State here, starting late in February, according to Harry E. Long, Loew's division manager.

"Story" and Calloway Wow Indianapolis

Indianapolis, Feb. 18.—"Exclusive Story," plus a stage appearance of Cab Calloway and his Cotton Club Revue, shot the take at Loew's up to about $15,000 last week. Average for the house is $4,500. Prices were upped for the attraction from the established 25c and 40c to 25c-35c-55c.

With this exception, the local houses continued to suffer from the tag-end of the cold wave. Ice-sheathed streets helped keep prospective customers home at night. The Apollo, showing "The Jones Family," reported the worst week in many years, with receipts about 35 per cent of average.

Total first run business was $34,300. Average is $26,500.

Estimated takings for the week ending Feb. 14:

"THE JONES FAMILY" (20th-Fox)

APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $1,300. (Average, $4,000)

"ROSE OF THE RANCHO" (Para.)

CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

"NEXT TIME WE LOVE" (Univ.)

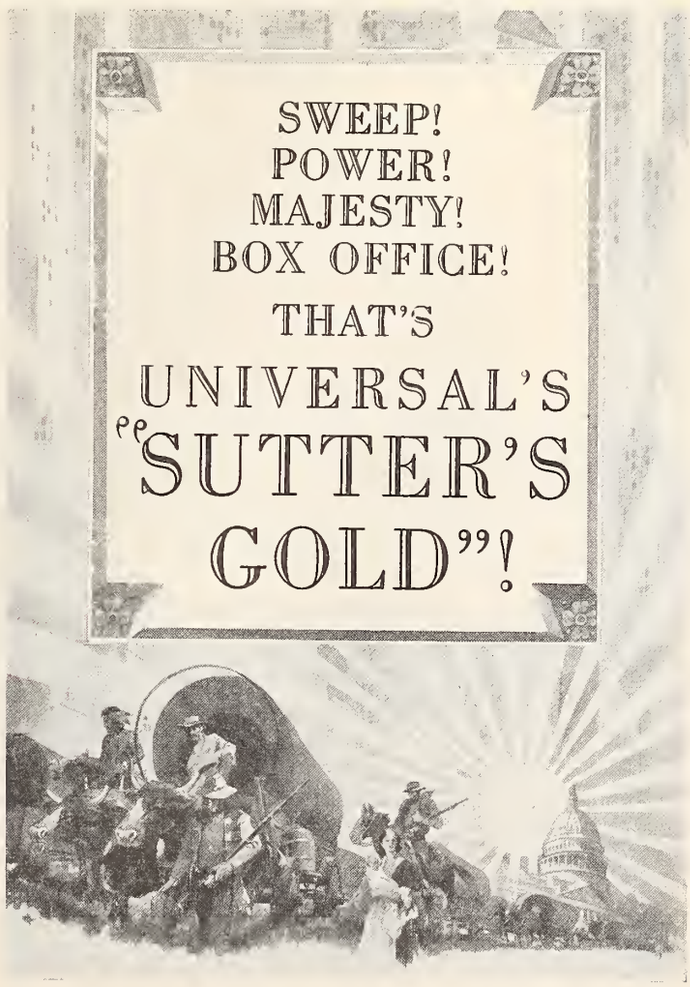
INDIANA—(3,200), 25c-40c, 7 days. **Gross:** $6,000. (Average, $7,000)

"EXCLUSIVE STORY" (M-G-M)

LOEW'S—(3,000), 25c-35c-55c, 7 days. Stage: Cab Calloway and band. **Gross:** $15,000. (Average, $4,500)

"MURDER OF DR. HARRIGAN" (F.N.)

LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $7,000. (Average, $7,000)



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Norfolk	Indianapolis
Houston	Kansas City
Detroit	Harrisburg
Atlanta	Reading
New Orleans	Wilmington
Nashville	St. Louis
Memphis	Springfield
Louisville	London, Ont.
Akron	Toronto
Canton	Worcester
Cleveland	Hartford
Baltimore	New Haven
	Waterbury

FEBRUARY 22nd
Chicago

FEBRUARY 27th
South Bend • Bridgeport

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VOL. 39. NO. 43 NEW YORK, THURSDAY, FEBRUARY 20, 1936 TEN CENTS

Long Hearings Seen Barring Copyright Law

Administration Favors April 15 Closing

By CLARENCE LINZ

WASHINGTON, Feb. 19.—Efforts of Administration leaders to bring the Congress session to a close about April 15 today were seen as threatening enactment of the copyright legislation, in view of plans of Representative Sirovich of New York, chairman of the House Patents Committee, to devote a full four weeks to hearings on the measure.

Under the committee's program, the hearings would not conclude until March 19, which would leave but a month in which to draft and submit a report, secure action in the House and come to an agreement with the Senate, which passed the Duffy bill at the last session.

Members of the committee have made it clear that they will not accept the Duffy bill as it stands, one of the points of controversy being the $250 minimum for infringement, so that it will be necessary to send the legisla-

(*Continued on page 6*)

Bickering Resumed Over Alien Actors

WASHINGTON, Feb. 19.—Resumption of hearings by the House Immigration Committee on the Dickstein bill to bar alien actors today was marked by a renewal of hostilities between Representatives Celler of New York and Kramer of California.

Celler brought to the hearing a report from the British Embassy in Washington as to England's policy with respect to the admission of alien actors, in which, he said, it was declared that no legitimate actor or actress had been barred in the past three years and that only 30 vaudeville and cabaret performers had been barred out of some 1,800 admitted.

The report was immediately challenged by Kramer, who declared he

(*Continued on page 6*)

No Paper Saturday

***Motion Picture Daily* will not publish on Saturday, which is Washington's Birthday, a legal holiday.**

Atlas Reduces Investment in Para-Warners

Is Practically Out of Latter Company

The investments of the Atlas Corp., in Paramount and Warner Bros. securities were appreciably reduced during 1935, the annual report of the investment company to its stockholders discloses.

The largest reduction in the Atlas Paramount holdings resulted from the sale by Atlas of its controlling interest in the Blue Ridge Corp., to Harrison Williams, investment operator. Blue Ridge held 300,000 shares of Paramount stock. Certificates of deposit for $454,000 of additional Paramount securities which were listed by Atlas at the end of 1934 were exchanged for securities of the reorganized Paramount during 1935. The new Paramount securities are still held by the company. Atlas disposed of $800,000 of Warner Bros. Pictures debentures during 1935. It is reported that this practically eliminates Atlas as a Warner investor.

The most appreciable Atlas gain in

(*Continued on page 7*)

New RCA Recording Is Shown to SMPE

Features of RCA's latest development in recording by use of ultra violet rays instead of white light were described last night by Glenn L. Dimmick at a meeting of the New York section of the S.M.P.E. A demonstration also was given with Lauretta Lee singing "It's Sleepy Time Down South," Joseph Lilly giving a piano rendition and a symphony orchestra playing Kurt Weil's score for Max Reinhardt's "Eternal Road." Clarity of tone and elimination of lisping and hissing effects effectively contrasted the new development with the old.

None of the producers have put the new system to use, it was stated. It

(*Continued on page 7*)

Government Settles Warner Tax Claims

WASHINGTON, Feb. 19.—The Federal Government today compromised for $95,000 deficiency taxes totalling $681,839 against the three Warner brothers for profits alleged to have been received in the sale of securities inherited from the estate of their father, the late Sam Warner. Each

(*Continued on page 13*)

Boys on Girders

Indianapolis, Feb. 19.—Police uncovered a lair floored with planks laid over girders high in the flies of the Tower where half a dozen street urchins have been living since October. The house formerly was the Rialto, a burlesque spot, and the lads have been undisturbed since it was switched to films and no one took occasion to look backstage.

Rugs and properties had been carried aloft by the boys. Entrance was through a skylight. Louis Goulden, manager, says he'll nail the skylight shut.

K.C. Independents End Giveaway Pool

KANSAS CITY, Feb. 19.—The 14 independent exhibitors who have operated a Sweepstakes pool for several weeks have discontinued the promotion for several reasons, according to E. Rolsky, president of the I. T. O.

One was a belief that such promotions lose their pull if used every night in the week. While the venture had been fairly successful, near-zero temperatures the past 35 days have prevented the plan from accumulating the effect expected. Another factor was the ruling of Attorney General Roy McKittrick's office last week that Bank Night was a lottery.

Independents have been the moving force behind the effort to get all giveaways, cash and premium, eliminated in the city, and they felt that discontinuing their chief offering might help to get the move toward elimination under way.

Members of the Sweepstakes pool and backers of the promotion recently were sued by Affiliated Enterprises, Inc., Bank Night patentees, for an accounting and damages.

Bernerd Now Heads All of G. B. Sales

Jeffrey Bernerd is now head of all G.B. sales, he stated yesterday upon his arrival on the *Majestic*. Heretofore, his distribution activities have been limited to England, but the new duties include the United States as well.

The added duties do not mean any change in the American setup, Bernerd explained. He expects to remain from four to five weeks during which he will visit Hollywood to look over production and talent possibilities.

While here Bernerd will discuss

(*Continued on page 13*)

Pioneer Will Make Four for U.A., Goldwyn

New Season List to Be 32-34, He States

John Hay Whitney's Pioneer Pictures will add four features to the United Arists program for the new season, bringing the company's list for 1936-'37 to a total of 32 to 34 pictures, Samuel Goldwyn said yesterday on his arrival from the coast. Pioneer still has two to make on its current Radio deal.

Pioneer's four will be all-Technicolor productions and a possible five additional features on the U. A. new season list also will be in color, Goldwyn said. Walter Wanger, David O. Selznick and Alexander Korda may produce one color picture each, while Goldwyn himself may contribute two. These would be "Goldwyn Follies" and "Hurricane."

The new season U. A. list, the largest in the company's history, will be made up of eight from Goldwyn, four from Pickford-Lasky, five from Selznick, four from Wanger, four from Pioneer, six from Korda, one from Douglas Fairbanks and a possible additional feature from either Walt Dis-

(*Continued on page 13*)

New Stay Obtained On Sales Tax Levy

A further stay restraining distributors from collecting the two per cent city sales tax on film rentals from exhibitors, and the city from collecting it from distributors, resulted yesterday from an appeal by the I. T. O. A. from Justice Callahan's decision denying a temporary injunction against the city's levy on film rentals.

The appeal was taken by Harlou,

(*Continued on page 7*)

Easy, Says Joe

Hollywood, Feb. 19.—Joe E. Brown has tonsilitis and he's predicting the doctor will be able to operate without a compass.

In fact, he predicts that after they get past his incisors all they'll have to do is make a sweep from left to right and catch the tonsils unawares.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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Clear Custom Rules On Newsreel Films

Travel and scenic films are not regarded as news unless tied in with news events the Bureau of Customs has ruled in a clarification of regulations applying to duty-free entry of newsreels.

Some confusion has existed among newsreel producers as to what constituted duty-free material. The ruling is designed to clear up any misunderstanding.

Society Sees "Rhodes"

"Rhodes," starring Walter Huston, was shown last night as a special feature of the Endowment Fund Dinner of the Adventure Society, at the Riz-Carlton Hotel.

MOTION PICTURE DAILY
Is now located in its new offices at
ROCKEFELLER CENTER
New York City
•
CIRCLE 7-3100

Insiders' Outlook

By RED KANN

Hollywood, Feb. 19.

A PROWL through the night finally brought us to the fringe of Hollywood where one of its most colorful characters, little known and less appreciated by the film colony, resides. Before we left New York, Ali Gaga had commissioned us to ferret out Mox Shobbus, to find out what sort of a guy he was. On our own, we wanted to meet Mox anyway. One of our most ardent subscribers could not be ignored and besides paying some attention to an exhibitor, that forgotten man in Hollywood, would be different. . . .

▼

How does a theatre operator, even on the fringe of Hollywood, feel about Hollywood? That seemed a pertinent query. So we proceeded to find out and discovered that, as an exhibitor, Shobbus wanted to become a producer. So far the trail has failed to unearth a producer who would even talk to an exhibitor unless he couldn't help himself. We asked Mox why, since he felt the way he did, he took no action. "There's L. B. Mayer, Sam Katz, Adolph Zukor and Phil Goldstone—all were exhibitors at one time or another. Now they're producers," mused Mox. . . .

▼

"Some day—even with all my headaches—I'm going into production," he continued. "I've even got a name for my company and some rough ideas."

"And the name of your company, Mr. Shobbus, will be——?"

"I'm calling it 'The No Studios Everywhere Corp,'" he said, waxing so enthusiastic it was impossible to bottle all of his flow of conversation.

"And my pictures will be produced at 'No Place-Anywhere.'

"We start just like bankers—make plans—y'know—blueprints. We'll hold conferences, decide on a story, cast it, get a perfect script and a final okay all around." . . .

▼

"When we make deals, we'll make only option deals. F'ringstinks. We hire some one to work for $500 a week the first year with an option to pay $400 the second, $300 the third, etc. So, after five years of hard work, everybody breaks even. Then we close up the studio which we never had in the first place.

"People want employment from us already," continued Mox. "A secretary in N'York wrote, saying she is willing to pay us $10 a week to work for us in the office we won't have in Carolina, or Jersey or any other place. . . .

▼

"I'm just getting up my prospectus which I'm going to send to my partner in Florida where he won't be despite any talks Joe Kennedy may have had with Governor Schulz."

"And your financial setup, Mister Shobbus?"

"It's already in Washington, just like Loew's debentures issue. We're going to have no stock, no bonds, and no dividends at no time. So we'll have no receivers and no money."

Mox has other ideas, all worth recording and reporting for future industry guidance and impact. For instance, he heard John Clark had been here for Twentieth Century-Fox; that Leo Spitz and Ned Depinet for Radio, Neil Agnew for Paramount would be here in a couple of days plotting and planning for next season. He was counting his day's take. "I'll make an advance deposit on it that Roosevelt don't have to worry about inflation. Why should he? Didn't all the salesmen get plenty of inflation at their conventions from their bosses last year?"

"But this year I'll be waiting. So here I give notice to all in writing 'No booking from fancy Montgomery Ward catalogues in Technicolor.' I'll believe it when I see it in trade papers, maybe. With me, when salesmen storm the citadel, it's going to be cold kishke. Make me an offer and I'll give you half.

That's my idea of inflation." . . .

Claims "Music" in Suit

Suit has been filed in the U. S. District Court here by William Harold Hodgson, Chicago, composer, against Eddie Farley and Mike Riley, alleging that "Music Goes 'Round and Around," is identical, except in title, with his original composition, "Orange Number."

In addition to Farley and Riley, other defendants in the suit are: Columbia, Rockwell O'Keefe, Inc., distributors of the song, and Select Music Publications, publishers.

Jack Cohn, vice-president of Columbia, last night stated he had heard nothing about the suit.

"Times" Big in London

LONDON, Feb. 19.—"Modern Times," which has just ended its first week at the Tivoli, broke all existing house records with a gross of $40,000, it was stated by G.B. officials. The Tivoli, a 2,000-seat house, is one of the G.B. string.

Shearer in Los Angeles

HOLLYWOOD, Feb. 19.—Ben Shearer, who runs the B. F. Shearer theatre equipment company is here in connection with opening of a Los Angeles office. A. H. Pugh will be the manager.

New Dramatist Pact Ready in a Few Days

The contract committee of the Authors' League will complete the drafting of its new basic agreement for managers, incorporating the provisions for the control of sale of film rights to stage plays, within the next few days. The views of managers on the new film provisions were heard by committee members at a meeting with the League of N. Y. Theatres on Tuesday, which was the final joint session in advance of the drafting of the new agreement. The contract committee advised the managers that their views would be given consideration in the drafting of the pact.

On its completion the new agreement will be submitted to the Authors' League council at a meeting early next week and will then be offered to the membership for ratification. A final meeting with managers late next week may be held in advance of the effective date of the new agreement, March 1.

Present indications are that the new pact will call for drastically increased participation by authors in film rights to plays, gauged by the amount of the financial interest of a film company in the play's ownership. Competitive bidding for film rights has been restricted, the authors claim, by the increasing appearance of film companies as play sponsors.

Standard Contract Upheld in Illinois

CHICAGO, Feb. 19.—The Illinois Appellate Court has given a sweeping decision in favor of Paramount which upholds the standard exhibition contract in an action against George and John T. Gehring, operators of the Rosewood, for alleged breach of three contracts.

Paramount had appealed from the Municipal Court to the Appellate Court, and the latter court has reversed the Municipal Court's decision of Feb. 8, 1934, giving judgment to Paramount for $3,073.

The opinion was handed down by Judges Scanlan, Friend and Sullivan. It is said to be the first ruling on a damage clause of the standard contract. The case may go to the Supreme Court.

Studio Honors Laemmle

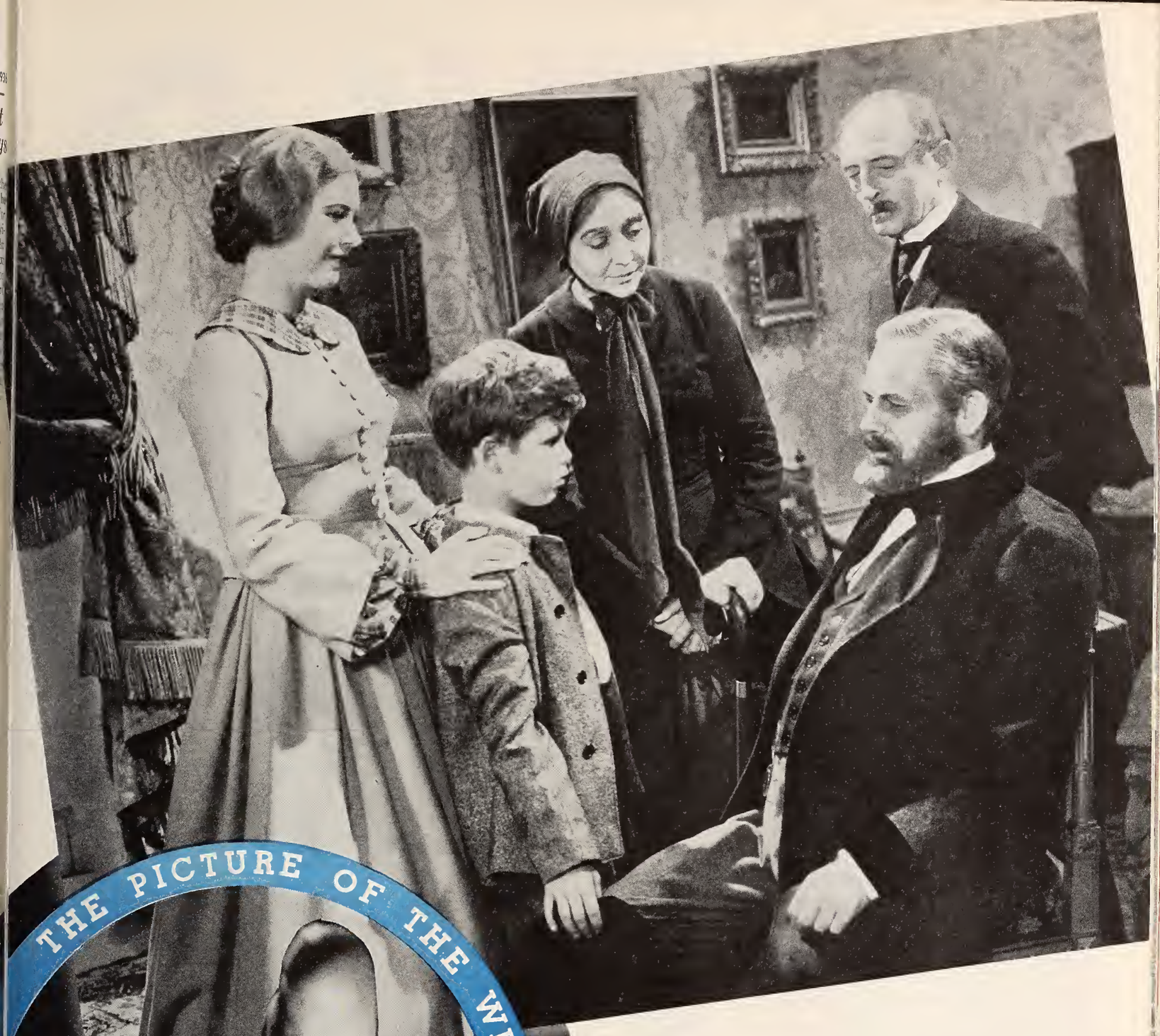
HOLLYWOOD, Feb. 19.—More than 200 Universal studio executives, players, directors and employes, past and present, will attend the anniversary luncheon to be tendered Carl Laemmle on Monday in observance of his 30th anniversary in the industry. The luncheon will be the high spot of the anniversary observances at the studio which will be joined in by many industry executives.

"Shark Island" $21,000

"The Prisoner of Shark Island" at the Center tallied a profitable $21,000. The film is in its second week and still holding up nicely. The second stanza of "Anything Goes" and Isham Jones and his band at the Paramount tapered off to a mild $23,000.

George Dembow on Coast

LOS ANGELES, Feb. 19.—George F. Dembow of National Screen Service is in from New York.





Sweeping across the screens of the nation this week, with an impressive record of pre-release triumphs already behind it, comes **'THE STORY OF LOUIS PASTEUR'**, unanimously acclaimed by the premiere reviewers as 'a towering landmark in screen drama.' **PAUL MUNI,** painting an 'immortal portrait' of a famous hero of humanity, Josephine Hutchinson, Anita Louise, Donald Woods, and Director William Dieterle,all contribute brilliantly to the acknowledged importance and success of this great new Cosmopolitan Production. Presented by Warner Bros. Released by First National Feb. 22nd.

HELD

NEW YORK
Third week at Capitol and still going strong!

BOSTON
Day-and-Date State and Orpheum, second week in both!

LOS ANGELES
Additional week at United Artists after sensational Day-and-Date extended run at State and Chinese.

ATLANTA
Second week

HOUSTON
Second week

HARRISBURG
Second week

ST. LOUIS
Second week

TOLEDO
Second week

WILMINGTON
Second week

CLEVELAND
Second week

CINCINNATI
Second week

HARTFORD
Second week

NEW HAVEN
Second week

PHILADELPHIA
Second week

PITTSBURGH, PA.
Extra days

BRIDGEPORT
Extra days

CHATTANOOGA
Extra days

FORT WORTH
Extra days

DENVER
Second week

PORTLAND
Second week

SPOKANE
Second week

NORFOLK
Second week

PROVIDENCE
Second week

PITTSBURGH, KS.
Extra days

MINNEAPOLIS
Second week

—and that's just the beginning!

"Rose Marie I Love You"

OVER



AMERICA'S SINGING SWEETHEARTS!

Jeanette MacDonald
Nelson Eddy



Long Hearings Seen Barring Copyright Law

(*Continued from page* 1)

tion to conference if the House passes a bill.

In planning for April 15 adjournment, Administration leaders have indicated that no controversial legislation will be permitted to come up on the floor unless it is part of the President's recovery and relief program. If this attitude is adhered to, difficulty will be encountered in securing House consideration for any measure reported out by the committee.

The hearings will open Feb. 25 and carry through the following two days, during which representatives of Ascap will present their views. Hearings on March 3-5 will be devoted to the Authors' League, dramatists, newspapers and other writing and publishing interests, and the hearings March 10-12 and 17-19 will give oportunity for testimony by film producers, distributors and exhibitors and minor interests such as hotels.

Bickering Resumed Over Alien Actors

(*Continued from page* 1)

knew of many cases of American actors who had been refused admission to England and read a telegram from David Dunbar saying that in 1934 he was "forced out of Hollywood because aliens are given work in preference to American citizens," and went to England where he obtained a year's contract in films, but was immediately thrown into Broxton Jail and deported for "daring to work there."

Celler declared that the proposed reciprocal arrangement provided in the bill would "merely build a wall" in retaliation for which England would build a higher wall.

Appearing with other witnesses for and against the measure, Martin Beck asserted that it would be impossible to cast American actors for all parts now given to foreigners because while the latter may not be of "distinguished merit" they have the particular qualities required for a particular role.

James Palser Passes

Los Angeles, Feb. 19.—James Palser, a theatre veteran of London, New York and the west coast died here Tuesday after a long illness. He was 85.

Palser started as an usher and rose to manager and executive, later becoming associated with Lily Langtry, Edgar Selwyn, Peggy Wood and Ralph Morgan. He is survived by his widow, Mrs. Eleanor Wilkins Palser and a stepdaughter, Mrs. George R. Brennan.

Borrow Rochelle Hudson

Hollywood, Feb. 19.—Paramount has borrowed Rochelle Hudson from Twentieth Century-Fox for the romantic lead in "Poppy," the next W. C. Fields picture. Richard Cromwell will play opposite Miss Hudson. Edward Sutherland will direct.

Looking 'Em Over

"Rhodes"

(*G. B.*)

Painted on the broad canvas which was South Africa in the 1880's, this picture portrays the highlights in the life of one man, Cecil Rhodes, who, almost alone, and in an incredibly short space of time, carved out for Great Britain a country of fabulous wealth. That one man, whose entire picture this is, has been personified with all the power that is inherent in the role by Walter Huston, whose unquestioned ability in just such a characterization as this, is once again amply demonstrated.

The fact that the picture was produced in England, with English performers, with the exception, of course, of Huston, should make no difference whatever for any audience in this country. The force of Huston's dramatic, wholly human portrayal may be expected to carry to any audience. The performances are uniformly excellent.

Filmed in South Africa, the background scenes are an impressive adjunct to the action, which in themselves add much to the entertainment value of the picture as a whole. Perhaps the strongest portrayal beside that of Huston is the work of Oscar Homolka as the conservative, stern old president of the Transvaal, Paul Kruger, who alone stood in the way of Rhodes' dream of a united South Africa.

Rhodes, a young man, given only six months to live by Basil Sydney, who, as Starr Jameson, becomes Rhodes' physician and lifelong friend, is a diamond digger in Kimberley. Infected by the dream of empire in South Africa, Rhodes, a genius in his ability to make reality of his dream, obtained control of the Kimberley diamond fields. Driven on by his ambition, he obtained concessions from the native king of the Matabeles, north of the Transvaal, formed the British South Africa Co., and became prime minister of the Cape Colony. A battle with the Mataveles, his effort to avoid war with the Boers in the Transvaal, his sparring with Kruger, Jameson's invasion and capture, and Rhodes' surrender of his prime minister's post and his company direction, to save his friend, Jameson, from death, form interesting, often exciting episodes. Rhodes dies before the Boer War, and the eventual complete fruition of his ambitious dream, a united South Africa under the English flag.

A strong picture of a strong man, the picture should be sold without difficulty, and with the cooperation of groups interested in better pictures.

Previewed without production code seal. Running time, 95 minutes. "G."

"Second Bureau"

(*Du-World*)

While the story lumbers along on heavily emphasized sequences which lead to the climax, this account of the activities of the French military intelligence bureau registers as another commonplace spy drama. The vital elements of an espionage film—poisonings, Mata Hari flirtations and disguises—are all present and the Gallic humor helps out somewhat.

The story involves the counter espionage activities of the German and French governments. The former enlists the aid of Erna Flieder, who is a sort of Mata Hari as she disposes of a Count Brosilow, who has been selling information to both sides. Captain Benoit, of the French office is commissioned to get the plans of a silent airplane engine. With a disguise and the help of Dorothy, a German postoffice clerk, he accomplishes this end. Discovered, he heads for Paris taking Dorothy, who will be implicated, along with him. Their love grows after they reach their goal. Erna is ordered to get rid of Benoit, but she falls in love with him and prevents his murder, to be killed herself. The finish, manages to achieve a few thrills, which are few and scattered in the rest of the film.

Jean Murat does well as Benoit and Vera Korene of the Comedie Francaise handles the Erna Flieder role expertly. Jeanine Crispin, as Dorothy, is excellent as the blonde fraulein who loses her heart to Benoit. Jean Max is the man of the world, Brosilow. Pierre Billon directed.

Adequate English titles interpret the story intelligently and most audiences will be able to follow it.

Reviewed without production code seal. Running time, 105 minutes. "G."

"Three Women"

(*Amkino*)

In the expected tradition of the Russian film, this glorifies the activity of women in the revolutionary era, personified in the work of three women. They are carried through by the story from the pre-war Czarist conditions of early 1914 to 1919 and the Revolution. The result is

(*Continued on page* 13)

Japan's Film Shows Cut by Regulations

By TETSUYA MORI

Tokyo, Feb. 19.—One of the first moves of the Japan Ass'n of Motion Pictures formed in January has been to bring about a shortening of shows in key cities and in surrounding small towns. Under the new regulations, soon to be issued, key city shows will be limited to three and one-half hours, a cut of a half hour, and small town programs will be cut to four hours, a reduction of a full hour.

Footages will be reduced from 6,000 to 5,000 metres.

The regulations were agreed upon after a visit of association members to the Home Office.

* * *

Maintenance of production schedules for the double purpose of cutting costs and meeting release dates are now a topic of discussion among producers here.

In recent months schedules have not been laid out to provide for bad weather or other unforeseen delays. As a result pictures have been presented to the censors for review on the days they have been scheduled for release. In others, release dates have not been kept and delays have been costly.

The Shochiku and Shinko Co's are bringing pressure to bear on their studio organizations for the purpose of increasing efficiency without sacrificing box-office values.

* * *

Increasingly close relations between Japan and Manchukuo have raised a number of problems in connection with duties on films and the use of Manchukuoan locations.

Conferences are under way to get some kind of an agreement worked out. Some argument was stirred recently when J. O. made "Fa Taitin" in Manchukuo. When the film was brought back to Japan the Kobe customs insisted that the film was not raw material, but finished product. The taxation threatened to destroy possible profits.

Operate on A. H. Blank

Des Moines, Feb. 19. — A. H. Blank, president of the Tri-States Theatre Corp., vacationing the past three weeks at Miami Beach, suffered an attack of acute appendicitis and was operated on at St. Francis Hospital. His condition following the operation is satisfactory, according to word received here by his son, Myron Blank.

Plan Show for Lovett

Providence, Feb. 19. — Theatrical associates of the late J. Fred Lovett, manager of various Rhode Island theatres during the past 20 years, will sponsor a show in his memory at the Carlton, Feb. 27. All of the resources of the profession in Rhode Island have been pooled in the undertaking.

Wells Film Opening Set

London, Feb. 19.—"Things to Come," produced by Alexander Korda of London Films, from a story by H. G. Wells, will have its premiere at the Leicester Square here Friday.

Atlas Reduces Investment in Para-Warners

(Continued from page 1)

film securities during the year was, of course, its purchase of 50 per cent of the RCA holdings in RKO. This comprises $2,128,597 of RKO debentures and 263,493 shares of common stock. At the time of the purchase Atlas also acquired a three-year option to purchase the remaining 50 per cent of RCA's holdings in RKO. This investment, the report states, is regarded by the Atlas management as being in the nature of a "special, temporary investment." The description is purely technical, being in conformity with SEC requirements for distinguishing between "investments" and "speculation."

In the report, Floyd B. Odlum, Atlas president, who is a Paramount director, says that it is not the policy of the corporation to manage businesses and that it does not make investments for the purpose of controlling any business or its management.

A suit by an Atlas stockholder is now pending against officers of the company in the local courts alleging that the Atlas underwriting of Paramount stock was a speculative excursion rather than an investment, and charges Odlum with an ambition to become a dominant factor in the film industry.

The Atlas report showed consolidated assets of $103,928,679 at the end of the year as compared with $110,517,809 the year before. The company reported net income of $1,149,052 for 1935, as compared with $1,250,245 for 1934.

Sacramento Getting Ready for "Sutter"

SACRAMENTO, Feb. 19.—The Joe Blumenfeld circuit has leased the Alhambra from F. W. C. for one night for the premiere on March 25 of "Sutter's Gold." After the opening, which is set for $1.65, the film will move to Blumenfeld's Sierra for a continued run. Reason for holding the opening at the Alhambra is that extensive space around the theatre allows for a colorful parade in which city officials will appear in the dress of forty-niners, and for a reconstruction of Sutter's Fort in front of the house, as well as seating accommodations for the crowd expected.

The Chamber of Commerce requested the premiere from Carl Laemmle, since much of the action of the story took place near Sacramento.

New Stay Obtained On Sales Tax Levy

(Continued from page 1)

Inc., and Quinral, Inc., Brooklyn theatre operators, by whom the original application for the injunction was made. The stay was obtained from Justice John McAvoy by Weisman, Quinn, Allen & Spett, I. T. O. A. attorneys, yesterday and remains in effect pending a hearing, March 6, on a hearing of the appeal in the Appellate Division.

New RCA Recording Is Shown to SMPE

(Continued from page 1)

is expected that the companies employing RCA's sound-on-film device shortly will adopt the new method, it was said.

Dimmick told the engineers "the tendency for the high pitched voices of some screen celebrities to sound sharp-edged, especially in the sibilants, has long presented a difficult problem to sound engineers.

"Ordinary white light," the RCA engineer explained, "is composed of a great many different wave lengths. Since it is impracticable to focus all of these wavelengths exactly at one time, those of them that are even slightly out of focus blur the edges of the sound pattern on the negative and introduce distortion in reproduction. Additional distortion of the sound results when the light penetrates too deeply into the film emulsion.

"The new ultra-violet method involves only a few simple adjustments in existing High Fidelity sound recording systems, consisting in the main of an adjustment of the lenses in the optical system for sharper focusing, and in the use of a light filter over an ordinary incandescent lamp, which limits the radiant light energy focused on the film to a narrow band, invisible to the unaided eye. The same method permits a much wider latitude in the process of making accurate positive prints for the theatres," Dimmick said.

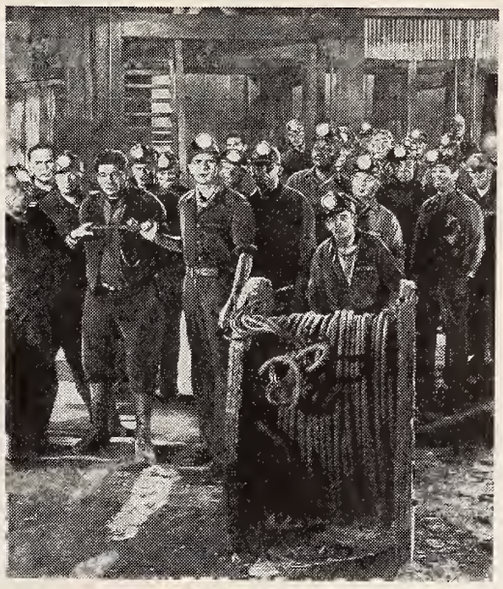
Sioux City Cut Off; Gets Film by Plane

SIOUX CITY, IA., Feb. 19.—Isolated from the world, this city and its 12 theatres faced a film shortage last week. Trucks and trains were at a standstill for three days. Theatres played same films over, unable to get new ones in or old ones out.

Tri-States solved the problem for the Capitol, the A house, by sending Paramount's "Anything Goes" by plane. The pilot unable to make a landing, had wrapped the films carefully in heavy sacks, dropped them overboard by long ropes until he could safely unloose them in snowdrifts. Other houses are still hoping for break in the fierce cold.

(As Advertised in yesterday's New York papers)

"TORTURE STRIKERS" ADVANCE ON N. Y.!



Desperate Rioters Defy the Law

MOB RULE THREATENS

Hundreds of Torture-Crazed Convicts At Large After Blazing Revolt

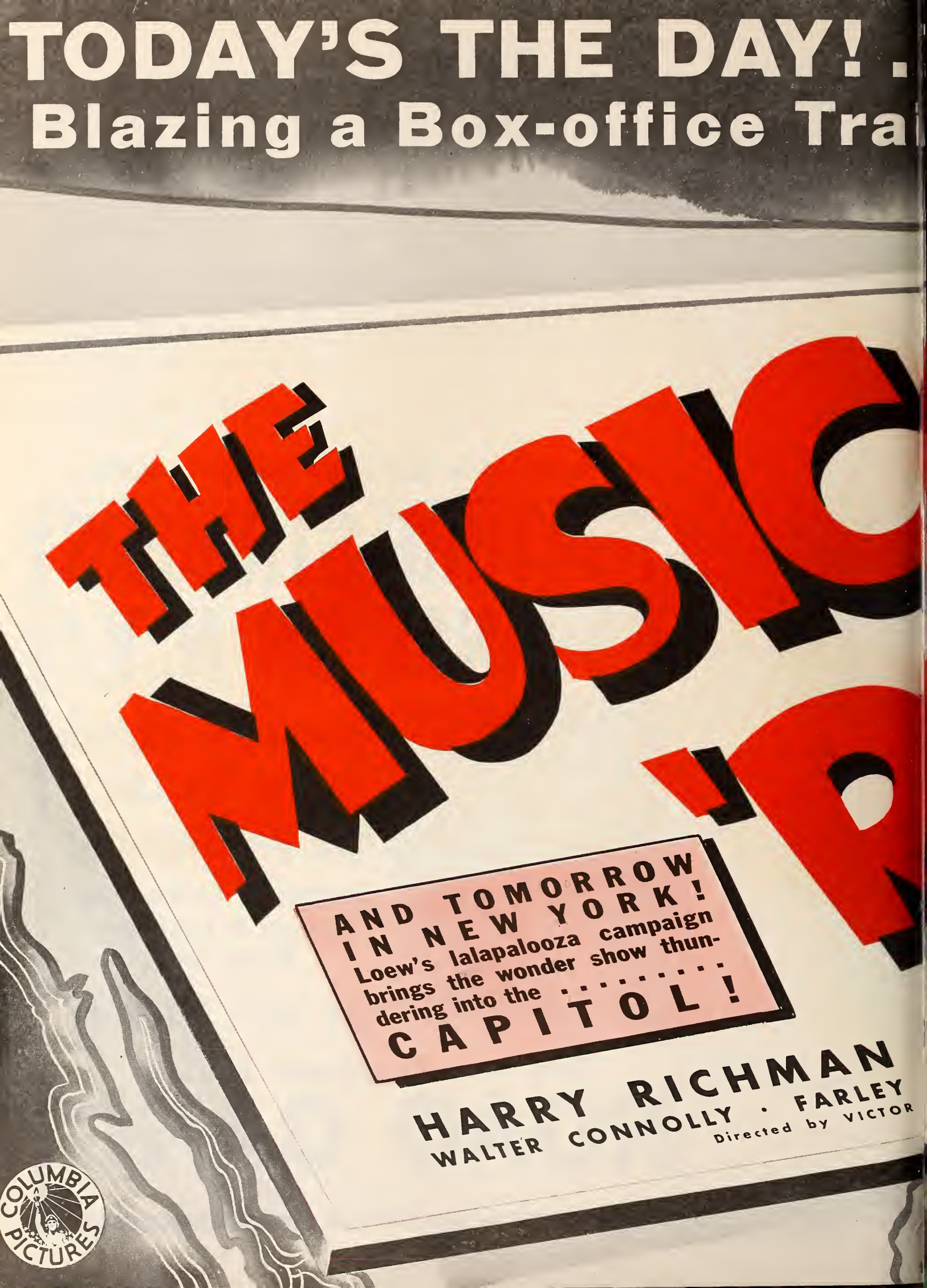
DUE HERE SATURDAY

They Are Fugitives From a "ROAD GANG"

A First National Picture • Presented by Warner Bros.

TODAY'S THE DAY! .

Blazing a Box-office Tra



The Big Show Begins!
cross the Nation!

GOES ROUND

ROCHELLE HUDSON

& RILEY and their 'Round and 'Round Music!

SCHERTZINGER



MY! MIAMI!
How they jammed and cheered the world premiere last night!

COLUMBIA'S NEW IDEA IN MUSICALS!

HOLD YOUR HATS

Here we go ag





O. K. Turn 'er Over

"Annie" gives Miami the Business!

"'KLONDIKE ANNIE' OPENING AT THE COLONY HERE SATURDAY FEBRUARY 15 BUSTS ALL RECORDS...CROWDS JAM STREETS TO GRAB LOOK-SEE AT MAE WEST AND VIC McLAGLEN OPUS... BOX OFFICE CASH REGISTERS GOING LIKE MACHINE GUNS AS SECOND DAY SEES CROWDS STILL MOBBING INTO COLONY...SUNDAY OPENING AT COMMUNITY ALSO A WOW. PICTURE TERRIFIC...ALREADY BROKEN ALL TIME OPENING AND SECOND DAY RECORDS FOR MIAMI. IT'S THE HIT OF THE YEAR."

ERNEST MORRISON, MANAGER
PARAMOUNT ENTERPRISES



Adolph Zukor presents
MAE WEST in
"KLONDIKE ANNIE"
with Victor McLaglen
Directed by Raoul Walsh

It Pays to Play a Paramount Picture!

Paramount Pictures

Pioneer Will Make Four for U.A., Goldwyn

(Continued from page 1)

ney or Charlie Chaplin. Goldwyn said that no picture on the list would be budgeted at less than $500,000 and at least one would be budgeted at $1,500,000. He said it was his belief that pictures of this classification, supplied in sufficient numbers, would provide the answer to double features, low admissions and other cut-rate exhibition practices, by offering enough program strength to be played alone for good returns.

Goldwyn also extolled the individually-owned producer organization and made the prediction that the future will see this type of production organization contributing all of the industry's important product.

"The factory method of production is on the wane," he said. "Salaried producers will soon be a thing of the past. The best production results must come from those who have their own organizations and who stand or fall by their own efforts. The man of ability working for his own company has a greater stake than the same man who has no other interest in a company than his salary."

Goldwyn said that while a new U. A. contract with Disney had not been signed yet a virtual agreement had been reached and there were "no differences" between them. The current Disney contract expires in about a month. He said that while he had received no report of the banning of Chaplin pictures by Germany he was sure that none of them would be banned because "they are not good pictures."

The producer said that the present U. A. executive setup could be regarded as "essentially permanent" and indicated that the post of president might not be filled for some time to come. This post, temporarily occupied by Mary Pickford following the resignation of Al Lichtman some time ago, remains open. Arthur Kelly, vice-president, handles all of the top home office executive functions.

Goldwyn will be here until March 4, when he will leave on the *Berengaria* for London. He will be there approximately two months on a talent and story hunt and for conferences with Korda.

U. A. Seeks Speedup Of British Release

LONDON, Feb. 19.—Alexander Korda and United Artists plan to shorten in England the present clearance arrangements between pre-release and general release houses by from three to six months, officials of the company stated here today.

Crediting Korda as the sponsor of the idea, Murray Silverstone, U. A. managing director here, said that the new release system could be adopted through the cooperation of the 200 Odeon circuit theatres and the 50 C. J. Donada houses in which U. A. now has a substantial interest.

"In the future," Silverstone said, "all the big films we handle will go to the provincial centers immediately after the West End run, beginning with 'The Ghost Goes West'."

Curbing of double featuring and the use of the so-called "quota" pictures are hoped for as a result of the change, Silverstone added.

Hartford Palace Opened

HARTFORD, Feb. 19.—Loew's Palace has been reopened with a return engagement of "Dancing Lady" and "The Big House," after which it will hold over "Rose Marie" from the Poli, with a stage show. Aside from a possible holdover of "Wife vs. Secretary" the house will again be dark until Mar. 20, when the NTG show has been booked, with "Rita Rio."

To Roadshow "Zeigfeld"

HOLLYWOOD, Feb. 19.—"The Great Ziegfeld" has been definitely set as a roadshow. It will open at the Astor, New York, Easter week at advanced prices, and in 15 other cities about the same time on the same basis.

Looking 'Em Over

"Three Women"

(Continued from page 6)

occasionally moving drama, but on the whole the film offers comparatively little to the average American patron, having its greatest appeal to those in sympathy with the Russian situation. Superimposed dialogue translations make for ready understanding of the story.

For the followers of Russian films the names of Boris Babochkin and Boris Chirkov, who played in "Chapayev" and "Maxim," respectively, may be of selling value for those metropolitan houses which may have an audience receptive to the picture by reason of its origin.

The three girls suffer in the Russia of 1914, form an inseparable friendship, and, grown, become nurses in the Red army when the revolution breaks out. They serve throughout the campaign against the White Russians, until one of them is killed by White soldiers. Romance enters in the reuniting of the three with a Red soldier they had played with as children, who falls in love with one of the girls. The performances are uniformly good.

Reviewed without production code seal. Running time, 91 minutes. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"You May Be Next"

(Columbia)

HOLLYWOOD, Feb. 19.—Dealing with a new form of racketeering, this picture builds excellent suspense and holds the interest throughout. The novelty of the theme is an attempt by Douglas Dumbrille and his mob to engage in hijacking on the air by creating static to interfere with commercial programs. When one network buys him off, Dumbrille's greed spurs him onward to try further. In the course of these efforts he inadvertently jams navy signals. This almost results in the sinking of a battleship and brings the wrath of the Government upon his activities.

Meanwhile, an interesting romantic plot is introduced involving Ann Sothern and Lloyd Nolan, an engineer kidnapped by the mob and rescued by the efforts of Miss Sothern and John Arledge.

Fred Niblo, Jr., and Ferdinand Reyher did the screenplay from a story by Henry Wales and Reyher. The direction of Albert Rogell blends comedy and drama deftly. First rate support is given by Berton Churchill, Nana Bryant, Robert Middlemass and Clyde Dilson. This Sid Rogell production offers several real good flashes and is always in the best of taste. As an action and novelty picture it should please all general audiences.

Production Code Seal, No. 1,786. Running time, 64 minutes. "G."

Walker Shifts Men In Comerford Units

SCRANTON, Feb. 19. — Frank C. Walker, general manager of the Comerford interests, has appointed William J. Cosgrove, former manager of the Strand here, as the firm's representative in Wilkes-Barre.

Cosgrove has been associated with the Comerford theatres for the past 22 years.

Other changes follow:

J. M. Blanchard, manager of the Strand, Sunbury, promoted to manager of the Strand, Scranton.

Lloyd House, manager of the Strand, Scranton, to the Strand, Sunbury.

M. J. O'Keefe, manager of the Ritz, Scranton, to the Riviera, Scranton.

Thomas Killeen made manager of the Ritz, Scranton.

John Galvin, manager of the Riviera, Scranton, to the Penn, Wilkes-Barre.

Bernerd Now Heads All of G. B. Sales

(Continued from page 1)

new product with Arthur Lee, head of the American company. Although G.B. announced 35 this season, 26 will be released. However, an increase in the schedule is anticipated next season, he said.

Five of the group of features Max Schach will produce for Capitol will be distributed in this country by G.B., Bernerd said. He added he brought the contract with him.

Mark Ostrer is now making his headquarters at the studio instead of Maurice Ostrer, it was stated.

Bernerd's trip may be cut short because of the illness of his wife in England. She was scheduled to be operated on yesterday.

Government Settles Warner Tax Claims

(Continued from page 1)

of the brothers received 13,333 shares of Warner stock in the distribution of the estate.

A deficiency of $229,517 against Jack L. Warner was settled by agreement for $35,000 in a stipulation filed today with the Bureau of Tax Appeals, while, for $30,000 each, the Government will settle assessments of $229,997 against Harry M. Warner and $222,325 against Albert Warner.

The stipulation showed that Federal income taxes for 1930 were paid in the sum of $155,014 by Jack L.; $161,103, by Harry M., and $177,690 by Albert Warner.

Andre Boehm to Republic

HOLLYWOOD, Feb. 19.—Republic has signed Andre Boehm, former M-G-M writer, to a long term contract.

Wall Street

Most Off Slightly, Warner Gains 2½

	High	Low	Close	Net Change
Columbia, vtc	41	39	39	—1¾
Columbia, pfd	49½	48½	48½	— ½
Consolidated	6¾	6⅜	6⅝	.....
Consolidated, pfd.	18¾	18¾	18¾	+ ⅛
Eastman Kodak.	161½	160¾	160¾	— ¼
K.-A.-O., pfd	90	90	90	— ⅛
Loew's, Inc.	51⅞	50⅜	50½	—1⅝
Paramount	11½	10⅞	11	— ⅜
Paramount 1 pfd.	83	81½	81½	— ¾
Paramount 2 pfd.	12	11⅝	11¾	— ¼
Pathe Film	8¾	8⅜	8⅜	.....
RKO	9¼	8¾	9	+ ¼
20th Century-Fox.	26¾	26⅛	26⅛	— ½
20th Century, pfd.	36⅝	35½	35½	— ½
Warner Bros.	14⅝	13¾	13⅞	— ⅛
Warner Bros., pfd	57¾	57½	57½	+2½

Curb Issues Off

	High	Low	Close	Net Change
Sentry Safety	1¼	1⅛	1¼	.....
Sonotone	2⅞	2⅝	2⅝	— ⅛
Technicolor	26	24¼	24⅞	— ⅝
Trans-Lux	4½	4	4¼	— ⅜

RKO Bonds Gain 1½ Points

	High	Low	Close	Net Change
General Theatre 6s '40	24	23½	23½	— ½
General Theatre 6s '40, ctf	23½	23½	23½	— ½
Keith B. F. 6s '46	94¾	94¾	94¾	+ ⅜
Loew's 6s '41 ww deb rights	102⅞	102⅞	102⅞	.....
Paramount B'way 3s '55	59	59	59	+ ½
Paramount Pict. 6s '55	94⅞	94½	94½	— ⅜
RKO 6s '41 pp	78	78	78	+1½
Warner Bros. 6s '39 wd	98	97½	97½	— ½

(Quotations at close of Feb. 19)

Amendment Filed In the F.W.C. Case

Los Angeles, Feb. 19.—William H. Neblett, attorney for T. L. Tally and Corbar Corp., today filed an amendment to the Tally-Corbar petition to have the Fox West Coast bankruptcy adjudication set aside. The amendment alleges that Samuel McNab, the referee in the original proceedings, received a fee of $75,000 from National Theatres and split it with referees Earl Moss, Charles Irwin and Rulert Turnhill.

A copy of the new complaint was forwarded to Federal Judge James Alger Fee, who now has the case under advisement after having heard argument on the petition last week.

Special Session in Missouri Is Denied

Kansas City, Feb. 19.—Although opposing a special session of the Missouri legislature ever since talk of one became current some weeks ago, it was not until last week that Governor Guy B. Park definitely announced he will not call one to appropriate additional funds for relief.

A number of members of the legislature believe such a session would not accomplish its purpose.

The plan now is to turn back to counties and cities the responsibility for relief after April 1, when the $6,000,000 appropriated for such purposes by the last legislature shall have been spent.

"Music" Opens at Miami

Miami Beach, Feb. 19.—Before a sell-out crowd which comprised stage and screen stars, society folk and film executives, "The Music Goes 'Round" had its premiere here tonight at the Lincoln. Among those present were Albert Warner, Joseph P. Widener, Nate Spingold and N. L. Nathanson.

Morros Re-Signed

Hollywood, Feb. 19.—Boris Morros today had his contract extended as general director of Paramount's musical department. Morros will also produce a number of musical pictures on the season's schedule, although it was announced here that the exact number is still indefinite.

Jean Arthur to Radio

Hollywood, Feb. 19. — Radio has borrowed Jean Arthur from Columbia for the feminine lead in "One to Two" opposite William Powell. Stephen Roberts will direct under the supervision of Edward Kaufman.

St. Louis Shows Back

St. Louis, Feb. 19.—Stage shows will be returned to the Ambassador Friday and admissions will be cut to 25c-35c-40c.

Hold "The Milky Way"

Salt Lake City, Feb. 19.—"The Milky Way," Harold Lloyd comedy, has been held over for a second week at the Paramount here.

Charter Tramon Corp.

Albany, Feb. 19. — Tramon Corp. has been formed here by Daniel H. Stone, Jacob Klein and Edward Cohn.

Purely Personal

M. H. Aylesworth, Phil Reisman, R. H. and P. D. Cochran and Willard C. McKay chattering in the RKO Bldg. main foyer yesterday afternoon. Aylesworth says he may take a trip to the coast shortly. He recently returned from a three-week Florida vacation.

•

Oscar Doob writes from Miami and tells of the swell time he's having. Among those with him are Jake Lubin, Mrs. Joseph Vogel and Lionel Keene.

Quip of the Day

Ali Gaga, eavesdropping on the colloquy between two exhibitors after a preview:

First Exhibitor—"Well, what did you think of it?"

Second Exhibitor — "Pictures certainly have advanced. First, they were silent; then they talked. Now, this one is odiferous."

Sidney Howard, script writer on Goldwyn's "Dodsworth," is expected Saturday on the Century. He plans a Bermuda visit with Sinclair Lewis, "Dodsworth" author.

•

Freddie Bartholomew arrives in town from the coast today, accompanied by his aunt, Millicent Bartholomew. They will stay here for several weeks.

•

Clarence Brown, director, arrives tomorrow for a brief vacation, having completed work on "Wife Versus Secretary."

•

G. B. DeSylva, Jack MacGowan and Sid Silvers have closed with M-G-M for the purchase of their story, "Shove Off."

•

Mrs. Alice Duer Miller and Alexander Woollcott are among the passengers sailing on the last voyage of the *Majestic* tonight.

•

Arthur Tracy, just back from Europe, will be tendered a welcome home party tonight at Leon and Eddie's.

•

Arthur Lee and A. P. Waxman will sail for London in two months for a visit at the G. B. home offices.

•

Sinclair Lewis sails for Bermuda tomorrow on the *Monarch of Bermuda.*

Will H. Hays arrived here last night from the middle west where he stopped over for a few days en route from coast.

•

John D. Clark arrives from the coast today and will leave tomorrow for Chicago where a Twentieth Century-Fox sales meeting will be held.

•

George W. Weeks is being bothered by a bad cold. He's staying indoors as much as possible.

•

Gary Cooper is due here Saturday from the coast. He will go to Bermuda next week.

•

Jeffrey Bernerd says his latest crossing is his 32nd.

•

Larry Darmour is in town from the coast on a brief visit.

•

Joe Hornstein has gone south for a two-week vacation.

•

S. S. Krellberg of Amusement Securities is in Montreal on business.

•

Jim Finn is back from the coast where he spent a week and a half.

Quip of the Day

Kansas City, Feb 19. — Just made a Kentucky colonel, Max Roth, Columbia district manager, was twitted by friends over the fact that there are about 2,500 individuals bearing that title in the United States.

"That's true, but there are 120 million in the United States," Roth retorted.

. . . Los Angeles

Edward L. Thompson has taken over the Valley in North Hollywood from R. O. Grover.

J. J. Milstein, manager of the M-G-M exchange, is in Palm Springs for a two-week vacation which may end in Del Monte.

Walter G. Cook is opening the Valencia in Placentia.

Lola Gentry, secretary of the Film Board of Trade, back after a week's bout with influenza.

Dave Biedermann of Selected Pictures has returned from New York.

George A. Hickey, division superintendent for M-G-M, is making a trip around his territory.

J. A. Menard has bought the Downey at Downey from Frank Atkins.

To Publish Film Songs

Arrangements have been completed between Pickford-Lasky and the Sam Fox music publishing house to publish the music from "One Rainy Afternoon," starring Francis Lederer and Ida Lupino.

Added to F. D. Staff

Washington, Feb. 19.—First Division has added Fred Sandy to the sales force here. He will cover the Baltimore territory.

Ballot on Long Reels

Boston, Feb. 19.—Martha W. Ferris, Film Board secretary, is conducting a postcard ballot on exhibitor reaction to the 2,000-foot reel. Agitation against the increase in footage is centered in the operators union here.

Universal Signs Collins

Hollywood, Feb. 19.—Universal has signed Arthur Greville Collins to direct "She Married a Million." Production will begin in March.

Argentine Picture Releases Show Gain

Washington, Feb. 19.—The steadily increasing popularity of films in Argentina is indicated in a report to the U. S. Department of Commerce from its Buenos Aires office. During 1935, the report shows, a total of 524 pictures were released in that country, compared with 477 in 1934 and 404 in 1933. Of the 1935 releases, 412 were in English, 34 in Spanish, 26 in German, 18 in French, and seven in Italian.

It is estimated locally, the report states, that of the total 1935 releases, 409 were produced in the United States, 28 in the United Kingdom, 22 in Germany, 18 in France, seven in Italy, six in Spain, and one in Russia.

The Argentine industry accounted for approximately 21 releases, one each in the 10 small firms and the remaining 11 made and released by four companies, it was stated.

U. S. Films Leading Czechoslovak Sales

Washington, Feb. 19. — American producers regained their strong position in Czechoslovakia during the past year, supplying 53 per cent of the features passed for entry by the Prescreening Commission, according to a report to the U. S. Department of Commerce from the commercial attache at Prague.

Under a contingent system which was in operation for the period from May 5, 1932, to Feb. 8, 1935, American films were virtually excluded from the country. On the latter date a system of registration went into effect which provides basically for a free market.

Sam Stern in Hospital

Pittsburgh, Feb. 17.—Sam Stern, artist for Warners who spent a couple of weeks in the hospital in December, has been ordered back there by his physician for another rest cure. Stern is suffering from nervous strain and will be on leave from his duties for at least six weeks.

Beano Bill Reported

Boston, Feb. 19.—A bill to bar Beano in this state by repealing last year's authorization of the game was favorably reported to the House today by the Legal Affairs Committee. Exhibitors have been opposing widespread use of the game for some time.

Children's Bill Filed

Albany, Feb. 19.—Senator Lazarus Joseph has introduced a bill to permit cities to license film theatres where children between the ages of 10 and 16 years can be admitted to separate blocks of seats under certain conditions.

Dudenheffer Resigns

New Orleans, Feb. 19.—Benjamin Dudenheffer has resigned from Allied as purchasing agent. He has bought Ed Goodrow's Attraction Exchange. Goodrow will open a gas station.

'Fauntleroy' Premiere Set

Hollywood, Feb. 19.—"Little Lord Fauntleroy" will have its world premiere at the Aldine in Phildelphia on March 5, with a minimum of two weeks scheduled.

Chaplin Film Proves a Gold Mine on Coast

Los Angeles, Feb. 19.—"Modern Times"' is just about the biggest sensation here since gold was discovered. In the first seven days, it went to $26,000 at Grauman's Chinese, over normal by $14,000, and at Loew's State it was $6,000 up on a take of $20,000. This is a total of $46,000 for the two houses when other first runs are worrying about rain and resulting bad business.

The only other attraction to make much of an impression was "The Petrified Forest," which garnered $14,200 at Warners' Hollywood and $12,700 at Warners' Downtown. "Next Time We Love" and "The Invisible Ray," on a dual at the Pantages, grossed $5,700, over par by $2,500.

Total first run business was $106,600. Average is $86,150.

Estimated takings for the week ending Feb. 19:

"MODERN TIMES" (U. A.)
CHINESE—(2,500), 35c-75c, 7 days. **Gross:** $26,000. (Average, $12,500)
"SOAK THE RICH" (Para.)
FILMARTE—(800), 30c-40c, 7 days, 2nd week. **Gross:** $1,300.
"THE GHOST GOES WEST" (U. A.)
4 STAR—(900), 30c-55c, 7 days, 3rd week. **Gross:** $2,800. (Average, $3,250)
"MARIA CHAPDELAINE" (Franco-America)
GRAND INTERNAT'L—(750), 35c-40c, 7 days. **Gross:** $2,500. (Average, $1,200)
"NEXT TIME WE LOVE" (Univ.)
"THE INVISIBLE RAY" (Univ.)
HILLSTREET—(2,700), 25c-40c, 7 days. **Gross:** $5,900. (Average, $8,000)
"MODERN TIMES" (U. A.)
LOEW'S STATE—(2,500), 35c-75c, 7 days. **Gross:** $20,000. (Average, $14,000)
"NEXT TIME WE LOVE" (Univ.)
"THE INVISIBLE RAY" (Univ.)
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $5,700. (Average, $3,200)
"LADY OF SECRETS" (Col.)
"HER MASTER'S VOICE" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. M. revue, Al Lyons and orchestra. **Gross:** $15,500. (Average, $18,000)
"THE PETRIFIED FOREST" (W. B.)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-40c, 7 days. **Gross:** $14,200. (Average, $14,000)
"THE PETRIFIED FOREST" (W. B.)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. **Gross:** $12,700. (Average, $12,000)

Schultzes Go to Coast

Kansas City, Feb. 19.—Clarence Schultz, head of Commonwealth Amusement Corp., who has been in Mexico City with Mrs. Schultz for a short vacation, went to Los Angeles early this week from Mexico City in order to return to Kansas City with Elmer C. Rhoden, head of Fox Midwest, who has been in Honolulu on vacation with Mrs. Rhoden. They're due here Friday.

Weiner Made Salesman

Boston, Feb. 19.—Abe Weiner, office manager for United Artists here, has been appointed to the sales force of the exchange. He succeeds Louis Wechsler who went to New Haven as exchange manager there.

Chase to Buffalo Post

Buffalo, Feb. 19.—Maurice Chase, formerly in the Cincinnati exchange, has been named First Division branch manager here, replacing Basil Brady.

Bay State Enforces Old Billboard Law

Boston, Feb. 19.—Billboard laws passed in 1924 are now being enforced here for the first time as a result of the withdrawal from the U. S. Supreme Court of an appeal from a decision of the State Supreme Court upholding the regulation. The regulations add approximately $5,000,000 to the cost of outdoor advertising in the state.

An injunction against the State Public Works Department had prevented this department from enforcing the laws relative to the size of signs, their location, construction and condition. The attorney general will be brought in on a number of direct and recent violations, Commissioner of Public Works William F. Callahan says. Many billboards and other advertising devices up to within 300 feet of public highways will be removed, Callahan states.

Applications for inspection of billboards and advertising devices within 300 feet of highways must be made at once in writing. The fee is $2.

Warners Benefiting From Hartford WPA

Hartford, Feb. 19.—Warners are receiving a direct benefit from the PWA Federal Theatre program.

Warners pay $800 a week to keep a 4,000-seat house closed. They figure they save money, because when the theatre is open it kills business in nine other Warner houses. Sunday night is the only time the city can stand the extra seats provided at the State.

The WPA, having been unable to wrest the Parsons from the wreckers, will use the State at about $400 a week on Wednesdays, Thursdays, Fridays and Saturdays.

With only 1,000 seats being offered for sale, Warners figure they can run it on Sunday nights and pick up the other $400, erasing entirely an $800 expense item.

Selznick Is Honored

Hollywood, Feb. 19.—David O. Selznick has been awarded the January Blue Ribbon of the National Screen Council for "A Tale of Two Cities." The Council includes 200 screen editors of newspapers, film chairmen of state federations of women's clubs and state chapters of the International Federation of Catholic Alumnae.

Bay State Vaude Hit

Boston, Feb. 19.—"There are too many hells and damns on the vaudeville stage," declared Senator William McSweeney today at a hearing before the Legislative Affairs Committee of the House on a bill presented by Rev. Robert Watson of the Lord's Day Alliance to bar obscene language on the stage and to prevent Sunday vaudeville showings before 7 P. M.

Try Out Color Stills

Hollywood, Feb. 19.—Pioneer Pictures has contracted for from 20 to 40 color negatives from the still photographers, W. Wallis Clendenin and Steffen Lindberg Hansen, who are using a newly perfected camera of their own design as well as specially treated film for color stills.

Midwest Snow Cuts Grosses By Over 50%

Kansas City, Feb. 19.—Near-zero temperatures, snow, ice and wind, which have held on steadily for 35 days in this area, have cut grosses more than 50 per cent for all houses.

W. L. Norris, head of the Consolidated Film Exchange, has just returned from a trip through Kansas and southern Missouri. He found that in almost every case grosses were off more than 50 per cent.

However, Norris reports, crop conditions are better in the territory than in some years, particularly in western Kansas, and exhibitors actually are optimistic. Their only worry now is how long the cold will hang on.

Many theatres are closing temporarily. Few, if any, are making expenses; some aren't even making film rental, where the snow has been particularly bad. This is especially true north of Kansas City—in northern Missouri and Kansas and in Iowa and Nebraska. Most of the temporary closings have been in that area.

A number of isolated towns are facing fuel shortages, and theatres have been placed on fuel rations. An instance of this is Maryville, Mo., where Doc Cook reports his Tivoli was placed on rations of 500 to 1,000 pounds at a time last week.

Train schedules have been interrupted in many instances, and in some abandoned altogether.

Sam Abend of Film Delivery reports that Ridgeway, Mo., couldn't be served by trains last week. The exhibitor there called the express agent at Laclede, Mo., who told him that there was no train service, but that a Film Delivery truck had just gone through.

The delivery has been getting through and delivering film to customers, although it has required heroic efforts in some cases. All trucks going north now are equipped with shovels, and are moving in convoys. In some cases the number of trucks have been increased simply to supply more manpower for shoveling.

It required five hours for the truck to go from St. Joseph to Maryville, Mo., 40 miles, Feb. 9.

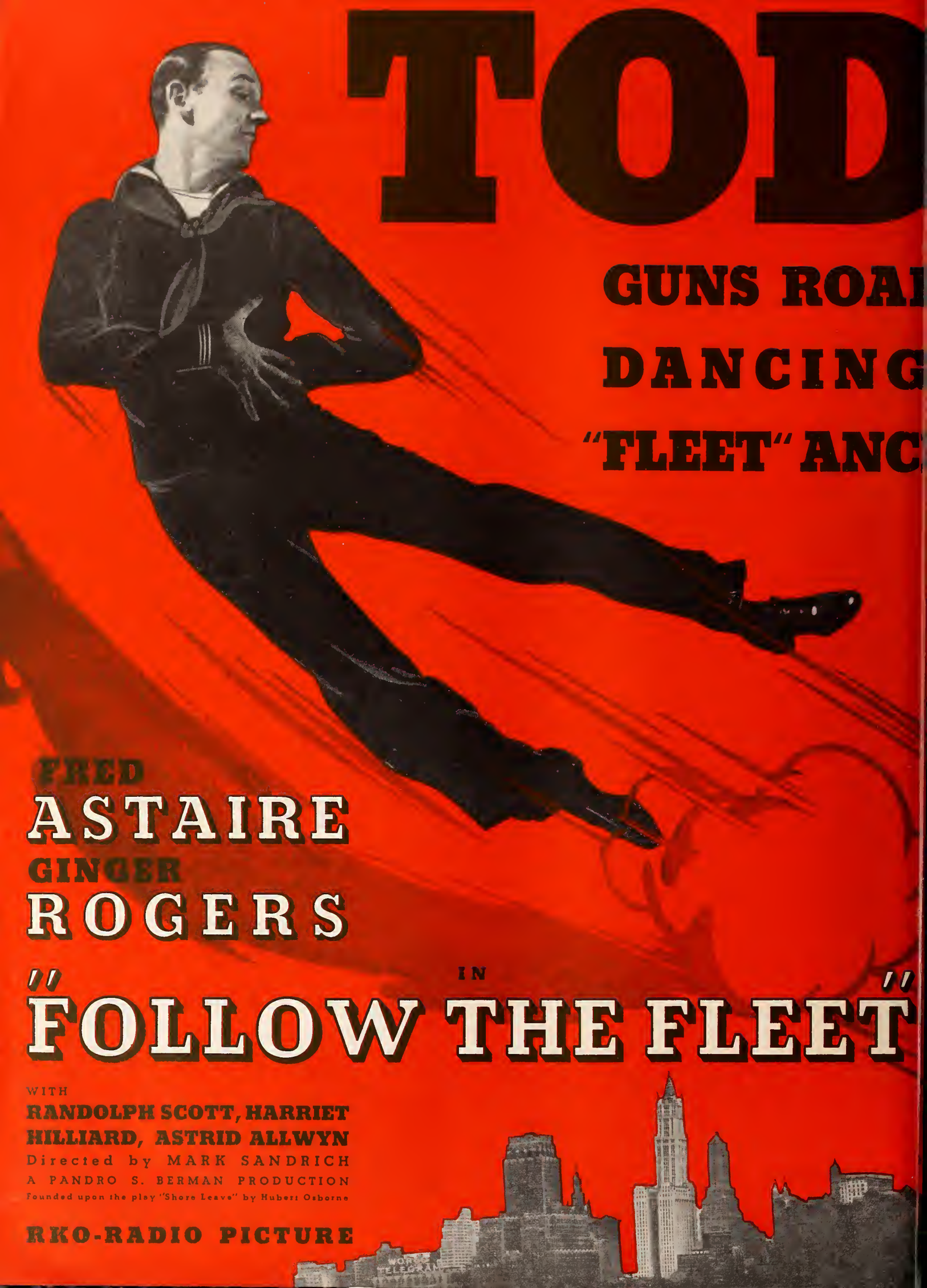
The company has accepted all orders turned down by the express companies, and so far has been able to deliver them.

Seek Reorganization For Sioux City Firm

Des Moines, Feb. 19.—The Frances-Orpheum Building Co. has asked Federal Court permission to reorganize the Orpheum theatre structure at Sioux City under the amended bankruptcy act. Pending a hearing Mar. 10 Federal Judge George C. Scott has granted an injunction restraining creditor interference with operation of the building.

Bonds now outstanding total $973,000, with no interest paid since June 10, 1932. Of the first mortgage bonds secured by a trust deed agreement, $77,000 has been paid.




TOD
GUNS ROA
DANCING
"FLEET" ANC
FRED
ASTAIRE
GINGER
ROGERS
IN
"FOLLOW THE FLEET"
WITH
RANDOLPH SCOTT, HARRIET
HILLIARD, ASTRID ALLWYN
Directed by MARK SANDRICH
A PANDRO S. BERMAN PRODUCTION
Founded upon the play "Shore Leave" by Hubert Osborne
RKO-RADIO PICTURE

AY . . THE BIG

A MIGHTY SALVO OF SINGING, LAUGHTER, GAYETY . . AS THE RS AT RADIO CITY MUSIC HALL



YRICS AND
USIC BY
RVING
BERLIN

FIRES A BROADSIDE OF SEVEN NEW
HITS: "Let's Face the Music and Dance"—"Let
Go," America's ballroom sensation; "We Saw The
Sea"—"I'd Rather Lead a Band"—"Here Am I,
But Where Are You?"—"Get Thee Behind Me,
Satan"—"I'm Putting All My Eggs
in One Basket"

"Milky Way" Cincy Leader With $14,500

CINCINNATI, Feb. 19.—Five out of the nine local first runs showed up on the profit side last week, with "The Milky Way" getting the cream at the RKO Palace, where it delivered $14,500 at the box-office, a plus figure of $4,500. It was shifted to the RKO Capitol.

"Rose Marie" continued to demonstrate its drawing power at the RKO Capitol, where it played its second downtown week to $10,250, up $3,750, after a smash first week of $23,500 at the RKO Albee. "Petrified Forest" garnered $13,500 at the RKO Albee, where the normal figure is $12,000. "The Lone Wolf Returns," aided by a stage show, headed by Lottie Mayer and diving girls, did $1,000 better than average on a $13,000 take, while "Forced Landing," plus an amateur show for one night at the Strand, was $250 to the good on a $1,750 week. The weather, although moderating in spots, still hovered near zero most of the week.

Total first run business was $63,800. Average is $60,200.

Estimated takings:

Week Ending February 11:

"FORCED LANDING" (First Div.)
STRAND—(1,500), 15c-25c, 7 days. Stage: Amateur show for one night. **Gross:** $1,750. (Average, $1,500.)

"PETRIFIED FOREST" (W. B.)
RKO ALBEE—(3,300), 35c-42c, 7 days. **Gross:** $13,500.). (Average, $12,000.)

"THE MILKY WAY" (Para.)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $14,500. (Average, $10,000.)

"THE LONE WOLF RETURNS" (Col.)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: Lottie Mayer and Diving Girls, and Howard, Fine & Howard. **Gross:** $13,000. (Average, $12,000.)

"ROSE MARIE" (M-G-M)
RKO CAPITOL—(2,000), 35c-42c, 7 days. 2nd downtown week. Gross: $10,250. (Average, $6,500.)

"THE LAST OF THE PAGANS" (M-G-M)
RKO LYRIC—(1,400), 35c-42c, 6 days. **Gross:** $3,300. (Average, $6,500.)

"CEILING ZERO" (W. B.)
RKO GRAND—(1,200), 25c-40c, 7 days, 3rd downtown week. **Gross:** $2,000. (Average, $2,750.)

"THE MAN FROM GUNTOWN" (First Div.)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,000. (Average, $1,250.)

"GALLANT DEFENDER" (Col.)
RKO FAMILY—(1,000), 15c-25c, 4 days. Gross: $1,000. (Average, $1,200.)

"LADY OF SECRETS" (Col.)
KEITH'S—(1,500), 30c-40c, 7 days. **Gross:** $3,500. (Average, $6,500.)

Majestic Now First Run

COLUMBUS, Feb. 19. — The RKO Majestic has moved into the first run division now. This originally was a first run spot until it went dark early in October concurrently with opening of the RKO Grand, acquired by the circuit several months ago. It reopened with second runs on Christmas Day.

This gives this 290,000 population town five first run houses.

Dixie Show Formed

HIGH POINT, N. C., Feb. 19.—Dixie Model Show, Inc., has been chartered to own and operate general theatrical enterprises. The incorporators are Mrs. J. P. Bolt, W. H. Royal and Hazel Bolt Royal.

"Tonight," Revue, High in Milwaukee

MILWAUKEE, Feb. 19.—"Two for Tonight" and the Earl Carroll Vanities were high despite another snowy week with a $10,800 take at a 55-cent top at Fox's Palace. This is $5,800 above average.

"Rose Marie" at Fox's Wisconsin rated second high for the week, grossing $8,000, just average business for that house. Business at the other houses, primarily because of continued blizzards, was below par.

Total first run business was $28,100. Average is $23,000.

Estimated takings:

Week Ending Feb. 13:

"THE GHOST GOES WEST" (U. A.)
"SYLVIA SCARLETT" (Radio)
WARNER—(2,400), 25c-40c, 6 days. **Gross:** $4,800. (Average, $5,000)

Week Ending Feb. 14:

"TWO FOR TONIGHT" (Para.)
PALACE—(2,800), 25c-35c-55c, 7 days. Stage: Earl Carroll Vanities. **Gross:** $10,800. (Average, $5,000)

"HITCH HIKE LADY" (Republic)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: "Varieties of 1936" with Charley Ahearn and his band, Ross, Pierre & Schuster, Burns, Moriarity & Dell. **Gross:** $4,500. (Average, $5,000)

"ROSE MARIE" (M-G-M)
WISCONSIN—(3,200), 25c-40c, 7 days. **Gross:** $8,000. (Average, $8,000)

Flu Epidemic Bumps San Francisco Trade

SAN FRANCISCO, Feb. 19.—This city has a good sized influenza epidemic scare on its hands, with something like 13,000 school children ill, and most of the schools closed as a result. Last year this time some 5,000 kids were out of school.

Warnings have been issued by health authorities to avoid crowds. With the weather soaking wet for the past 10 days, as the result of several gales, some of the theatres have been badly hit. Down the peninsula and in the east bay regions the situation is the same with many of the theatres taking it on the chin. Spring, however, is just around the corner and the situation is expected to clear up shortly.

Interstate Refuses Offer

SAN ANTONIO, Feb. 19.—Interstate Circuit, Inc., has rejected the proposal of Mayor C. K. Quin that it lease the Municipal Auditorium one night weekly to provide for large crowds that have been drawn to theatres operated here by the company. Interstate officials, in declining the Mayor's offer, said it would cost them $22,000 to wire the auditorium for sound pictures.

"Hands" Cast Is Shifted

HOLLYWOOD, Feb. 19. — Warners have made two changes in the cast of "The Law in Her Hands." Warren Hull has replaced Craig Reynolds, who is still working in "Golden Arrow," and Matthew Fain has replaced George E. Stone, who is ill. Al Sheehan has been added to the cast.

McCann New Censor

WINNIPEG, Feb. 19.—C. M. McCann has been named chairman of the Manitoba Board of Censors. He succeeds Looksley McNeill, who has become private secretary to Premier John Bracken. McCann was formerly civic service commissioner in Manitoba.

"Rose Marie" In St. Louis Gets $19,000

ST. LOUIS, Feb. 19.—"Rose Marie" at Loew's topped the week with a draw of $19,000, over average by $10,000. It was held over.

The Shubert-Rialto also got into the profit division with $9,800 for "The Milky Way" and "Another Face," or $3,300 above average. The Orpheum had an average week with $8,500 for "The Lady Consents" and "It's a Great Life."

Principal attractions in opposition were furnished by the Municipal Auditorium and its free shows.

The weather continued in the sub-zero strata several days, being far below the seasonal average for this period of the year.

Total first run business was $53,300. Average is $46,000.

Estimated takings for the week ending Feb. 13:

"NEXT TIME WE LOVE" (Univ.)
"WATER FRONT LADY" (Mascot)
AMBASSADOR—(3,018), 25c-35c-55c, 7 days. **Gross:** $7,900. (Average, $10,000)

"KING OF THE DAMNED" (G. B.)
"WHISPERING SMITH SPEAKS" (20th-Fox)
FOX—(5,038), 25c-35c-55c, 7 days. **Gross:** $8,100. (Average, $12,000)

"ROSE MARIE" (M-G-M)
LOEW'S—(3,162), 25c-35c-55c, 7 days. **Gross:** $19,000. (Average, $9,000)

"THE LADY CONSENTS" (Radio)
"IT'S A GREAT LIFE" (Para.)
ORPHEUM—(1,950), 25c-35c-55c, 7 days. **Gross:** $8,500. (Average, $8,500)

"THE MILKY WAY" (Para.)
"ANOTHER FACE" (Radio)
SHUBERT-RIALTO—(1,725), 25c-35c-55c, 7 days. **Gross:** $9,800. (Average, $6,500)

"Marie" at $7,000 2d Portland Week

PORTLAND, Feb. 19.—"Rose Marie" in its second week at United held up strongly at $7,000, over the line by $2,000.

"The Milky Way," for its first downtown week at the Paramount, with the assistance of "Fang and Claw," was a profitmaker at $9,000, above normal by $4,000. In its first week at the Broadway, "Ah Wilderness" secured $7,000, up by $2,000.

The thermometer dropped another five degrees to the lowest mark of the winter, yet failed to dent grosses much.

Total first run business was $36,700. Average is $24,700.

Estimated takings for the week ending Feb. 15:

"AH, WILDERNESS" (M-G-M)
BROADWAY—(1,912), 30c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

"BROADWAY MELODY OF '36" (M-G-M)
"CHARLIE CHAN IN SHANGHAI" (20th-Fox)
BLUE MOUSE—(1,700), 20c-25c, 7 days, 2nd run. **Gross:** $1,700. (Average, $1,700)

"ESCAPE FROM DEVIL'S ISLAND" (Col.)
"PERFECT GENTLEMAN" (M-G-M)
MAYFAIR—(1,700), 30c-35c-40c, 7 days. **Gross:** $5,000. (Average, $3,000)

"FIRST A GIRL" (G. B.)
"PROFESSIONAL SOLDIER" (20th-Fox)
ORPHEUM—(1,700), 30c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

"MILKY WAY" (Para.)
"FANG AND CLAW" (Radio)
PARAMOUNT—(3,008), 30c-35c-40c, 7 days. **Gross:** $9,000. (Average, $5,000)

"ROSE MARIE" (M-G-M)
UNITED ARTISTS—(945), 30c-35c-40c, 7 days, 2nd week. **Gross:** $7,000. (Average, $5,000)

"Obsession" Pulls $4,100 In Lincoln

LINCOLN, Feb. 19. — "Magnificent Obsession," a natural here because of the presence of Robert Taylor, Nebraska boy, in the cast, ran the Stuart up to $4,100, the best gross for the house since early in the year. It was $1,000 over average and the pace was maintained with the thermometer at zero or below all but one day.

Roadshowing of "A Midsummer Night's Dream" at the Varsity got $2,600, which was 100 per cent over the ordinary priced average for seven days. This was strictly on matinee strength, the nights dying. At the Lincoln "King of Burlesque" got $2,400, $200 up.

Total first run business was $12,200. Average is $9,850.

Estimated takings:

Week Ending February 11:

"ALIAS, JOHN LAW" (Supreme)
"FIGHTING COWARD" (Victory)
"WE'RE ONLY HUMAN" (Radio)
COLONIAL—(550), 10c-15c, 7 days. **Gross:** $800. (Average, $850)

Week Ending February 13:

"KING OF BURLESQUE" (20th-Fox)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,400. (Average, $2,200)

"A MIDSUMMER NIGHT'S DREAM" (W. B.)
VARSITY—(1,100). 55c-83c-$1.10-$1.65, 7 days. **Gross:** $2,600. (Average, $1,300)

"CHATTERBOX" (Radio)
"SANDERS OF THE RIVER" (U. A.)
ORPHEUM—(1,350), 10c-15c-20c-25c, 7 days. **Gross:** $2,300. (Average, $2,100). First half of week, "Music Goes 'Round" revue on stage.

Week Ending February 14:

"MAGNIFICENT OBSESSION" (Univ.)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $4,100. (Average, $3,100)

No. Carolina Adds Two

CHARLOTTE, Feb. 19.—North Carolina Theatres, Inc., has added the Carolina and Granada in Lexington to its circuit.

M. S. Philips, now manager of the State here, will take charge of the two new theatres. Neil McGill, manager of the Victory in Salisbury, will come here to manage the State. Gene Street, manager of the Carolina here and supervisor of the Imperial will supervise the management of the State.

Bill Hits Sunday Prices

BOSTON, Feb. 19.—Sunday and holiday advances in theatre tickets will be illegal in Massachusetts if House Bill No. 737, filed with the clerk of the House by Daniel J. Hayden and referred to the Committee on Mercantile Affairs, is passed. Top prices are, in many cases, put into effect earlier on Sundays and holidays in this state because of the shorter operating period. Exhibitors generally oppose the measure.

Shaw to Springfield

NEW HAVEN, Feb. 19. — Harry Shaw, Poli-New England division manager, has transferred William MacDermott, assistant at the Poli, Worcester, to the Poli, Springfield. Walter Kessler, formerly at the Springfield house, has gone to a Loew house in Jersey City. Several other changes will be made shortly, it is reported.

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in the worst weather of the year!

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AVERAGE: $14,000

MOTION PICTURE DAILY
Wednesday, February 19, 1936

"Dancing Feet" and Show Lead in Philadelphia

PHILADELPHIA, Feb. 18.—One cheerful spot in a dull week that still felt the sting of winter and tied-up traffic, was the Earle. With the stage combination of Bebe Daniels, Ben Lyon, Toby Wing and Sammy Cohen, to lure in the customers, the house grossed $24,000 and would have hit higher were it not for the continued bad weather break. The film was "Dancing Feet." Starting its grind showing on Wednesday, Chaplin's "Modern Times" got off to a good holiday start, playing to 1,941 more admissions than "City Lights," which played at the same house (Erlanger) five years ago, on its first day. Business took a nosedive yesterday in face of snow and sleet storms, but the week should gross well.

"The Ghost Goes West" topped the house average a trifle with $9,000 at the Aldine and was held a second week. "Every Saturday Night" took a fall at the Fox and was yanked after five days. The $11,500 taken by "The Milky Way" at the Stanley was only so so.

Total first run business was $78,800. Average is $77,900.

Estimated takings for the week ending Feb. 13:

ALDINE—(1,200), 40c-55c-65c, 7 days. **"GHOST GOES WEST" (U. A.)** Gross: $9,000. (Average, $8,160)

BOYD—(2,000), 40c-55c, 7 days, 2nd week. **"ROSE MARIE" (M-G-M)** Gross: $13,000. (Average, $14,000)

ARCADIA—(600), 25c-40c-50c, 7 days, 2nd run. **"ROSE OF THE RANCHO" (Para.)** Gross: $2,200. (Average, $2,800)

EARLE—(2,000), 25c-40c-50c, 7 days. Stage: Bebe Daniels, Ben Lyon, Toby Wing, Sammy Cohen. **"DANCING FEET" (Republic)** Gross: $24,000. (Average, $14,000)

FOX—(3,000), 40c-55c-65c, 5 days. Stage: Gomez and Winona; Popeye, the Sailor; Cass, Mack, Owen and Topsy; Ed Ford and Whitey. **"EVERY SATURDAY NIGHT" (20th-Fox)** Gross: $8,000. (Average, 7 days, $14,000)

KARLTON—(1,000), 25c-35c-40c, 7 days. 2nd run. **"STRIKE ME PINK" (U. A.)** Gross: $2,700. (Average, $4,000)

KEITH'S—(2,000), 30c-40c-50c, 7 days, 2nd run. **"CEILING ZERO" (W. B.)** Gross: $2,900. (Average, $4,000)

STANLEY—(3,700), 40c-55c, 7 days. **"THE MILKY WAY" (Para.)** Gross: $11,500. (Average, $14,000)

STANTON—(1,700), 30c-40c-50c, 7 days. **"YOU MAY BE NEXT" (Col.)** Gross: $5,500. (Average, $7,000)



with

EDDIE NUGENT
BEN LYON
JOAN MARSH
ISABEL JEWELL

Directed by Joseph Santley. Supervised by Colbert Clark. Story by Dave Silverstein. Screen play by Jerry Chodorov, Olive Cooper and Wellyn Totman.

REPUBLIC PICTURES

A REPUBLIC PICTURE

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

Vol. 39. No. 44 NEW YORK, FRIDAY, FEBRUARY 21, 1936 TEN CENTS

Warners Plan Expansion of Coast Houses

Bernhard, Sears Leave to Study Situation

Warner Theatres, it is learned authoritatively, are planning expansion of the circuit's holdings on the west coast. Joseph Bernhard, general manager of the circuit, and Gradwell L. Sears, southern and western sales manager of Warners, leave today for the coast to study the situation, with a view to the circuit's next moves in an effort to fill the gaps in the theatre holdings in strategic locations on the coast.

Operating in approximately 23 states, there are some 450 theatres in the circuit, although the greatest strength lies in Pennsylvania, where there are more than 130 houses, or approximately one-third of the total. On the coast the circuit has comparatively few theatres, the most recent listing showing one in Washington, two in Oregon, and 12 in California. Practically all of the California group are located in the neighborhood of Los Angeles, with three in that city, three in Santa Barbara, and one each in Beverly Hills, Fresno, Hollywood, Huntington Park, San Bernardino and San Pedro.

Grainger Successor Up at Chicago Meet

A successor to E. C. Grainger, who resigned recently as eastern division sales manager for Twentieth Century-Fox, may be named at the company's Chicago sales conference this weekend, John D. Clark, general sales manager, said yesterday on his return from the coast.

Clark and Grainger, with other Twentieth Century-Fox eastern sales executives, will leave for the Chicago meeting today. Grainger's resignation will be effective April 15, when he becomes general manager of the Feiber & Shea circuit. Following the Chicago meeting, Clark will return to Hollywood to resume conferences

(*Continued on page 7*)

No Paper Tomorrow

***Motion Picture Daily* will not publish tomorrow which is Washington's Birthday, a legal holiday.**

Court Fines Fox $235,082 As Penalty for Contempt

William Fox yesterday was fined $235,082 in connection with a punishment order for contempt of court signed by Federal Judge William Bondy, who directed that the former film executive be taken into custody by a U. S. marshal and held until the fine was paid. Judge Bondy also assessed Fox $10,000 court costs which he directed should be paid by Feb. 28 to Cravath, de Gersdorff, Swaine & Wood, attorneys for the Capital Co., plaintiff in a judgment action against Fox out of which the contempt citation arose.

Hirsh, Newman, Reass & Becker, Fox's attorneys, obtained an immediate stay of Judge Bondy's order pending an appeal to the U. S. Circuit Court of Appeals. A hearing of the appeal probably can not be had before late in March.

The $235,082 fine would be paid to the Capital Co. in satisfaction of the unpaid balance of what was originally a $285,000 judgment obtained by it against Fox for the latter's alleged liability on a defaulted lease on the Fox, San Francisco. Samuel B. Stewart, of Standard's counsel, sought to examine Fox last fall on his asserted inability to satisfy the judgment and when Fox failed to answer a subpoena for this examination he was cited for contempt. The former film executive was reported receiving medical attention in Toronto at the

(*Continued on page 12*)

Motors Show Fails To Disturb Miami

MIAMI, Feb. 20.—General Motors opened its free show and exhibit, "The Parade of Progress," here on Tuesday, but after two days of performance local exhibitors said they had noticed practically no drop in business.

This locality, however, may not be an accurate test ground for the effect of the free competition on theatres, as Florida, and particularly the Miami section, is experiencing one of its greatest seasons on record. The General Motors' exhibit has attracted good crowds, but it cannot be expected to cut into theatre attendance seriously during an exceptional season such as this. With Greater Miami's present population estimated at 500,000 as compared with a normal summer population of 160,000, the local theatres are experiencing their share of the business.

Mitchel Wolfson of the Wometco circuit said that he anticipated little

(*Continued on page 7*)

Report $111,355 as Six-Month Roxy Net

Operation of the Roxy for the 29-week period ended Jan. 2 showed a profit of $111,355.50 before interest on funded indebtedness, arrears on taxes and depreciation, it was indicated in a report filed yesterday with Federal Judge Francis G. Caffey by Howard S. Cullman, trustee.

Approximately $309,000 in back taxes and penalties have been paid since June 14, 1934, the report adds. All current taxes have been paid in full. Remaining back taxes and penalties to be paid total $45,143.12. A rise of 14 per cent in attendance for the 29-week term is also noted.

Rift Indicated on Copyright Measure

By CLARENCE LINZ

WASHINGTON, Feb. 20.—Indications of a serious rift among members of the House Patents Committee were seen today by observers here in the remarks on copyright made last night in a radio address by Congressman Deen of Georgia, a member of the committee.

Calling for a speedy enactment of the Duffy Bill, Deen criticized his committee for its failure to take action. He made no mention of the four weeks of hearings announced yesterday by Chairman Sirovich, pissibly seeing in the long drawn out consideration the possibility that the measure may be talked to death.

The Georgia Congressman attacked Ascap for its pyramiding of fees and assailed the $250 minimum penalty for infringement as entirely out of proportion to the damage which may be

(*Continued on page 7*)

Para. 1936-37 List Totals 62 Pictures

HOLLYWOOD, Feb. 20.—According to present assignments, Paramount will have 62 films on the 1936-7 production list. A. M. Botsford heads the list from the standpoint of quantity with 12. Winfield Sheehan is down for 10 which he will produce at General Service Studios. Cecil B. De Mille's activities will be greatly increased. William LeBaron also will make six, as will Harold Hurley. Arthur Hornblow, Benjamin Glazer, Frank Lloyd and Ernst Lubitsch are down for four each, and Paramount will have another six "Hopalong Cassidy" action films by Harry Sherman.

M-G-M Seeks Eliminations Of Holdovers

Obligation Limited to Actual Releases

HOLLYWOOD, Feb. 20.—A new M-G-M sales policy under which the company's obligations in deliveries to exhibitors will be what it actually releases will swing into effect for the new season.

The change in policy is designed to eliminate hangover product and keep M-G-M complete within each season. In paving the way for the change, the company is revamping its releasing program for the remainder of this season and is asking exhibitors to conform. M-G-M says the changes are slight and exhibitors generally are agreeing to them.

For years M-G-M has steadily fallen behind on releases, although it has occasionally regained ground. Fifty-seven pictures, or the company's greatest number in any one year, are scheduled to be released from last July to next August. Changes in star values and material, thereby necessitating changes in plans, plus the intention of clearing the decks from now

(*Continued on page 7*)

Industry Heads at Coast on Product

HOLLYWOOD, Feb. 20.—New York executives are arriving here en masse for discussions on next season's programs. Leo Spitz and Ned Depinet of RKO arrived today to confer with Sam Briskin, and Harry M. Warner arrived for conferences with Jack L. Warner.

John D. Clark, Twentieth Century-Fox sales chief, will return here from the Chicago divisional sales meeting Tuesday. Neil Agnew of Paramount is expected momentarily. Edward G. Robinson was another arrival here today.

Sheehan Completing Product Plans Here

Winfield Sheehan will complete arrangements for his new Paramount production affiliation during an indefinite stay here, he said yesterday on his arrival from the coast. No definite production plans have been made yet in connection with the four pictures he will make this year. According to reports, however, Maria Jeritza, his wife, who accompanied

(*Continued on page 7*)

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"Happen," in Roxy, Closes at $31,000

"It Had to Happen," at the Roxy, tallied a profitable $31,000 for the week ending last night. The Music Hall on the second week of "Petrified Forest" garnered $55,000.

The opening day's gross at the Paramount for "Trail of the Lonesome Pine" and Eddie Duchin on the stage was $6,400, indicating the picture will be held about three weeks.

Kent to Sail April 17

S. R. Kent, now vacationing at Boca Raton, Fla., will sail for England on April 17, returning in May with Walter J. Hutchinson, head of foreign activities for Twentieth Century-Fox.

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Insiders' Outlook

By RED KANN

Hollywood, Feb. 20.

ERNST LUBITSCH is as close to a free soul as probably any mortal man might hope to be. The unvarnished truth of the change of administrations at the Paramount studio is that he is glad to be relieved of a post which, he now says, he never should have undertaken in the first place. The reshuffling takes him down from the job dubbed managing director of production and reduces him without protest to a unit producer charged with four pictures a year. He's openly glad of the change. . . .

▼

Hollywood is rampant with speculation about the Paramount situation. Costs on that lot have been and are high, very high. It's one of those open secrets which everyone up and down the line in that studio and in all others knows about. But Lubitsch, on the defense, says of those costs:

"You know, I made it clear at all times that I was not a business man and that I would not undertake the financial responsibility for running the studio." . . .

▼

Frank Borzage directed "Desire," the new Dietrich which is supposed to have cost $1,400,000. Lubitsch, however, supervised and, so declares, willingly accepts the responsibility for it. If, however, that were the only one in the current crop which ran to fancy figures, he adds this would be an indictment of his regime. There are, on the other hand, "Klondike Annie," the West film, down for over $1,000,000; "Anything Goes," talked about in the $800,000 class, and "Rose of the Rancho," another million dollar baby. That's his story. You take it or leave it. . . .

▼ ▼

Once operator of the Publix de luxe theatres and later a partner in Monarch Theatres, the Sam Katz-financed circuit in the Middle West, Milton H. Feld today bulks large in a small cubicle on the Twentieth Century-Fox lot in the Westwood Hills. By searching diligently, he may be found in the writers' building with Julian Johnson, Gene Fowler and Mark Kelly as neighbors above and to the left and right and a pleasant bit of greensward on the other side of his window. Feld is learning production via the story route. Directly responsible to Darryl F. Zanuck, who is giving him his chance, this ex-theatre operator, his song unsung and his presence little known to the rest of the studio, is finding life among the palms carries a thrill a scenario. Nothing, he says, can take him back to exhibition. . . .

▼ ▼

Mervyn LeRoy finished "Anthony Adverse" the other day and is now trying to piece it together; Quite a job. Completion of the shooting schedule almost simultaneously completed his contract as a director with Warners. Pending is a deal whereby he will become a producer, perhaps at the company's Sunset Boulevard plant.

▼

The "Adverse" gags are mounting. Only this one is true.

LeRoy recently sent wires to a number of Hollywood critics and columnists. The text:

"This is to advise I have just completed 'Anthony Adverse.'"

An unsigned reply, also by wire:

"You're the only one who has." . . .

Bernerd's Wife Dies

LONDON, Feb. 20.—Mrs. Jeffrey Bernerd, wife of the general manager of distribution for G. B., died here today following an emergency operation for a kidney ailment. She was taken to the hospital last Friday, when she was suddenly taken ill. Bernerd is in New York.

Jeffrey Bernerd, here to confer with G. B. officials and look over production in Hollywood, had not decided last night whether he would sail immediately for London, where his wife died yesterday. He did not sail last night on the outgoing *Majestic,* on which he arrived on Wednesday. He said then that Mark Ostrer, G. B. head, had informed him Friday of his wife's sudden illness, when the ship was one day out en route to this country.

Speed Distributing Deals

With three territories closed within the past few weeks, Chesterfield and Invincible are speeding up plans to complete national distribution tieups within the next six weeks.

Territories closed recently have been with Charles Trampe for Milwaukee, Lee Goldberg for Indianapolis and David Komm of Majestic Pictures in St. Louis.

Rubin, Friedman East

HOLLYWOOD, Feb. 20.—J. Robert Rubin and Leopold Friedman, scheduled to leave for the east yesterday, departed today after several weeks here.

Harry M. Warner and Edward G. Robinson arrived today from New York.

Censors No Aid to Pictures—Barrett

Censorship problems facing the industry were discussed yesterday by Wilton A. Barrett, executive secretary of the National Board of Review, at the Ampa.

"Neither the Legion of Decency nor any other groups with an axe to grind have improved films one bit," Barrett stated. "What accounts for the fine lineup of films is the fact that the boys on the coast have learned that the finest pictures they can make pull the patrons into the box-office.

"All attempts to hamper the industry haven't contributed one iota to the fine pictures this year," he added. He ridiculed the theory that all artistic productions have been "flops" financially.

Barrett stressed the importance of producing films appealing to juveniles who, he said, are the adult audience of tomorrow.

Joseph Hanson, an advertising executive, discussed promotional tieups, relating some of his experiences with the Bamberger company. He deplored the elastic use of adjectives in advertising copy, stating this used to be the practice of department stores, but had been discontinued long ago.

On the entertainment program were Peggy Fields, who sang two numbers; Roy Smeck, who played an electric Hawaiian guitar and gave an imitation of Bill Robinson tap dancing with the use of a ukelele, and the Ritz Quartet.

LeBaron Now Heads All Para. Production

HOLLYWOOD, Feb. 20.—William LeBaron has been placed in permanent charge of all Paramount production, and his contract extended for a number of years, it was announced here tonight by John E. Otterson at a dinner which he tendered to Paramount executives at the Hollywood Athletic Club. Otterson also welcomed Frank Lloyd to the ranks of Paramount producers, and further announced that Henry Hathaway has been given a new long-term contract.

Otterson plans to leave tomorrow night for New York, where he will confer with Winfield Sheehan on pictures which Sheehan will produce at General Service Studios.

Le Maire Quits M-G-M

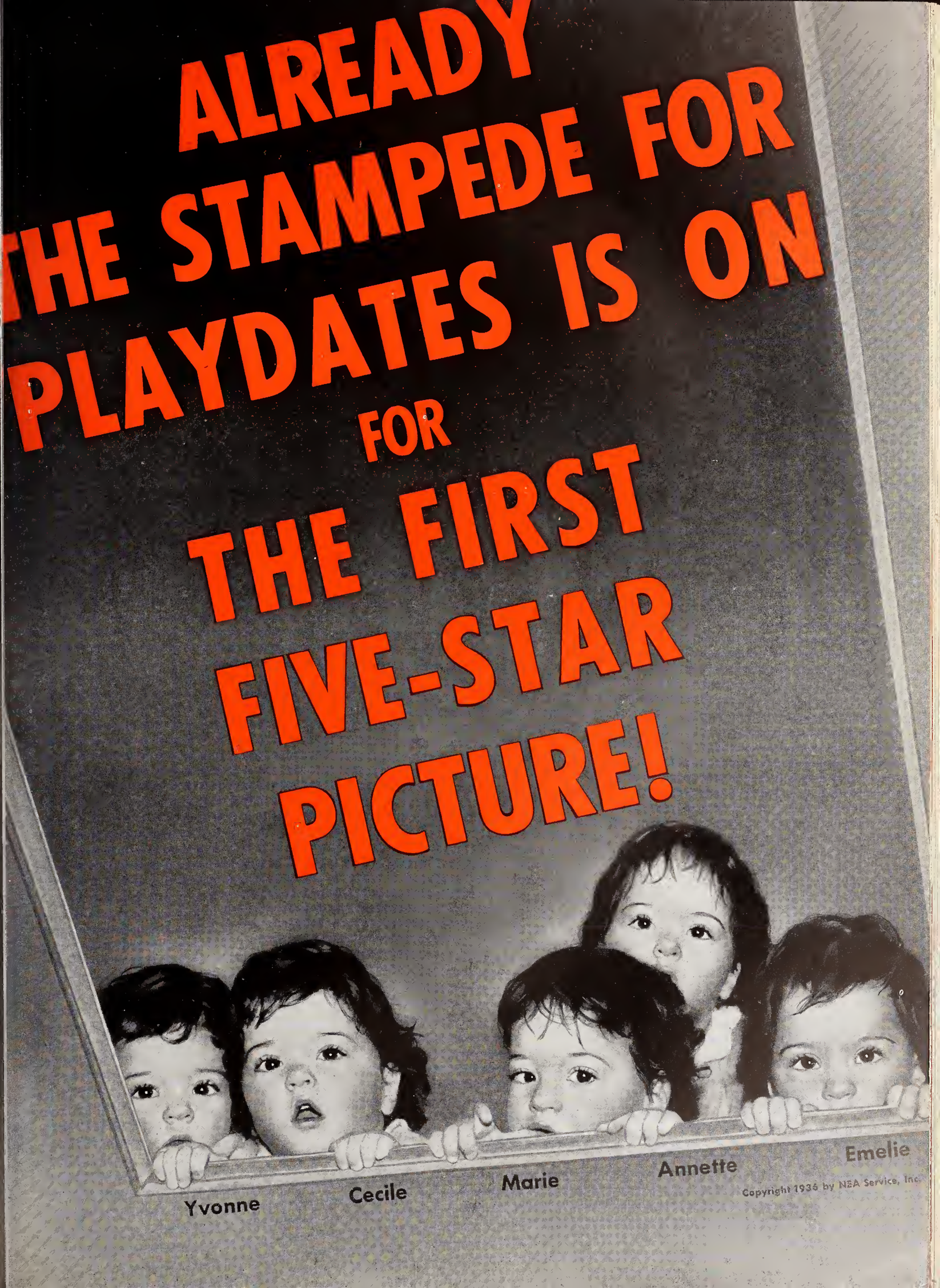
HOLLYWOOD, Feb. 20.—Rufus Le Maire, M-G-M casting head, has tendered his resignation, effective March 15. He will enter the agency business on that date, and will handle about six clients. Bill Grady, studio talent scout, who substituted for Le Maire recently, will take over the casting post permanently.

Flash Preview

Things to Come—This is a product of British studios which will rank among the real achievements of film technicians. Portrays the world's collapse to barbarism through war. Glimpses into the future include rocket trips to the moon.

This film will be reviewed in a later issue of MOTION PICTURE DAILY.

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Heart-wallop drama, appealing romance, side-shaking comedy... thrillingly enacted by a brilliant Hollywood cast... with the greatest youngsters in the world highlighting a story as extraordinary as their fame!

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THE *Dionne*

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IS A BROADSIDE FOR THIS SHOW!

quints has been red-hot news!



QUINTUPLETS

Marie Annette Emelie

COUNTRY DOCTOR

with **JEAN HERSHOLT**

JUNE LANG **SLIM SUMMERVILLE**

MICHAEL WHALEN **DOROTHY PETERSON**

Photographed under the technical supervision of **DR. ALLAN ROY DAFOE**

A FOX PICTURE

Darryl F. Zanuck in Charge of Production

Associate Producer Nunnally Johnson

Directed by Henry King

Screen play by Sonya Levien

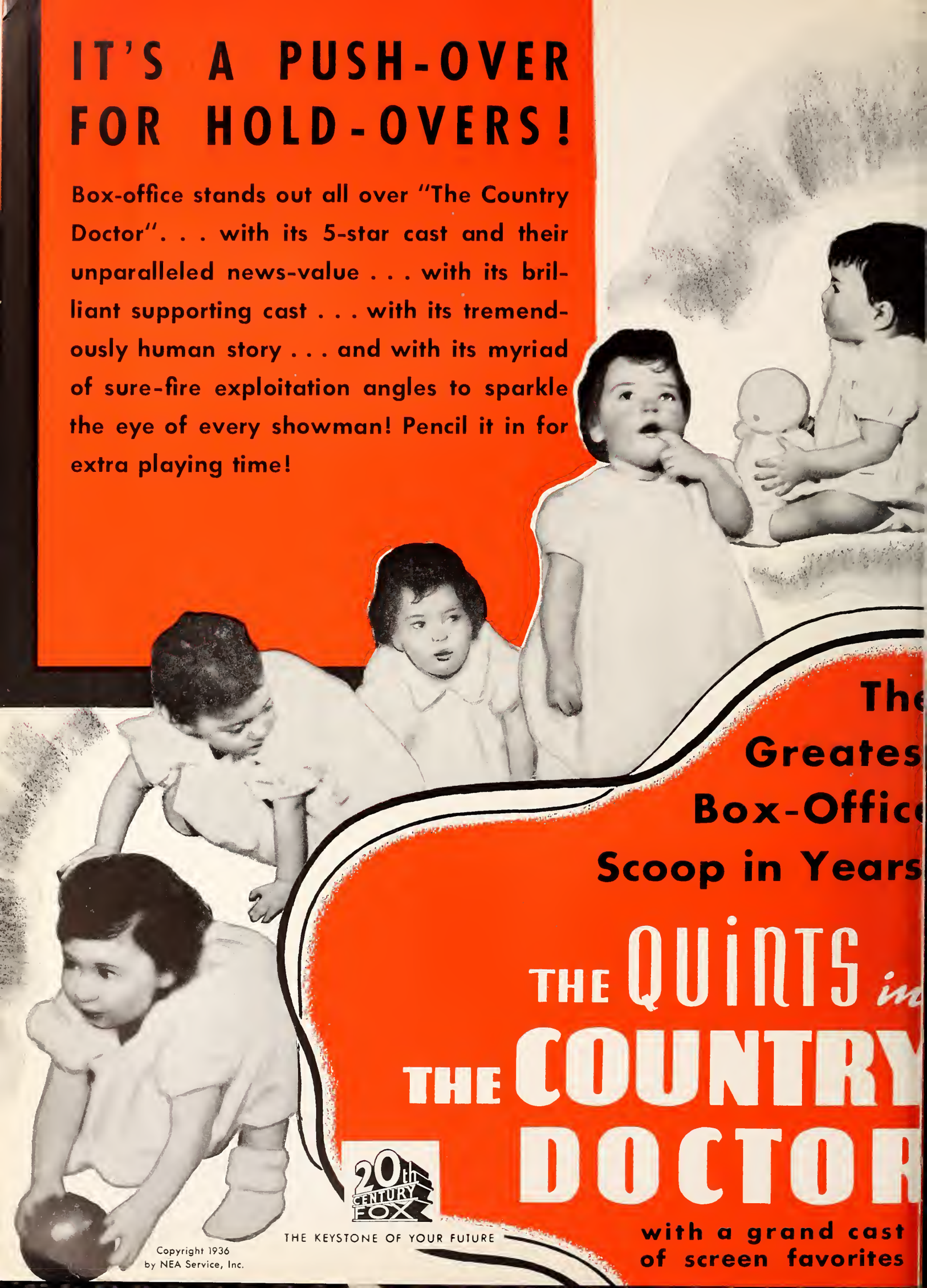
Story idea suggested by Charles E. Blake

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

IT'S A PUSH-OVER FOR HOLD-OVERS!

Box-office stands out all over "The Country Doctor". . . with its 5-star cast and their unparalleled news-value . . . with its brilliant supporting cast . . . with its tremendously human story . . . and with its myriad of sure-fire exploitation angles to sparkle the eye of every showman! Pencil it in for extra playing time!



The Greates Box-Offic Scoop in Years

THE QUINTS in THE COUNTRY DOCTOR

with a grand cast of screen favorites

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

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M-G-M Seeks Eliminations Of Holdovers

(*Continued from page* 1)

on are background reasons for the new setup.

Of the 50 sold this season, M-G-M sales forces are asking theatre owners to cancel the following 10: One Clark Gable, two Joan Crawfords, two Jean Harlows, one Grace Moore, one musical, "The Great Ziegfeld," "The Forty Days of Musa Daugh" and one Jeanette MacDonald.

In place of this group, the company is offering: "Captain Courageous," with Freddie Bartholomew; "The Unguarded Hour" and "His Brother's Wife," with Franchot Tone; "The Lady Comes to Town," with Joan Crawford and Clark Gable; "Piccadilly Jim," with Robert Taylor and Rosalind Russell; Madge Evans, Roland Young, Chester Morris and Ted Healy in "Speed;" Myrna Loy and Robert Montgomery in "Love on the Run," and "Night in Glengyle."

Sheehan Completing Product Plans Here

(*Continued from page* 1)

him here to fill concert engagements, will star in one.

Under his agreement with Paramount, Sheehan is to make four and supervise six annually, for a period of years. Sheehan said that his stay here will be of indefinite length because of the nature of some of his production arrangements which remain to be completed. He stated that he did not plan to begin producing for "several weeks."

Gains in San Antonio

SAN ANTONIO, Feb. 20.—With business 25 per cent better in 1935 than in the preceding year, local theatre managers are more optimistic than they have been in years. They look forward to 1936 being the best year since 1929. They base their belief on the many excellent pictures that have been shown in the past year.

Expand RKO Pathe Plant

HOLLYWOOD, Feb. 20.—G. B. Howe, general manager of the RKO-Pathe Studios, has opened bids for extensive improvements. In addition to new buildings to be erected, three sound stages will be expanded to accommodate the David O. Selznick's "Dark Victory," soon to start. Work will begin next week.

Comerford Takes Fay's

The Comerford circuit has again assumed operation of Fay's, Philadelphia, which up to recently has been operated by Nate and Sam Stiefel.

Lubitsch Coming East

HOLLYWOOD, Feb. 20.—Ernst Lubitsch will leave here by train for New York on Saturday. He will sail for Europe on the *Berengaria* March 4.

Out Hollywood Way

HOLLYWOOD, Feb. 20.—MILTON SCHWARTZ, manager of the Twentieth Century-Fox story department, marries DORIS KIMBALL GITTLESON. . . . JACK SYDNEY to manage the Our Gang personal appearance tour starting April 12. . . . EDWARD ARNOLD to make six-week personal appearance tour in east.

M-G-M tests MRS. SAM HARDY for a part in "The Good Earth." . . . She was known on the New York state as BETTY SCOTT. . . . SIDNEY HOWARD doing script of "Dodsworth" in the east so he can confer with SAMUEL GOLDWYN as it progresses. . . . JOAN DAVIS has a long-term pact at Radio as a result of her work in "Millions in the Air."

GLENDA FARRELL and ROSS ALEXANDER have their options taken up at Warners. . . . MARIE BRANHAN, WILLIAM SEITER'S secretary, and CLIFFORD STINE, cameraman, married at Reno. . . . GEORGE BAGNALL father of a boy born at Cedars of Lebanon Hospital.

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Casting—LOUIS HAYWARD, ANN LORING, LIONEL ATWILL, IRENE HERVEY, STUART ERWIN, WALLACE FORD, BERNARDINE HAYES, RAYMOND WALBURN and J. CAROL NAISH signed for M-G-M's "Absolute Quiet." . . . TAMMANY YOUNG and ROBERT EMETT O'CONNOR signed for Hal Roach's "Kelly, the Second." . . . JANET REISENFELD, daughter of DR. HUGO REISENFELD, signed for a solo dance in Pioneer's "Dancing Pirates." . . . WARNER OLAND set for three Chan films—"Charlie Chan at the Races," "Charlie Chan at Harvard" and "Charlie Chan with the Navy"—at Twentieth Century-Fox. . . . MORGAN WALLACE in "Human Cargo," Twentieth Century-Fox.

ISABEL JEWELL leaves Hollywood Hospital to find WALTER WANGER has signed her for a role in "Big Brown Eyes." . . . ANN DE METRIO, contralto, signed by WALTER WANGER for "Brazen." . . . MORGAN WALLACE assigned to CLAIRE TRAVOR'S "Human Cargo," Twentieth Century-Fox. . . . PATSY KELLY in LORETTA YOUNG'S next at same studio, tentatively titled "Servant Girl." . . . GEORGE BRENT loaned by Warners to WALTER WANGER for "The Case Against Mrs. Ames."

ALMA LLOYD gets feminine lead in "Big Business," Warners, replacing JUNE TRAVIS, who has gone into "Murder in the Big House." . . . MISS TRAVIS replaced PATRICIA ELLIS, who had measles. . . . HOBART CAVANAUGH in "Two Against the World," same studio.

BRANDON HURST, ANITA COUNIHAN, CYRIL MCLAGLEN, ALAN MOWBRAY, JEAN FENWICK, MOLLY LAMONT, D'ARCY CORRIGAN added to cast of "Mary of Scotland," Radio. . . . LILA LEE signed for "One to Two," Radio.

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Writers—JEFFERSON PARKER doing an original for the next JANE WITHERS picture at Twentieth Century-Fox. . . . THOMAS LENNON'S original, "Grand Jury, being adapted by LENNON and JAMES EDWARD GRANT for Radio. . . . MAURY GRASHIN signed by HAL ROACH to adapt "The Money Box," W. W. JENKINS' story, for LAUREL and HARDY.

+

Directors—EDWARD H. GRIFFITH signed by Twentieth Century-Fox to direct "To Mary—With Love." . . .

+

Story Buys—"Archaeologists," an original by LEW LIPTON and JACK TOWNLEY, will be next for WHEELER and WOOLSEY at Radio. . . . "The Riddle and the Dangling Pearl" bought by Radio for JAMES GLEASON and HELEN BRODERICK. . . . HELEN GRACE CARLISLE'S original, "Wedding Dress," purchased by M-G-M. . . . BRUCE GOULD'S "The Better Half" acquired by Paramount.

Motors Show Fails To Disturb Miami

(*Continued from page* 1)

effect on the box-office as a result of the G. M. free shows. Paramount officials said the only houses which might show a box-office decrease would be the second runs downtown and some of the neighborhoods, but so far this has not been noticeable.

Miami's theatres apparently have far sterner competition from the two dog racing tracks, which have bargain admissions and which have cut into general business enough to cause local merchants to threaten an attack on the pari-mutuel law unless racing days are curtailed.

Delay "Fleet" Opening

CHICAGO, Feb. 20.—Opening in RKO's midwestern theatres of "Follow the Fleet" has been postponed from one to two weeks in most cases due to the severe cold weather. Theatre executives feel that with transportation conditions so bad it would be unwise to play the picture on the scheduled dates, so releases have been set back for a week or so.

Rift Indicated on Copyright Measure

(*Continued from page* 1)

done the copyright owner, although favoring the proposed high maximum penalty as being in line with the possible value of copyrighted works today.

. While Representative Deen discussed the Duffy Bill at length and suggested that some changes be made in that measure by the House, he did not mention the Daly Bill which was planned as the House substitute for the Senate measure. His whole speech, observers declare, was of a tenor to indicate a sharp difference of opinion among committee members on the form the legislation should take.

Blanke Re-signed

HOLLYWOOD, Feb. 20. — Henry Blanke today was given an extension of his contract as associate producer with Warners. Blanke's most recent productions are: "A Midsummer Night's Dream," "The Story of Louis Pasteur" and currently, "Green Pastures."

Grainger Successor Up at Chicago Meet

(*Continued from page* 1)

on new product with studio executives.

Also leaving New York for the Windy City meet at the Congress Hotel are William J. Kupper, William Sussman, J. A. Clark, Charles E. McCarthy, William Clark, Nat Finkler, Edward Collins, Harry H. Buxbaum, Joe Lee, Clarence Hill, Irving Maas, Jack Bloom, Roger Ferri, Felix Jenkins and Martin Moskowitz.

District managers who will attend are: Herman Wobber, San Francisco; Tom Bailey, Boston; Ward Scott, Kansas City; Edgar Moss, Philadelphia; Harry Ballance, Atlanta; George Roberts, Cleveland; Jim O'Loughlin, Toronto.

Branch managers to attend are: M. A. Levy, Minneapolis; J. H. Lorentz, Milwaukee; Lester Sturm, Detroit; Clyde Eckhardt, Chicago. William Gering, field representative, also will be on hand.

Paramount Asserts It Controls "Pine"

Paramount has owned the recognized picture rights to "The Trail of the Lonesome Pine" since 1915, the company's legal department stated yesterday in commenting on the issuance of an order to show cause why exhibition of the picture should not be halted. The order was obtained last Monday by the Trail Co., which claims ownership of certain film and dramatic rights to the work. A hearing on the order will be held in N. Y. Supreme Court here on Monday.

"Paramount does not recognize the validity of any claims to the motion picture rights of this work other than those owned by it," a member of the company's legal department said.

Wall Street

Most Off on Big Board

	High	Low	Close	Net Change
Columbia, vtc	39	36	38¼	— ¼
Consolidated	6⅝	6½	6½	— ⅛
Consolidated, pfd.	19⅛	18⅞	19⅛	+ ⅜
Eastman Kodak.	160¾	160½	160¾	.....
K.-A.-O., pfd	90	90	90	.....
Loew's, Inc.	50¾	48	49½	—1
Loew's, pfd	106¼	106⅛	106⅛	+ ⅛
Paramount	11	10¾	10¾	— ¼
Paramount 1 pfd.	80¼	79¾	80	—1½
Paramount 2 pfd.	11⅞	11½	11⅝	— ⅛
Pathe Film	8⅜	8¼	8⅜	.....
RKO	9	8⅞	9	.....
20th Century-Fox.	25¾	25⅛	25¼	— ⅞
20th Century, pfd.	35¾	35¼	35½	.....
Warner Bros.	14⅛	13¾	13⅞	.....
Warner, pfd.	56¾	56¼	56¼	—1¼

Technicolor Down 1⅛ Points

	High	Low	Close	Net Change
Sentry Safety	1⅛	1⅛	1⅛	— ⅛
Sonotone	3	2¾	2⅞	+ ¼
Technicolor	24	23⅝	23¾	—1⅛
Trans-Lux	4½	4	4¼	.....

General Theatre Bonds Gain

	High	Low	Close	Net Change
General Theatre 6s '40	24	23½	24	+ ½
General Theatre 6s '40 ctf	23¾	23½	23¾	+ ¼
Loew's 6s '41 ww deb rights	102⅞	102⅞	102⅞	.....
Paramount Pict. 6s '55	94½	94⅛	94½	.....
RKO 6s '41 pp..	78	78	78	.....
Warner Bros. 6s '39 wd	97¼	97	97	— ½

(Quotations at close of Feb. 20)

"it SIMPLY CAN'T MISS!"

Carole

LOMBARD in

Featuring PRESTON FOSTER

with Cesar Romero, Janet Beecher, Bert Roach, Joyce Compton, Richard Carle, Forrester Harvey, Betty Lawford, John King, Priscilla Lawson

THE Hollywood REPORTER

One long howl from start to finish, Universal has a smash box-office comedy in "Love Before Breakfast." . . . It simply can't miss.

DAILY VARIETY DAILY

. . . should be a panacea for any head condition . . the picture is top notch entertainment, headed for good returns in anybody's theatre . . . Miss Lombard does the best work she has done in some time.

ARL LAEMMLE presents UNIVERSAL'S EXT BOX-OFFICE SWEETHEART!

LOVE BEFORE BREAKFAST



From FAITH BALDWIN'S Novel "Spinster Dinner" Directed by Walter Lang
An EDMUND GRAINGER production

The picture with the punch!

HURRICANE

Sid Meyers, ace exhib, flashes stirring news of record take!

WESTERN UNION ... they know! ... UNION

NEWCOMB CARLTON
CHAIRMAN OF THE BOARD

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FIRST VICE-PRESIDENT

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PRESIDENT

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MUSIC GOES ROUND SMASHED ALL RECORDS NEW LINCOLN DELUXE PREVIEW STOP PILED UP AMAZING TWENTY SEVEN HUNDRED DOLLARS FOR SINGLE SHOW UNHEARD OF HERE STOP MOST BRILLIANT OCCASION MIAMIS BIGGEST SEASON STOP AUDIENCE CHEERED SHOW AND JOINED IN SINGING STOP IT IS A WORLD WHAMMING MUSICAL LOVE DRAMA AND SHOULD MAKE EVERY BOXOFFICE GO ROUND AND AROUND WITH MONEY MUSIC REGARDS

SIDNEY MEYERS 300P

THE MUSIC GO ROUND

COLUMBIA PICTURES

HITS MIAMI!

GOES ND

Golden Gale of Song and Story Blows Amazing Gross Into New Lincoln Box-office! Front-page celebrities . . . premier showmen . . . merchant princes . . . and clamoring fans jam-pack house for gala preview!

World Premiere Today
Loew's N. Y. Capitol

Cantor Is $13,700 Leader in Buffalo

BUFFALO, Feb. 20.—The first above-zero weather in three weeks put circulation back into frozen box-offices. "Strike Me Pink," in its first week at the Great Lakes, drew $13,700, breaking par by $6,300.

A dual, "First a Girl" and "Atlantic Adventure," topped average by $4,000, with a take of $10,000 at the Lafayette.

Total first run business was $48,400. Average is $42,000.

Estimated takings for the week ending Feb. 15:

"PETRIFIED FOREST" (W.B.)
BUFFALO—(3,000), 35c-50c, 7 days. **Gross:** $10,700. (Average, $12,000)

"LAST OF THE PAGANS" (M-G-M)
"THREE LIVE GHOSTS" (M-G-M)
HIPPODROME—(2,100), 35c-50c, 7 days. **Gross:** $4,400. (Average, $7,300)

"STRIKE ME PINK" (U.A.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $13,700. (Average, $7,300)

"FANG AND CLAW" (Radio)
"KIND LADY" (M-G-M)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,800. (Average, $5,800)

"FIRST A GIRL" (G.B.)
"ATLANTIC ADVENTURE" (Col.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $10,000. (Average, $6,000)

"MORALS OF MARCUS" (G.B.)
GAYETY—(1,600), 15c-25c-35c, 7 days. Stage: vaudeville. **Gross:** $3,800. (Average, $3,600)

N. E. Allied Names Executive Council

BOSTON, Feb. 20.—An executive council has been elected to aid Nathan Yamins, president of Independent Exhibitors, Inc., in administration of Allied's affairs in New England. Massachusetts exhibitors included on the list are: William H. McLaughlin, Walter B. Littlefield, Frank Perry, A. Bendslev, Edward Ansin, Charles F. Hodgdon, Irving Isaacs, Daniel Murphy, Morris Pouzzner, George Ramsdell, Philip Smith and William A. Viano.

E. J. Bolen and Richard Flora have been elected to represent Maine, J. E. Charboneau and Warren Nichols for New Hampshire, Allard M. Graves and Andrew Tegu for Vermont, and John D. Findley and Martin Tuohey for Rhode Island.

Arthur King Howard continues as the New England business manager.

Goldwyn Re-Signs Espy

HOLLYWOOD, Feb. 20.—Samuel Goldwyn has exercised an option on the contract of Reeves Espy, his production assistant. Espy, formerly with F. W. C. as assistant to Charles Skouras has been with Goldwyn for the past year.

Re-title Davis Picture

HOLLYWOOD, Feb. 20.—The Bette Davis film, which has been shooting under the title "Men on Her Mind," will be released as "Hard Luck Dame." The latter title was used for a while during production on the film, which later was released as "Dangerous."

Set Stromberg's Next

HOLLYWOOD, Feb. 20.—Before he leaves for his European vacation, Hunt Stromberg will produce the next Joan Crawford-Clark Gable picture, "A Lady Comes to Town," for M-G-M. No other cast assignments have been made.

Court Fines Fox $235,082 As Penalty for Contempt

(Continued from page 1)

time and was offered an opportunity of purging himself of the contempt charge by submitting to the examination there. When he failed to do so the order fixing his punishment was signed by the court.

Under Judge Bondy's order Fox was to be held in custody either until the fine and court costs were paid or until Fox paid the court costs alone and submitted to the original order for examination concerning his resources. Stewart stated yesterday that he wanted to query Fox concerning the disposition that had been made of $15,000,000 allegedly received by Fox in 1930 for his Fox Film holdings.

Daniel Rosenblatt, of counsel to Fox, said that the latter is now under the care of a physician at Atlantic City and too ill to testify. He stated that Fox contends that the Capital judgment has been more than paid in full.

Jan. Tax Revenue Is $300,000 Under Dec.

WASHINGTON, Feb. 20.—Admission tax collections in January declined nearly $300,000 from the December level, but were approximately $130,000 above the receipts in the corresponding month last year, the Internal Revenue Bureau revealed today.

January collections totaled $1,459,694, against $1,755,059 in December and $1,328,884 in January, 1934. Analysis of the figures shows that collections from admissions sold during 1935 totaled $16,039,720, an increase of $101,834 over the 1934 total of $15,937,886. This would indicate that business during 1935 was approximately at the same level as in 1934, as far as houses charging more than 40 cents are concerned, the $100,000 increase reflecting an increase of only $1,000,000 in ticket sales.

Christie Novel to M-G-M

HOLLYWOOD, Feb. 20.—M-G-M has acquired the screen rights to the Agatha Christie novel, "The A B C Murders," and has taken an option on the entire detective series centering about the character Hercules Poiret. Jean Hersholt is being considered for the lead.

Fire Destroys Theatre

ALICEVILLE, Ala., Feb. 20.—Fire originating in the projection booth destroyed the Bigdee here. Officials of the theatre estimated the loss was estimaed at $7,000. About 100 patrons in the theatre when the fire broke out left without disorder.

Dissolve Friedman Film

DOVER, Del., Feb. 20. — Friedman Film Corp. has been dissolved by consent of all the stockholders. A certificate of dissolution was issued by Secretary of State Walter Dent Smith.

Form Silvery Theatres

DOVER, Del., Feb. 20.—Silvery Theatres Corp. has been incorporated by Albert L. Simon, Marjorie B. Milus and Alice V. Meredith.

Vacation Upset

Brazil, Ind., Feb. 20.—Stanley Cooper, manager of the Citizens Theatre Co., and Mrs. Cooper discovered a perfect way to ruin a Florida vacation.

They left all their luggage parked in their car at Birmingham. Then they reported the loss to the police.

Second Quota Act Is Passed in Australia

WASHINGTON, Feb. 20.—With the passage of the Victorian legislation, and the fact that New South Wales has a similar act, a substantial percentage of distributors throughout Australia will be compelled to use Australian features as soon as the quota can be supplied, according to a report to the U. S. Department of Commerce from Trade Commissioner E. C. Squire, at Sydney.

New South Wales production plans are well under way. Under the new Film Quota Act, a Films Advisory Board was appointed, consisting of the Commonwealth film censor, the under-secretary of the Chief Secretary's Department, and F. W. Marks, who made an industry study and upon whose recommendation the Quota Bill was passed. Australian-produced pictures, before being eligible for showing as quota films, have first to be passed by this board. It is stated that three out of eight which have so far been submitted have been rejected.

World Production Pty., Ltd., has purchased a 31-acre site a few miles from Melbourne. More than £75,000 will be spent in converting the property into a film colony. A company with a capital of £300,000 will be organized to finance the enterprise. The new company is to take over the interests of World Productions and erect theatres in Melbourne and Sydney.

Copenhagen Grosses Up

WASHINGTON, Feb. 20.—In Copenhagen, Denmark, during the first 10 months of 1935, 8,263,245 tickets were sold by the 36 film theatres, according to a report to the U. S. Department of Commerce from Assistant Trade Commissioner Paul H. Pearson in Copenhagen. Box office receipts at these houses aggregated 9,798,625 kronen over the period, as against 9,283,418 kronen during the corresponding months of 1934.

Ratoff Will Co-Direct

HOLLYWOOD, Feb. 20. — Gregory Ratoff will co-direct "Job" with Otto Brower under supervision of Kenneth MacGowan at Twentieth Century-Fox. Ratoff has an acting and writing ticket at that studio. This will be his first directorial job with this company. Jean Hersholt will play the leading role. Sam Engel is preparing the script.

Variety Club

Detroit

DETROIT, Feb. 20.—The annual ball of Variety Club has been postponed from March 28 to April 25, because the former date is in Lent. It will be held in the three ballrooms of the Book-Cadillac and plans now are to bring a "name" band and several stage and screen stars here for the occasion.

The club is holding its second keno party of the season in the main ballroom of the Book on Saturday night. CARL BUERMELE is chairman of the committee, which includes J. L. SAXE, IRWIN POLLARD and CHARLES PERRY. Proceeds go to the club's welfare fund.

First of a series of film shows to be given by the club for children in hospitals was given last Wednesday for 60 inmates of Children's Hospital. ALEX SCHREIBER, head of the welfare committee, and LEW WISPER and WILLIAM FLEMION, were in charge. Exchanges furnished film and HERMAN HUNT, manager of National Theatre Supply Co., the sound projection equipment. The operators' union supplied an operator.

Applications of eight prospective Barkers will be acted on at a meeting of the membership committee Feb. 29.

Kansas City

KANSAS CITY, Feb. 19.—ARTHUR COLE, general chairman for the fifth annual Variety Club-Film Industry Charity Ball, which went off hilariously, tells the best story of this year's effort.

The day of the ball, a man came in with $2 he had collected for the one last year, and which had lain, clipped to a notation, in his desk ever since. COLE can't figure out to which fund, this year's or last year's it should be credited.

The ball, outstanding social affair of the season for film and theatre men and their employes, as well as for exhibitors in nearby towns and cities, was a distinct success.

The Electric, Tower and Mainstreet, as well as the 85 Club, Silver Slipper, Harlem Nite Club and other night clubs contributed to the floor show.

Lehman Sees 'Fauntleroy'

HOLLYWOOD, Feb. 20.—Robert Lehman, of Lehman Brothers, in from New York, attended the preview here tonight of "Little Lord Fauntleroy," production of Selznick International Pictures, of which he is a director. Thomas Hitchcock, Jr., and Mrs. Hitchcock and A. C. Schwartz and Mrs. Schwartz accompanied Lehman.

Acquires Detroit House

PITTSBURGH, Feb. 20—Manuel Greenwald, who operates the Art Cinema here, has just taken over the small Europa in Detroit, which he will open Feb. 26 as a foreign picture house.

It is reported that Greenwald and his backers are anxious to acquire a string of such houses in key cities.

Bill Pine on Campaigns

HOLLYWOOD, Feb. 20.—Bill Pine, Paramount publicity man, leaves here Saturday night to work on advance campaigns for first run showings of "The Trail of the Lonesome Pine" through the Midwest.

Sanctions Big Help for U.S. Film in Italy

Governmental nursing of the film industry in Italy, which included a 75 per cent reduction in the film imports allowed, might have worked out dismally for American distributors had it not been for the appearance of the sanctions against Italy and the non-appearance of the United States among the sanctionist nations.

An interview yesterday with Mario Luporini, United Artists' distribution representative in Italy, and a producer in his own right, who is here for home office and Hollywood visits, resulted in this impression. Luperini related that Italian film imports, since the sanctions, are limited to 25 per cent of the footage formerly permitted and that the entire 25 per cent, naturally, must be obtained from the non-sanctionist nations. Inasmuch as, for film importing purposes, these include only the United States, Germany, Austria and Hungary, the source of supply is pretty well centralized.

Sound Track Part of Quota

Even this circumstance, however, might have resulted in an appreciable reduction in the purchases of American films had it not been for the ingenuity of the Italian importers, of whom Luporini is one. In computing the film footage imported, the Italian government measured and counted as part of the quota, the sound track—entirely apart from the film itself. Now the importers re-record the sound in Italy, eliminating the importation of sound tracks and, thus, allowing themselves that much additional footage to cover the actual importation of film. Needless to say, the bulk of the footage is of Hollywood origin.

Luporini reported that the Government's ministrations to the native industry are proving successful and greatly stimulating home production. Italian producers will make about 50 features this year, he said, as compared with 32 last year, and a smaller number the year before. Producers may obtain financing from a Government approved bank, but their scripts, casts and other essentials must first be approved by the Governmental overseer for the industry, one Commendatore Fredi. Italian exhibitors, of whom there are about 3,000, are required to play all of this native product. Much of it is "surprisingly good," Luporini said, and some of it good enough to be purchased by Joe Brandt for distribution here. About the remainder of it Luporini was noncommittal. He observed, however, that there were occasions on which patriotic exhibitors admitted patrons solely for a contribution of valuable or useful metals, i. e., iron, steel, gold. These are turned over to the Government by the exhibitor, who neither receives nor expects reimbursement.

Renovation Widespread

Luporini declined to answer when asked if this practice was permitted when United Artists' pictures were playing a percentage engagement.

The effects of the Government's film policy are being evidenced in the remodeling of theatres throughout Italy and the conversion of auditoriums into film houses. Also, he reported, construction has begun on an 11-stage studio in Rome. Italy's objectives, he said, are to bring home production up to about 100 features annually, leaving playing time in theatres there for only the best foreign-made product.

Luporini protested against what he said was an increasingly insistent demand by American home offices for economies in dubbing costs in Italy. He spiked the policy as a dangerous one and said it might, if pursued far enough, drive Italian patronage away from American pictures there. He pointed out that the economy demands were resulting in a standardization of dubbing practice which was bringing the same voices into everyone's pictures and, even now, some of the voices were recognizable from one end of Italy to the other, whether they were speaking from the screen for Wallace Beery or Shirley Temple. If the practice continues, he said, the same voice ultimately may be utilized for those two, or for Garbo and Victor McLaglen.

"Who are the most popular American stars in Italy?" Sam Cohen of the United Artists foreign publicity staff prompted Luporini.

"Will you give me a list of our stars?" Luporini smiled, as the reporters arose to leave.

(As Advertised in yesterday's New York papers)

"CHAINED LIKE DOGS" SAY TORTURE-STRIKERS

Charge Convicts Were Literally Whipped To Rebellion

MOB TAKES LAW IN OWN HANDS

Rioters To Descend On New York Soon

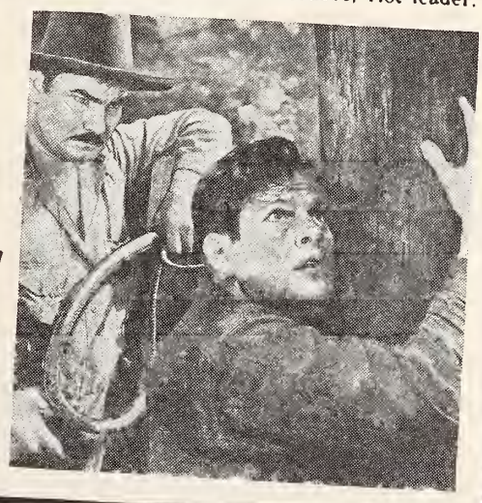
EXPECTED TO INVADE CITY SATURDAY



"I'VE GOT ENOUGH ON THESE GUYS to smear their names across every front page in the country" says Jim Larrabee, riot leader.

They Are Fugitives From a

"ROAD GANG"



A First National Picture • Presented by Warner Bros.

STRAND • SATURDAY

AT 9:30 A. M.—25c to 1 P. M.—MIDNIGHT SHOWS—B'WAY and 47th ST.

"Our Gang" to Be Cut to One Reel

HOLLYWOOD, Feb. 20.—Hal Roach will reduce the footage on his "Our Gang" comedies to one reel instead of two when his new program begins in September. Five of the comedies are scheduled for the season, with the balance of the program consisting of features.

Definite announcement on the new program is awaiting the signing of a new contract with M-G-M.

Bank Night Appeals By Mass. Managers

BOSTON, Feb. 20.—A bill of exceptions has been filed with the clerk of the State Supreme Court by attorney George S. Ryan as a step in the appeal of the conviction of James Wall, manager of the Fellsway, Medford, on anti-lottery charges. A decision on the appeal of George Wilson, manager of the Hamilton, Dorchester, is still being held under advisement by Judge James Sisk. The two are parallel Bank Night cases.

Rites for Mrs. Frazier

KANSAS CITY, Feb. 20.—Mrs. Ed Frazier of Pittsburgh, Kan., wife of the former operator of the Grand there, was buried Feb. 18.

R. R. Biechele and George Harttman, attended the funeral. Mrs. Frazier was as widely known among exhibition and film men as her husband.

Frazier sold the Grand several years ago to M. B. Shanberg.

Seek Examination in Film Financing Suit

A motion for examination before trial of Benjamin W. Solomon, assistant secretary of Academy Pictures Dist. Corp., was filed yesterday in City Court in behalf of Amusement Securities Corp. in connection with a breach of contract action brought by the latter.

The complaint sets forth that Amusement Securities Corp. and Academy entered into a written agreement on Oct. 22, 1935, by the terms of which Amusement Securities Corp. agreed to lend the defendant $15,000 for the production of "The Thrill of the Century," and the defendant agreed to pay the plaintiff the financing charge of $1,666 and that the plaintiff would have the exclusive right to furnish release prints. The plaintiff also charges that the defendant refused to accept a loan, to pay the financing charge and refused to deliver the negative to the plaintiff for the purpose of making positive prints.

The defendant has entered a general denial and asserts that the alleged agreement was never executed.

F. D. Adds Salesmen

Sidney Mesibov has been added to the First Division sales staff in Philadelphia. Ben Oletsky has joined the Washington office.

Republic Changes Title

HOLLYWOOD, Feb. 20.—Republic has changed the title of "Tiger Valley" to "The Girl from Mandalay."



Purely Personal

ROGER ALBRIGHT of the Hays office will talk on Cultural Overtones in Present Day Motion Pictures" tomorrow at the Scrappy Cartoons exhibit in the Bermuda Festival at the British Empire Bldg., Radio City.

•

DAVE BADER left on the *Majestic* yesterday for London, where he will open a European office for ZEPPO MARX, with himself as managing director. D. N. WATNEY is associated with BADER in London.

•

DOROTHEA JOHNSON of Universal will be married tomorrow to JOSEPH WALSH, Washington attorney, at the Church of St. Rose of Lima. They will reside in Washington.

Quip of the Day

Rick Ricketson, Fox theatres division manager at Denver, who is an ardent golf devotee, expresses his aversion for bridge in no mincing words. "In my next contract," he told friends, "I want a clause stating I do not have to play bridge with anybody."

PINKY TOMLIN, who is featured in "Don't Get Personal," now at the Roxy, has been booked for a three-week personal appearance there.

•

GEORGE BATCHELLER has arrived from the coast. MAURY COHEN is remaining in Hollywood due to the illness of his daughter.

•

HENRI ELLMAN is in town from Chicago. He plans to stay a couple of days.

•

WILLIAM FERGUSON of M-G-M returned yesterday from a Miami vacation.

•

DAVE SELZNICK will probably come east to attend the New York opening of "Little Lord Fauntleroy."

•

PHIL REISMAN sails on the *Ile de France* tonight.

•

PHIL D'ANGELIS has returned from Hot Springs, Ark.

•

CHARLES BARRELL is ill in Beth Israel Hospital.

•

M. H. HOFFMAN is due from the coast either today or tomorrow.

•

HARRY C. ARTHUR will return from Hollywood on March 2.

•

. . . *Chicago*

JIMMIE ALLEN, of radio and film fame, is back home for a visit with his parents. Off the air and screen, JIMMIE is known as MURRAY-MACLEAN KENDRICK.

CLYDE ECKHARDT is planning to take the train for Florida as soon as the Twentieth Century-Fox sales meeting is over. The conference is set for Saturday and Sunday of this week.

SAM SHERMAN, manager of the M-G-M exchange in Milwaukee, has been a visitor along film row.

Look for 1,500 at Warner Club Party

Warners report a sellout for the seventh annual banquet and ball to be held tomorrow night at the Waldorf-Astoria. An attendance of 1,500 members and guests is predicted.

Rudy Vallee will be master of ceremonies and his orchestra will furnish the music.

Out of town visitors will include: James Bracken and Mrs. Bracken, New Haven; Albert M. Cohen, Philadelphia; B. W. Steerman and Mrs. Steerman, Pittsburgh; J. Ellis Shipman and Mrs. Shipman, Philadelphia; Nat Furst, New Haven; Moe Silver, Albany zone manager, and Leo Rosen, Troy.

Those in charge are Sam Schneider, head of the executive committee, and Steve Trilling, A. W. Schwalberg, Max Blackman, Harold Rodner, H. M. Doherty, John T. Holmes, Irving Birnbaum and Marie Carroll.

Gerstle Takes Over Freeman Lang Firm

LOS ANGELES, Feb. 20.—Mark L. Gerstle, San Francisco capitalist, has bought Freeman Lang Enterprises, Inc., and under articles of incorporation now being filed in Sacramento, will operate a new firm to be called Associated Studios.

The Lang Enterprises specialized in electrical transcriptions and in industrial films. Gerstle plans to continue those activities, and intimated that he would engage shortly in all phases of production. His holdings at present do not include a distribution organization, but he is interested in International Cinema, Inc., a film laboratory established last year, and an affiliate, Production Finance Corp. Frank W. Purkett, who has been with Lang for some years, is vice-president and general manager.

F. & M. Drops Shows At St. Louis House

ST. LOUIS, Feb. 20.—Under a new arrangement by F. & M., stage shows will be definitely discontinued at the Missouri for a dual feature second run policy. The Ambassador is permanently set for stage shows with Ed Lowry booked starting tomorrow, to be followed next week by "Hollywood Secrets," with Jackie Coogan and Betty Grable. Lowry is dated to follow the unit show for several weeks. Dave Schooler is also booked for an early date.

Competition Gains For N. O. Theatres

NEW ORLEANS, Feb. 20.—Competition is developing on two fronts here. WPA theatre shows are to be free, it has been stated, and Sunday horse racing is to be inaugurated soon for charity. On top of this, plans are being discussed for night baseball later.

Also, a movement has been started to obtain Government funds for reconstruction of the French Opera House with WPA labor. Just what this spot would be used for is still uncertain.

Harry Martin a Father

BOSTON, Feb. 20.—Harry Martin, office manager of the Universal exchange, is the father of a baby girl.



BLIZZARDS
can't hold up this hold-over natural . . . Best business in years, in the worst weather in years

KING OF THE DAMNED

with

Conrad Veidt
Helen Vinson

TOPS EM ALL

FIVE IN A ROW

MISTER HOBO . . . GEORGE ARLISS
FIRST A GIRL . . . JESSIE MATTHEWS
TRANSATLANTIC TUNNEL • *Eight Stars*
THE 39 STEPS . . . ROBERT DONAT
KING of the DAMNED . . . VEIDT, VINSON

Physical Distribution • Fox Exchanges • Canada, Regal Films, Ltd.

"Two in Dark" Top as Boston Does Nosedive

BOSTON, Feb. 20.—With another snowstorm piling snow on the city's accumulation of old snow and ice, business went into the doldrums last week. The only house to go over normal was the RKO Boston with "Two in the Dark" on the screen and Wayne King and his orchestra on the stage. The take was $18,000.

The Metropolitan took a heavy nosedive to $4,500. Par is $22,000. "The Story of Louis Pasteur" was the screen attraction with John Boles on the stage. "Rose Marie," in its second week, took $13,000 at Loew's Orpheum and $12,000 at Loew's State.

Total first run business was $66,500. Average is $85,500.

Estimated takings for the week ending Feb. 21:

"FRESHMAN LOVE" (W. B.)
"MY MARRIAGE" (20th-Fox)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $4,000. (Average, $4,500)

"THE LADY CONSENTS" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 8 days. **Gross:** $9,000. (Average for 7 days, $12,000)

"ROSE MARIE" (M-G-M)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days, 2nd week. **Gross:** $13,000. (Average, $13,000)

"ROSE MARIE" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 7 days, 2nd week. **Gross:** $12,000. (Average, $12,000)

"THE STORY OF LOUIS PASTEUR" (F. N.)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: John Boles heading large stage show. **Gross:** $4,500. (Average, $22,000)

"FRESHMAN LOVE" (W. B.)
"MY LOVE" (20th-Fox)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $6,000. (Average, $7,000)

"TWO IN THE DARK" (Radio)
RKO BOSTON—(3,246), 35c-65c, 7 days. Stage: Wayne King and Orchestra, Edward Rosenwald. **Gross:** $18,000. (Average, $15,000)

Cold Hits Midwest Portable Circuits

KANSAS CITY, Feb. 20.—The long cold weather has forced the closing of some of the portable jackrabbit circuits in Kansas and Missouri.

However, several are continuing to stick it out, including H. A. Parker, who operates four small towns with headquarters at Weston, Mo.; Floyd E. Hill, operating six out of Drexel, Mo.; Shannon Jones, with five out of Horton, Kan., and Elmer C. Carp, with six starting at Clarksville, Mo.

Six More Join CAPA

CHICAGO, Feb. 20.—At the last meeting of the Chicago Amusement Publicists' Ass'n., six new members were named. They are: Jack McPherson of National Screen, Irving Mack of Filmack, Sidney Stern of General Film Co., Harvey Olsen, of the *Chicago Daily News*, Jim Luntzel of the Oriental, Mitchel Liner of the Harding and Frank Ward of the *Chicago Herald and Examiner*.

Pick Two Leading Men

HOLLYWOOD, Feb. 20.—Kay Francis will have two leading men in "Angel of Mercy," Florence Nightingale story she will make for Warners. They are Ian Hunter and Donald Woods.

Radio Buys Original

HOLLYWOOD, Feb. 20.—Radio has purchased "Twinkle Twinkle," an original story by Edward Hartman, and set it for early production. Leigh Jason will direct under the supervision of Lee Marcus. Gertrude Purcell is now working on the screen play.

"Gram" Full of Music

HOLLYWOOD, Feb. 20.—M-G-M will use 27 musical sequences in "Gram," the Kathleen Norris novel which will co-star Mme. Schumann-Heink and May Robson. The cast will also include Harry Stockwell and Frances Langford. Richard Thorpe will direct.

Riggs Joins Republic

OMAHA, Feb. 20.—Jack Riggs, who owns the Sun at Central City, Neb., has joined the sales force of Republic-Midwest and will handle the Nebraska territory. Mrs. Riggs will continue to operate the theatre. Riggs is a former film salesman.

(As Advertised in yesterday's New York papers)

BARREL TORTURE BLAMED FOR "BREAK"



"IT'S A SWELL BREAK WHEN YOU DIE QUICK," rather than suffer agonies like this, say the "torture strikers."

Convict Rioters On Way Here Charge Inhuman Punishment

MEN "HANGED" ALL NIGHT ON INQUISITION BARREL

Desperate Mob Menaces Officials

REVOLT TO REACH CRISIS HERE SATURDAY

Warner Bros. Hand America Its Greatest Dramatic Shock Since "I Am A Fugitive"

"ROAD GANG"

A First National Picture

STRAND • SATURDAY

AT 9:30 A. M.—25c to 1 P. M.—MIDNIGHT SHOWS—B'WAY and 47th ST.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 45 NEW YORK, MONDAY, FEBRUARY 24, 1936 TEN CENTS

RKO Lawyers See Big Slash In Rent Claim

Hold Hope of Two-Thirds Off Rockefeller Item

Possibilities of reducing the $9,100,000 Rockefeller Center claim against RKO to less than a third of that amount are seen by counsel to the RKO trustees in the event opposition to the claim is forced into court through the failure of settlement negotiations.

The settlement negotiations are being continued, however, and pending their outcome, hearings of the trustee's exceptions to the allowance of the claim in the amount recommended by Special Master Thomas D. Thacher are being deferred. The hearing which was scheduled for tomorrow has been postponed to March 3 as a result.

The exceptions to the allowance of the claim would be made to the Federal court by Donovan, Leisure, Newton & Lumbard, counsel to Irving Trust Co., the RKO trustee. Among other grounds for opposing the allowance of the claim will be an effort to show that the three-year rent liability

(*Continued on page* 16)

Court Ruling Bars Zirn's Para. Suits

Suits pending in the New York state court against 12 banks formerly identified with Paramount financing will have to be withdrawn as a result of a denial by the U. S. Circuit Court of Appeals of a motion for an appeal by Samuel Zirn, attorney for former Paramount Publix bondholders, from a U. S. District Court order directing Zirn to withdraw the state court actions or be held in contempt of court.

A cross motion brought by Beekman, Bogue, Leake, Stephens & Black, attorneys for the defendant banks, for a dismissal of Zirn's appeal motion was granted by the appeals court.

Zirn instituted his action on behalf of independent bondholders against

(*Continued on page* 10)

"Pasteur" Gross in Boston Was $44,385

Due to an error in transmission of figures the Metropolitan, Boston, gross on "The Story of Louis Pasteur" was printed in MOTION PICTURE DAILY as $4,500 for the week ending Feb. 21.

The figure should have been $44,385.

N. Y. Theatre Giveaways Up To 3 Million

Annual Cost in Greater City Is Computed

More than $3,000,000 is spent annually by Greater New York exhibitors on giveaways and games, it has been indicated by an important independent circuit operator. This is in addition to service charges theatre men have to pay distributing agents of games. At the estimated rate of $10 a theatre, the service fee total for the 12 months is figured at $1,500,000.

Of the 650 theatres in the local area, more than half are either featuring games or giving away dishes, perfumes and other novelties. In many instances theatres are doing both. The practice of giving away articles and monetary awards has reached a point where numerous theatres distribute something different every night in the week with the exception of Sundays.

About $40,000 in cash is said to be given away every week by Greater New York exhibitors. This is exclusive of giveaways which run into

(*Continued on page* 16)

ITOA Members for M-G-M's New Plan

Members of the I.T.O.A. at their last meeting endorsed M-G-M's plan to cancel 10 features of this season's group in line with the distributor's effort to eliminate seasonal hangovers. While no resolution was broached, the majority of the exhibitors present approved the action.

John Benas, a member of the association's buying committee, told the members M-G-M was entitled to the concessions as the distributor from time to time has granted adjustments where complaints were justified. He

(*Continued on page* 10)

Disney's U. A. Deal Reported About Set

Walt Disney is understood to have reached a deal with United Artists whereby the company will continue to distribute the Mickey Mouse and Silly Symphony subjects for an indefinite period.

Roy Disney, who recently returned to the coast after conferring with Arthur W. Kelly, executive vice-president of U. A., is said to have worked out the deal. Although no new contract has been signed, the deal is said to be in the nature of "a meeting of the minds."

Dietz Balks

Hollywood, Feb. 23.—Howard Dietz won't turn actor for Pete Smith and his ping pong short after all.

Dietz, wise to Hollywood ways, says he doesn't like the part.

Rebuilding of Many Theatres Goes Forward

Theatre changes are numerous in various parts of the country, with the greater portion of the activity concerned with remodeling and construction work. Many houses have reopened recently.

Among the changes in the south have been the following: The Martin circuit has opened the New Grand at Fitzgerald, Ga., a 1,600-seat house replacing the old Grand destroyed by fire last fall. The Beugnot Building at Mt. Vernon, Ga., is being remodeled for the new Metro, to be managed by F. L. Liggett. The new Bonifay at Bonifay, Fla., is near completion. North Carolina Theatres, Inc., has bought the Purcell Hotel in Wilmington, N. C., for a reported $40,000, and plan a new house to cost $135,000.

The Miami Valley Amusement Co., has been incorporated by Joseph G. Asbury and others at Dayton, O. Interstate circuit plans a new theatre in Houston. S. L. Taylor plans to rebuild the Kozy at Pass Christian, Miss., recently destroyed by fire. Wheeling Theatres, Inc., has been formed at Wheeling, W. Va., by Charles P. Mead, Helen B. Shaw and

(*Continued on page* 10)

Pathe Natan Delay Stirs Speculation

By PIERRE AUTRE

PARIS, Feb. 23.—The impression is current in film circles here that an effort is being made to delay the reorganization of Pathe Natan, now in receivership, and to prevent Robert Dirler, representing the Pathe Natan stockholders, from obtaining control of the company through the reorganization.

Court approval was obtained for an extension of the receivership for two months, on the request of Banque de Paris et des Pays-Bas, said to be a Government affiliated bank. This has given rise to the speculation that the action relative to the receivership may be a step in the direction of Government control of the film industry.

Sussman Made Eastern Sales Head for Fox

Named by John D. Clark To Grainger's Post

CHICAGO, Feb. 23.—William Sussman, for years assistant to John D. Clark, has been named as eastern division sales manager, succeeding E. C. Grainger, whose resignation will take effect April 15.



William Sussman

Announcement to this effect was made by Clark today at the closing of the three-day meet of home office representatives and district and branch managers at the Congress Hotel which ended tonight.

Sussman's first film experience was with the old Famous Players-Lasky Corp. which he joined in 1920 when he joined the sales statistical department. In 1923 Sussman was assigned to the New York Paramount Exchange as office manager and salesman. In 1925 he returned to the home

(*Continued on page* 10)

Decision Upon "U" Option Next Week

A decision on the exercising of Standard Capital Co.'s option to acquire a controlling interest in Universal is not likely to be made earlier than the latter part of next week, it was learned on Saturday.

Standard officials said that some additional required study of Universal's operations would delay the decision for at least a week or 10 days longer than had been expected at the time of the return from London of J. Cheever Cowdin, Standard president. The option continues in effect through March 14.

"Fleet" Heads for Gross of $100,000

Starting with a first-day gross of approximately $16,500, "Follow the Fleet" at the Music Hall bids fair to hit $100,000 or better for the first week. The musical is set for a second week.

The Capitol on the second week of

(*Continued on page* 10)

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(Registered U. S. Patent Office)

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Reorganization Near For Fox in St. Louis

Although no action has been taken, definite indications that reorganization plans for the Fox, St. Louis, would be filed in the Federal Court in the Mound City shortly were reported by Halsey, Stuart & Co., which will float the new bond issue.

Reorganization details are also scheduled to be sent to about 90 per cent of the bondholders which already have deposited their certificates with the committee.

The Fox is now being operated by F. & M. under an arrangement with the trustees and it is anticipated that no change in the management will take place when the court approves the plan.

Halsey, Stuart have called in $56,400 first mortgage six per cent bonds, due March 1, on the Fox Realty Corp. of California.

"Fleet" Big in Boston

BOSTON, Feb. 23.—"Follow the Fleet" opened to a gross of $3,000 for the first night at Keith's Memorial. It's likely that the Astaire-Rogers musical will be held a second week.

USED LABORATORY EQUIPMENT FOR SALE

Animating camera stand, zooming auto focus type. Optical reduction printers, 35mm. to 16mm. 35mm. continuous sound and picture printers. Developing machine 35mm. and 16mm. Metal cutting tables, rewinders, flangers.

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Insiders' Outlook

By RED KANN

Hollywood, Feb. 23

THE wheels go 'round and around merrily and with much precision on the Fox lot, snuggled in the Westwood Hills. There, in the short space of six months which have elapsed since Twentieth Century merged with Fox, a producing organization, better attuned to Darryl F. Zanuck's liking and method of doing things, has taken on form and such pictures have bounced through as "Thanks a Million," "Metropolitan," "The King of Burlesque" and now "The Prisoner of Shark Island." . . .

▼

On the Twentieth Century-Fox lot, where you might expect it, the tales told of this phenomenally successful young producer's energy and horsepower are legion. But off the lot, in a community where jealousies run rampant and praise is often grudgingly handed out, much of the Zanuckiana prevails as well. There is told the story of his patience with green writing and producing talent; how, when he did not have to, he stopped more important matters to explain by lengthy memo, his favorite, as well as usual, method; why this and that were wrong and what to do. There is the story of how he is quick to praise, as well as to damn, and how there is inherent in him the ability to pass on the verve and enthusiasm which apparently are essential parts of his makeup. . . .

▼

So we talked to Zanuck. "I once said I would never return to production in large numbers, but here I am back at it without minding it a bit," he stated. "You know we've done what I think is quite a job here when you consider the circumstances. It's only about six months since we actively stepped into production and already we have turned out 20 pictures. When Will Rogers died, the blow was more emphatic than is perhaps generally realized. Rogers was good for $4,000,000 profit a year, or $1,000,000 on each of his pictures. But along came 'Thanks a Million' which stop-gapped the loss with $1,000,000 in the black in this country and plenty to come from abroad where Rogers was not fully appreciated because he was not understood." . . .

▼

Zanuck seemingly blossoms on work and considerable of it. In the next six months, he expects to have his organization further rounded out to a point where the pressure won't tax him so heavily. In the offing is a six weeks' vacation, but by the time the holiday comes along he will have ready at least eight on the company's schedule for 1936-37. As a matter of fact, he moves with such steam that, sandwiched in between the handful which have yet to be made in the wash-up of the current season, will be three or four of next season's. These will get under way in the next couple of weeks. . . .

"Little Lord Fauntleroy," David O. Selznick's first for United Artists, is a nostalgic and charming version of a sentimental potboiler of the sunshine and honey epoch, but in all departments it is handled with due deference to and understanding of its tear-jerking ingredients.

Freddie Bartholomew is excellent and vastly appealing in the title role and Dolores Costello, who still uses the Barrymore name professionally, is gentle and suffering. C. Aubrey Smith as the crusty old earl does his part in the accepted tradition for that type of role and does it extremely well at that. The long cast, including Guy Kibbee, Mickey Rooney and Henry Stephenson, is fine, and the entire production is well in keeping with the vast sentimentalities of the story. Where sweetness and saccharinity continue to be appreciated, "Little Lord Fauntleroy" should register substantially.

▼

Looming large in Twentieth Century-Fox's scheme of things, with results to be demonstrated, of course, is "Under Two Flags" which already costs over $1,000,000 and which will hit the $1,500,000 mark before the final scene is shot. The cast which numbers about fifty principals, all of them in the money, is topped by Claudette Colbert, whose stipend for this job is a mere $150,000; Ronald Colman, Rosalind Russell, generally accepted here as ready for stardom, and Victor McLaglen. A cool half million, that's the charge for players alone in this one picture which Frank Lloyd is directing for the current year's schedule.

▼

This lot is gaga over "The Country Doctor," starring the Dionne quints and for which the sales force is lining up a smash day-and-date run across the nation, totaling perhaps as many as three hundred and fifty theatres. Zanuck says of it the material built around the babies, telling the story of Dr. Dafoe as it does, would make for an ace attraction on its own. With the heavenly kids, his descriptive power plant slows down. There's a preview looming on this one quickly now. The wires out of here will tell you more on this score later. . . .

▼

Zanuck is the works. His principal activity centers around the thirty A pictures which he will contribute to the new year in which the total number of releases will hit off on even keel with this. In the Western Avenue plant where Sol Wurtzel is the boss twenty-four in the B classification are to be made. However, nobody can tell about this alphabetic arrangement; not even Zanuck who admits readily a B may become an A or vice versa. Plenty of precedent makes the observation readily understandable. . . .

▼

However, he thinks it the responsibility of all producers to give the gun to properties that stack up as something with a punch and to be definitely modest on stories which, *per se,* indicate they can only emerge as average stuff. "We have a fixed amount of money on which we operate, naturally. But it is up to us to decide on which picture we will spend that amount. Our understanding with Sid Kent in New York is very clear on that point. We are running this end of the business and New York not only comprehends but cooperates." As an indication of how matters stand on this lot, Zanuck has his thirty A subjects for next year already lined up. Twenty-five are definitely fixed; five are being toyed with and held in temporary vacuum pending a change in the market or in timeliness. "Lloyds of London," to be handled in the "House of Rothschild" manner is one of the potential dreadnaughts. . . .

Bernerd Not to Sail

LONDON, Feb. 23.—Jeffrey Bernerd, whose wife died here last week as a result of a kidney ailment, is not due to return for another month. Bernerd was considering leaving the United States immediately upon the news of his wife's death, but notified the local G.B. headquarters he would not sail at this time.

MOTION PICTURE DAILY
Is now located in its new offices at
ROCKEFELLER CENTER
New York City
•
CIRCLE 7-3100



Samuel GOLDWYN presents

"These Three"

Samuel Goldwyn chose 3 outstanding stars to portray the difficult major roles in this powerful dramatic theme which shows how one malicious lie almost destroyed the lives of 3 innocent people.

These Three

with

Miriam HOPKINS · *Merle* OBERON

JOEL McCREA

Directed by **WILLIAM WYLER**
Screenplay by **Lillian Hellman**



Thousands of lines of publicity have already appeared on this picture . . . it is the most-talked-about story of the year.

Released thru UNITED ARTISTS

Authors Draft New Basic Pact Details

The contract committee of the Authors' League met yesterday to draft the new basic agreement for writers and managers, which will include new provisions for the disposition of film rights to stage plays. The agreement will become effective March 1 and will be operative for two to five years. The definite term of the agreement has not yet been decided by the writers.

The completed draft will be submitted to the council of the league at a meeting today for approval, and following possible revisions as a result of this meeting will be placed before a general membership meeting on Thursday for ratification. Several suggestions for new provisions covering the disposal of film rights are under consideration by the contract committee and may not be definitely determined until the council passes on them today.

Detroiters in South

DETROIT, Feb. 23.—Ben Cohen, of the Ben & Lou Cohen theatres, and Mac Krim, of the Krim circuit here, have gone to Miami to spend several weeks. Phil Kaplan, of Theatrical Advertising Co., and Harry Lush, Northville exhibitor, have returned to Detroit after spending several weeks in Miami and Havana. Other Michigan sojourners in Florida include W. A. Cassidy of Midland, who is at Miami, and Ray E. Moon, general manager of Co-operative Theatres of Michigan, who is spending a month at Palm Beach.

Television for Germany

BERLIN, Feb. 23.—This country's first combination long distance telephone and television line will be put in operation March 1 on an experimental basis as a feature of the Leipzig Fair. The line will run from the capital to Leipzig. Four booths for users will be provided at each end.

Ginsberg to Selznick

HOLLYWOOD, Feb. 23.—Henry Ginsberg, former general manager of the Hal Roach Studios, joins Selznick International Pictures tomorrow in the same capacity. The deal was negotiated by Selznick and John Hay Whitney.

Judell Back from Coast

CHICAGO, Feb. 23.—Ben Judell, local independent exchange operator, returned over the week-end from a regular seasonal visit to the coast during which he took up matters pertaining to his distribution activity.

Fire at Parkersburg

PARKERSBURG, W. Va., Feb. 23.—The Palace has been destroyed by fire. Manager Peter Thomas said the loss in furnishings and equipment will aggregate $20,000, and the building was valued at $30,000. The theatre will be rebuilt, it was stated.

Withers Title Changed

HOLLYWOOD, Feb. 23.—"Little Miss Nobody" is the new title for the Jane Withers film made as "The Matron's Report" from the story by Frederick Hazlitt Brennan. John Blystone directed and Sol Wurtzel produced.

Purely Personal

AL ZIMBALIST, exploitation and publicity head of the Cohen & Seigel circuit, is all excited these days and losing plenty of sleep because of the arrival of a seven pound, three ounce girl on Feb. 17. Both MRS. ZIMBALIST and REED, the baby, are doing well.

•

LAURENCE STALLINGS, editor; LOWELL THOMAS, commentator, and LEW LEHR, humorous commentator on Fox Movietone News, were guests at the last weekly luncheon of the N. Y. Advertising Club.

•

CHARLES KOERNER, Boston RKO district theatre head, will return to Beantown today. He arrived Friday morning with fine reports of the opening of "Follow the Fleet" in his town.

•

ROBERT GARLAND, *World-Telegram* columnist, sailed Saturday on the *Munargo* for Nassau, Miami and Havana.

Quip of the Day

Asked what he thought of the scientific advances of sound since talking pictures started, Mox Shobbus, Hollywood showman, after mature deliberation, said:

"Sound has improved wonderfully. Today it's refined.

"Noiseless recording, high fidelity, hill and dale and the 'push-pull' inventions are marvelous, even though I'm not technical.

"Now, if someone could create for the foreign stars, an 'accent remover,' and for our domestic stars a 'tonsil and adenoid extractor,' such a gadget could win the Academy award, maybe.

"And if someone invented these things, I'd be willing to try-out both *inventions myself—if the service charge is reasonable."*

A-MIKE VOGEL has received his certificate and is now charter member No. 10451 of the Mickey Mouse Club of the Alabama Theatres.

•

WHITFORD DRAKE, Erpi vice-president, sails from England this week on his return from a month's business and vacation trip.

•

MIKE POLLER of RKO says he has been kept busy while his boss, JULES LEVY, has been vacationing.

•

EDWARD SCHNITZER will leave tomorrow for a tour of Republic exchanges under his direction.

•

MAJOR I. E. LAMBERT is thinking of taking a run down to Miami this week.

•

O. R. MCMAHON, KAO comptroller, is recuperating from a double operation in a Brooklyn Hospital.

•

ERNST LUBITSCH is due from the coast tomorrow en route to Europe on a story and talent pursuit.

•

H. A. and MRS. FORTINGTON sailed Saturday on the *Monarch of Bermuda.*

•

S. CHARLES EINFELD is due to return from Miami this week.

•

M. H. AYLESWORTH plans to leave for the coast soon.

PAT SCOLLARD, EDWARD GOLDEN, CLAUDE EZELL, AL HOVELL, WILLIAM FEITELSON, CHARLES PAINE, LAURENCE STALLINGS, LEW LEHR, TRUMAN TALLEY and a host of other Fox Newsreel men at the Tavern on Friday, while SIDNEY SAMUELSON, ROY H. HAINES, HARRY SHIFFMAN and MITCHELL KLUPT gathered at Dinty Moore's.

•

A. H. SCHWARTZ is now in Miami. Ditto HARVEY NEWINS and HARRY CLAY MINER. AL HOVELL and EDDIE RUGOFF leave this week by which time JOSEPH SEIDER will be there. The entire group plans to take a 10-day fishing trip at Key West.

•

ARTHUR LOEW, head of the M-G-M foreign department, arrives in Rio de Janeiro on March 1 and in New York March 12 from South Africa.

•

ROBERT BENJAMIN of the Phillips & Nizer office left for the coast Friday. He plans to spend three weeks in California.

•

JACK JOSSEY, Republic franchise holder in Cleveland, leaves today for home after several days here conferring with HERBERT J. YATES.

•

JEAN MADDEN, 18 year old singer, has been signed by Warners. She will leave for the coast Wednesday.

•

BOB WOLFF, RKO Radio New York exchange manager, leaves for Key West and a fishing trip this week.

•

J. ROBERT RUBIN, LEOPOLD FRIEDMAN and HOWARD DIETZ are due back from the coast today.

•

SAMUEL SPRING'S son was stricken with pneumonia last week.

•

ARTHUR LEE sailed Saturday for Bermuda and will return tomorrow.

•

GARY COOPER got into town Saturday. It's a vacation.

•

ROY HEFFNER of Boston was in town over the weekend.

•

WALTER READE is due back from Miami either today or tomorrow.

•

. . . Denver

DAVE COCKRILL is in the east scheduling some stage shows for the Denham.

JOHN CONSENTINIA auditor for Amity Film, has just made one of his periodic visits to Denver.

CHARLES KLEIN, president of the Black Hills Amusement Co. of Deadwood, S. D., is a grand-daddy. A son was born recently to DICK KLEIN and MRS. KLEIN, of the Pace, Chadron, Neb.

CHARLES U. YAEGER and MRS. YAEGER have left for a three-week vacation in California.

J. J. MORGAN, local manager of the National Theatre Supply, conferred recently with WALTER E. GREEN, president, and OSCAR OLDKNOW, manager of the southern and western divisions.

LEO ADLER, auditor for United Artists here from New York.

L. M. TELLER, C. W. KELLY, ROSS LABART, J. F. CARPER and STANLEY BIELLA out of town men recently on Film Row.

ARNOLD GURTLER, manager of Elitch's Amusement Park and theatre, will go to New York in March, to arrange for his summer stock company.

•

. . . Cincinnati

EDGAR M. PAUL, manager of the Pythian, Logan, was married a few days ago to MRS. BLANCHE GRINDLE of Logan.

C. HARRY SCHREIBER, RKO city manager at Columbus, is the father of a baby girl. It's his second daughter.

TRACY BARHAM, general manager, Southio Theatres, Inc., Hamilton, is in New York on a business trip.

PAUL KRIEGER has just celebrated his fifth anniversary as manager of the local Universal branch.

Third Circuit Plans Reported Abandoned

Plans for a third circuit in Greater New York are understood to have fallen by the wayside.

Sponsored chiefly by a number of exhibitors who were anxious to mold the many independents into a solid string of units in an effort to break down major circuit buying power, the ballyhoo has died down and no one is even thinking of the plan any more.

Some of the men behind the idea once interested a downtown banking house in the project. A checking of books was reported under way at that time, but now it is said that the Wall Street interests have backed out.

A number of interests have been skeptical about the plan since it was broached. They claimed someone had an idea to take over theatres without giving anything substantial in return and that such a plan would never work out.

In contrast to the original idea, practically every independent today is out after theatres, large and small.

Henry King Touring By Air for "Doctor"

HOLLYWOOD, Feb. 23.—Piloting his own plane, Henry King, who directed "The Country Doctor," starring the Dionne quintuplets, is barnstorming key cities of the nation addressing women's clubs and visiting newspaper publishers at large as advance ballyhoo for the attraction. Occasionally directors here do this, but the instances come along infrequently.

His schedule interrupted by snow in the Middle West, King was in Cincinnati earlier in the week. He is covering as many as three cities a day and so is due to visit Memphis, Oklahoma City and Dallas on Feb. 29 after which he will return here to start direction of "Job" for Twentieth Century-Fox.

Grainger in N. O. on Jefferson Franchise

NEW ORLEANS, Feb. 23.—J. R. Grainger, general sales manager of Universal, and Edward Olsmith, Dallas branch manager, are here negotiating a franchise deal for a period of years with Jefferson Amusement Co., of Beaumont, Tex.

Joseph Clemmons, president, and Sol Gordon, vice-president, are representing Jefferson. E. V. Richards of the Saenger Amusement Co. has an interest in Jefferson.

....BLASTING

Wires Throb with the Amazing Story By Showmen Who Lay It On the Line!

SPRINGFIELD, MASS.
Temperature plunging to 12 below zero opened to biggest business of year!

SALT LAKE CITY
Holding over second week—fifty per cent better than average—weather awful.

FRISCO
Audience reaction great—expectations more than realized—terrific rain storm!

OMAHA
Sub-zero weather failed to halt march of "Music Goes 'Round"!

PROVIDENCE
Opened with a bang despite zero weather!

MIAMI
Smashed continuous show record after breaking single show figures for opening!

LOS ANGELES
Have not heard audience reaction like it in months—Columbia hit!

Dozens More From America's Ace Showmen!

COLUMBIA PICTURES

THE MUSIC

HARRY RICHMAN • ROCHELLE HUDSO
Michael Bartlett • Douglass Dumbrille • Lionel Stande
Screen Play by Jo Swerling • Story by Sidney Buchma

TO TRIUMPH!

Columbia's Wonder Show In a Thundering Cavalcade of Smashed Records and Audience Acclaim As It Outrides the Most Atrocious Weather in a Generation!

THE BIG SHOW ROARS IN!

GOES 'ROUND

WALTER CONNOLLY • FARLEY & RILEY and their 'Round & 'Round Music

Directed by VICTOR SCHERTZINGER • A COLUMBIA PICTURE

Music and Lyrics by Lew Brown, Harry Akst and Victor Schertzinger

"Voice" and Bowes' Unit Lead Denver

DENVER, Feb. 23.—The continued cold wave, with temperatures to zero and below several nights, hurt box-office receipts, and "Her Master's Voice" with Major Bowes' Amateurs on the stage, was the only combination to get above average. The amateurs packed the Denham time after time, and with heavy holdouts repeatedly.

"The Petrified Forest" was the only other film doing average. "Ceiling Zero" and "Invisible Ray," on a split week at the Broadway following a week each at other first run houses, did only fair.

Total first run business was $25,000. Average is $24,750.

Estimated takings for the week ending Feb. 19:

"EVERY SATURDAY NIGHT" (20th-Fox)
ALADDIN—(1,500), 25c-40c-50c, 4 days. **Gross:** $1,000.

"KING OF THE DAMNED" (G. B.)
ALADDIN—(1,500), 25c-40c-50c, 3 days. **Gross:** $1,000. (Average for week, $2,750)

"CEILING ZERO" (F. N.)
BROADWAY—(1,000), 25c-40c, 3 days. **Gross:** $600. Following week at Denver.

"INVISIBLE RAY" (Univ.)
BROADWAY—(1,000), 25c-40c, 4 days. **Gross:** $600. Following week at Aladdin. (Average for week, $1,500)

"HER MASTER'S VOICE" (Para.)
DENHAM—(1,500), 25c-35c-40c, 7 days. Stage: Major Bowes' Amateurs. **Gross:** $8,500. (Average, $4,500)

"THE PETRIFIED FOREST" (W. B.)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $7,000. (Average, $7,000)

"EXCLUSIVE STORY" (M-G-M)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $6,000)

"MURDER OF DR. HARRIGAN" (F. N.) "FRESHMAN LOVE" (W. B.)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $2,500. (Average, $2,500)

Delay U. A.-Star Case

United Artists' complaint against the Star, Manhattan, for breach of contract to the extent of $60 was indefinitely postponed on Friday by the New York Film Board of Trade where it was scheduled for arbitration.

No cases are listed on the calendar this week. It is likely the U. A.-Star complaint may be settled without trial.

Skouras Delays Return

Spyros Skouras, E. L. Alperson and William T. Powers, all of National Theatres, will not return from the coast until March 1. The trio have been in Los Angeles for the three-day meeting of divisional operating heads, but are staying over to clean up other matters.

Charter Fairfax Corp.

RICHMOND, Feb. 23.—Fairfax Corp. has just been chartered here to operate theatres with Andrew D. Christian as president, Col. Robert T. Barton, Jr., as vice-president, and A. W. Parker as secretary-treasurer.

Fox to End Gift Stamps

KANSAS CITY, Feb. 23.—Fox Midwest will end gift stamps April 30. The stamps, amounting to about 10 per cent on admissions, were used only in the Kansas City district, under L. J. McCarthy.

Yassir, the Show Went On!

By SCOTT LESLIE

Tampa, Feb. 23.—The Victory brought in one of the Major Bowes amateur units for a two-day frolic, five frolics daily, and at advanced prices—yassir! Well, they induced the Mayor to proclaim the said two days as "Major Bowes Days" and you know how 'tis, that should be good for a plug over the radio. Curses! The Major never mentioned Tampa a-tall.

But, what I started to tell you was—the first show was on, when "phlopp," just like that, a transformer burned up—maybe someone hit the gong, or sompin'—and there was a stage show where Moses was when the lights went out.

Then someone got a hunch to sing songs and have the audience join in, so that pepped things up and kept the audience good natured until another hunch came to bat. This hunch was a couple of auto headlights hooked up to an auto at the stage door, and that kept the show all lit up for the hour it required to repair the transformer and get the juice flowing again.

Pickets Protesting "Riffraff" Showing

With the opening of "Riffraff" at Loew's State on Friday, an alleged union group started picketing the house and distributing handbills in protest against the showing of the picture.

On the picket's sign was inscribed "Organized labor is not 'Riffraff.'"

The handbills were headed "Boycott Riffraff!"

The handout further said "175,000 members of organized labor and 250,000 Anti-Fascists in New York City protest the showing of 'Riffraff' in Loew's Theatres." It is signed "Auspices: Trade Union Committee, American League Against War and Fascism, New York Committee, 156 Fifth Ave."

Allied Sets Dates For Cleveland Meet

CLEVELAND, Feb. 23.—The annual convention of Allied will be held at the Hollenden Hotel, June 2-3-4, according to H. M. Richey, general convention chairman.

Levy on Coast Feb. 27

LOS ANGELES, Feb. 23.—Jules Levy, general sales manager for RKO Radio, will arrive here from Honolulu, Feb. 27, and remain here for several days to confer with Ned E. Depinet and Leo Spitz on current and new product.

Cresson E. Smith, southern and western division sales head for RKO Radio, returns today from a tour of exchanges under his supervision.

Thomas Back from Tour

Harry H. Thomas, president of First Division, has returned with Robert M. McKinney, a director, from a tour of exchanges. He declared the company's future production plans will be made known on March 21, on completion of several pending deals. A New Haven office will be opened tomorrow. Thomas noted a general improvement in business.

"Dark Victory" in Color

HOLLYWOOD, Feb. 23.—"Dark Victory," David O. Selznick's second Selznick International picture, will be made in Technicolor. Lenore Coffee is writing the screenplay from the drama by George Brewer and Bertram Bloch. Merle Oberon will be starred.

Vaudeville to End In Four RKO Houses

RKO on Thursday will drop vaudeville from four theatres in the eastern division. These are the only houses in the circuit's New York and New Jersey group which have been playing vaudeville during the past few months.

The theatres eliminating the shows are Palace, Rochester; Capitol, Trenton; Tilyou, Coney Island, and Jefferson, on 14th Street. The first two will go single feature while the latter duo will revert to duals.

Big Crowd Turns Out For the Warner Ball

Warners had a turnout that taxed the capacity of the main ballroom of the Waldorf-Astoria at the seventh annual banquet and dance Saturday night. More than 1,500 persons attended, it was estimated.

The festivities got under way shortly after 9:30 o'clock, with Rudy Vallee and his orchestra on the stage. During the dinner a varied program of entertainment with talent from radio acts, the New York stage and the screen on hand. The party broke up about 4 o'clock Sunday morning.

Universal Reports $677,185 Net Loss

Universal Pictures Co., Inc., and subsidiaries report a net loss of $677,185.54 for the 53-week fiscal period ended Nov. 2, 1935. The net loss is after all charges, including amortization and depreciation of fixed assets, totaling $474,052.74. This compares with a profit of $238,791 for the fiscal year ended Oct. 27, 1934.

The 1935 figure is subject to the accountant's audit, which is expected to be completed in a few weeks. However, the company indicates no substantial change in the figure is anticipated.

To Retire Loew Issue

Dillon, Read & Co., sinking fund agent for Loew's, Inc., has called $247,500 principal amount of the company's 15-year six per cent sinking fund debentures for redemption April 1 at 101.

Rebuild Portland House

PORTLAND, ME., Feb. 23. — The Strand and the building it occupies are being put back into condition following a $25,000 blaze. The house is owned and operated by Abraham Goodside, owner of the Empire.

"Rose Marie" Hit Despite Seattle Cold

SEATTLE, Feb. 23.—"Rose Marie" was a smash hit in spite of extreme cold which sent all other first runs skidding below par. The take at the Fifth Avenue was $11.250, over normal by $4,250. The picture was moved to the Music Box for an extended run.

The only other attraction to succeed in making a slight dent in the general lethargy was "Ceiling Zero" and "Your Uncle Dudley" on a dual bill at the Blue Mouse. The $3,100 take there was $900 below par.

Total first run business was $31,600. Average is $33,500.

Estimated takings for the week ending Feb. 21:

"CEILING ZERO" (F.N.) "YOUR UNCLE DUDLEY" (20th-Fox)
BLUE MOUSE—(950), 25c-55c, 7 days. **Gross:** $3,100. Second week. (Average $4,000)

"ROSE MARIE" (M-G-M)
FIFTH AVENUE—(2,500), 25c-55c, 7 days. **Gross:** $11,250. (Average, $7,000)

"THE LONE WOLF RETURNS" (Col.) "MYSTERIOUS AVENGER" (Col.)
LIBERTY—(1,800), 15c-50c, 7 days. **Gross:** $2,850. (Average, $4,000)

"THE MILKY WAY" (Para.) (2nd run)
MUSIC BOX—(950), 25c-55c, 6 days. **Gross:** $3,200. Second week. (Average for 7 days, $4,000)

"EXCLUSIVE STORY" (M-G-M) "MY MARRIAGE" (20th-Fox)
PARAMOUNT—(3,050), 20c-30c, 6 days. **Gross:** $3,900. (Average for 7 days, $5,000)

"THE LEAVENWORTH CASE" (Republic)
REX—(1,500), 15c-25c, 7 days. Stage: Jed Dooley and others. **Gross:** $2,950. (Average, $3,500)

Transfer R. E. Catley

SAN FRANCISCO, Feb. 23. — Robert E. Catley, formerly stage show booker for F. W. C. here, has been made assistant manager of the California. Henry P. Franklin is manager.

Wall Street

Universal Best Gain on Board

	High	Low	Close	Net Change
Columbia, vtc	38½	37½	38½	— ¼
Columbia, pfd	47¾	47¼	47¼	—1¼
Consolidated	6⅜	6¼	6⅜	— ⅛
Consolidated, pfd..	19¼	18⅞	19	— ⅛
Eastman Kodak	161	160½	161	+ ¼
Eastman, pfd	160	160	160	—2
Loew's, Inc.	49⅝	48⅝	48⅞	— ⅝
Paramount	10⅞	10⅝	10⅝	— ⅛
Paramount 1 pfd	80	79	79	—1
Paramount 2 pfd.	11¾	11¼	11¼	— ⅜
Pathe Film	8⅜	8⅛	8⅛	— ¼
RKO	9¼	8⅞	9	.....
20th Century-Fox.	26½	26	26	+ ¾
20th Century, pfd.	36¾	35½	36¾	+1¼
Universal, pfd	66	66	66	+3
Warner Bros.	14	13½	13½	— ⅜
Warner, pfd	56½	56½	56½	+ ¼

Curb Issues Show Gains

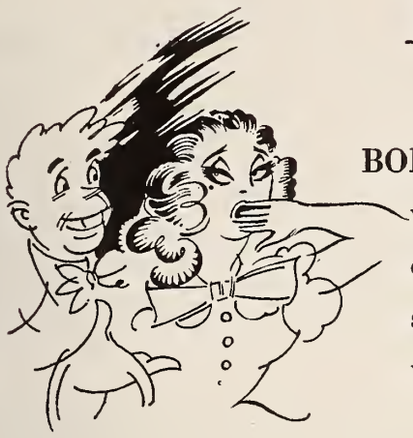
	High	Low	Close	Net Change
Sentry Safety	1⅛	1	1⅛	.....
Sonotone	3¼	3	3¼	+ ⅜
Technicolor	25	24⅛	25	+1¼
Trans-Lux	4½	4¼	4½	+ ¼

Keith Lone Bond Rise

	High	Low	Close	Net Change
General Theatre 6s '40	24	23½	24	.....
General Theatre 6s '40, ctf	23¾	23½	23½	— ¼
Keith B. F. 6s '46	95½	95	95½	+ ¾
Loew's 6s '41 ww deb rights	102⅞	102⅞	102⅞	.....
Paramount Pict. 6s '55	94½	94	94	— ½
Warner Bros. 6s '39 wd	97	96¼	96¼	— ¾

(Quotations at close of Feb. 21)

Now You Can Be Sure You Won't Bore Them!



BOREDOM is the worst enemy of the Box-office. Even your best friends will stay away in crowds when you become tiresome. The first principle of showmanship ought to be to avoid putting the customers to sleep. To keep them awake, eager, and coming back for more, get variety, sparkle, laughs, thrills into your program. And here's how.



B's Worst Enemy . . . Laughter is the strongest antidote to boredom. Nothing chases the glooms faster than a **BUSTER KEATON** Comedy. And Buster never did a better job than in **"GRAND SLAM OPERA."** Film Daily says it's "The best comedy Buster Keaton ever delivered."



Human Interest . . . There's not a heart in your audience so hard that it can't be touched with **"THE SEEING EYE."** This "very human document" (Film Daily) will, according to Box-Office, "stimulate the emotional instinct of the most hardened movie audience" and bring the exhibitor "the gratitude of his community for showing it."



Giving 'em the Air . . . There's a breeziness added to your program that gives the air to monotony whenever **JOE COOK** goes on your screen. Hilarity is hitting on high in **"GIV 'IM AIR,"** with a laugh for every man, woman and child who ever turned on a loudspeaker.



Sports Thrills . . . Imagine anyone sleeping through a hand-to-fin battle with a fighting swordfish! They've just got to sit up and thrill when you play **"FISHERMAN'S LUCK,"** and **"THE GAME OF JAI ALAI"** shows all the terrific speed of the world's fastest game. Two more gems from The Treasure Chest.



Melody with Their Mirth . . . For songs and the spirit of youth, look to *Educational's* Musical Comedies, such as **"THANKS, MR. CUPID,"** with **NIELA GOODELLE, FRED LIGHTNER** and **NELL KELLY,** and the Young Romances, such as **"BEWARE OF BLONDES,"** with **MARLYN STUART, ACKLAND POWELL.**



Cartoonics . . . For good old, down-to-earth fun for the whole family, depend on Paul Terry-Toons. **"THE 19th HOLE CLUB"** is better than a highball after a hard game. And **"HOMETOWN OLYMPICS"** is a timely subject with a special appeal while the big games are on. Check two more winners for Frank Moser and Paul Terry.



New Star Names . . . *Educational's* star line-up, already the biggest in short subject history, keeps bringing you new big ones. Now it's **BERT LAHR.** Watch for his first one, **"GOLD BRICKS."** He's struck it rich in laughs. And another one to watch for is **TIM** and **IRENE** in a real button-buster, **"JUST PLAIN FOLKS."**



Color . . . Get a touch of beauty on your screen that will waken admiration. **"MANHATTAN TAPESTRY"** catches the beauties of Bagdad on the Subway in all their natural colors. **"THE LEGEND OF THE LEI"** is colorful Hawaii at its best. They're Treasure Chest Productions.

Presented by E. W. HAMMONS

Distributed in U. S. A. by Educational Pictures "THE SPICE OF THE PROGRAM" 20th Century-Fox Film Corporation

Rebuilding of Many Theatres Goes Forward

(Continued from page 1)

T. H. Duval. C. F. Fain plans a $25,000 house at Livingston, Tex., and will remodel the present theatre in the town. The Clarendon at Clarendon, Ark., has been reopened after extensive remodeling.

In New England, A. C. Barwood has taken over the Woodstock in Woodstock, Vt., from W. Lamere. W. D. Lord has reopened the Star in West Pembroke, N. H. The Star in South Portland has been remodeled and has been renamed the Seville by R. E. Curran.

The St. Louis Amusement Co. will remodel the Lafayette in St. Louis at a cost of $10,000. Other changes in the Midwest include the following: W. G. Thick will convert the old post-office building in Marshall, Mich., into a 400-seat house, to be known as the Sun. Simon Galitzki is remodeling the Princess at North Topeka, Kan. The Kaw, new 350-seat house in the same town, has been opened by W. G. McKinney. Otto Motrie and James Warba shortly will reopen the Lyric at Tiffin, O., following extensive remodeling.

Youngclaus Adds a Third

W. G. Youngclaus has added a third house to his group, taking over the Comet at Shelton, Neb., from Mrs. E. A. Phelps. The theatre will be remodeled and the name changed. Youngclaus has remodeled the Empress at Grand Island. R. H. Montgomery has opened his new 450-seat house, the Cozy, at Ottawa, Kan. The Sosna Brothers shortly will open the Sosna at Moberly, Kan., after remodeling. Hardwick & Tuggle are building a 500-seat theatre at Neosho, Mo.

TOCC-ITOA Merger Predictions Current

Reports of a merger between the T.O.C.C. and the I.T.O.A. are going the rounds again. Latest indications are that as soon as Harry Brandt returns from Florida he will confer with Charles L. O'Reilly, president of the T.O.C.C. on the amalgamation.

For a number of years the T.O.C.C. held sway in the local area until Brandt and a number of other independent exhibitors formed the I.T.O.A. The latter organization grew up to a membership of about 400, while O'Reilly's followers dwindled from the ranks.

With the I.T.O.A. membership reported down to less than 100, some minds have figured that it's about time the two units got together and united into one solid independent organization.

O'Reilly, who has been devoting most of his time to his candy vending business during the last two years, it is said will be an active factor in the combined association. Brandt, although he has resigned from the I.T.O.A., will most likely continue on the board of the new setup.

Negotiations for a merger of both exhibitor groups had been held some time ago, but fell through. With the exhibitors being nettled with a two per cent sales tax, a new children's law and other legislative measures, some important independents hold that it would be propitious to get the two groups together for solid support in fighting the various bills.

Sussman Made Eastern Sales Head for Fox

(Continued from page 1)

office as assistant to George J. Schaefer, who at that time was eastern division sales manager. In 1926 he became personal assistant to Clark, who was western division sales manager.

When Clark went to Fox in 1932 Sussman went with him as assistant.

No successor to Sussman has been named as yet.

ITOA Members for M-G-M's New Plan

(Continued from page 1)

further added that the company this year cut the list of percentage pictures to four and held that the general sales policy of M-G-M was fair. As a result, he said, independent exhibitors should be fair with the company and fall in line and cancel the films.

In the case of Universal, Benas asked that exhibitors pay any additional charges sought by the company on "Magnificent Obsession." He also recommended giving Universal extended playing time on the picture.

It is likely that the same topics will be approved by Allied of New Jersey when the organization convenes. No meetings have been held within the last few weeks because Lee Newbury, president, is out of town.

A number of independent circuits in the local area already have signed cancellation deals with M-G-M, it has been learned.

RKO Completes Plan For 13-week Drive

Plans for a 13-week international sales drive under the heading of "The RKO Foreign Legion Olympics" were completed last last week prior to the sailing of Phil Reisman, vice-president of RKO Export Corp., on the *Ile de France*.

The drive will start March 15 and end June 13 with 39 foreign countries participating. Ned E. Depinet, Reisman and E. D. Leishman will act as judges. Field captains in charge of various territorities will be Ben Y. Cammack, Reginald Armour and Harry W. Leasim. Home office captains will be E. Smith, B. D. Lion and R. K. Hawkinson.

Lubitsch Due Wednesday

Ernst Lubitsch is slated to arrive from Hollywood Wednesday enroute for Europe where he will vacation and at the same time look over the talent market. The director has booked passage on the *Berengaria* for March 4. He is expected to be abroad several weeks.

New Champion

Denver, Feb. 23.—Claiming to be the champion fan in Denver, a young woman recently told Alberta Pike, *Denver News* dramatic editor, that she had seen "Rose Marie" over 75 times, going ahead of the man who claimed he had seen "Naughty Marietta" 60 times.

Court Ruling Bars Zirn's Para. Suits

(Continued from page 1)

the creditor banks in 1933 as a result of the so-called "film hocking" deals by which titles to a number of Paramount film negatives were transferred to Film Productions, Inc., as security for $12,600,000 of new Paramount credit from the 12 banks in 1932. Subsequently, the Paramount trustees in bankruptcy brought an action in Federal court against the same banks in an effort to set aside the transaction. With the settlement of the banks' claims against Paramount during the company's reorganization proceedings the trustees agreed to cancel their litigation against the bank as one consideration in the settlement of the claims. The Paramount reorganization plan, when approved by the Federal court, also provided for the withdrawal of litigation against the banks.

Zirn endeavored to continue his state court action against the banks after the reorganization and counsel for the banks brought action to compel Zirn to discontinue the suits or be held in contempt for a violation of the court order approving the reorganization plan. When this order was signed by Federal Judge Alfred C. Coxe Zirn appealed to the Circuit Court.

Zirn said yesterday he would endeavor within the next three weeks to obtain a writ of certiorari to bring the case to the U. S. Supreme Court.

Court Approves Kent Claim Against Para.

Sidney R. Kent's $65,000 claim against Paramount was allowed in that amount plus interest of more than $7,000 in an order signed by Federal Judge Alfred C. Coxe late last week. The court's order stipulated, however, that the proceeds are to be held in escrow until recovery actions instituted by the trustees in bankuptcy of Paramount against former officers and directors of the company have been disposed of. Kent is made a defendant in one of the actions which are still pending in the New York State Court.

Kent's claim was based on a new contract made by him with Paramount in January, 1932. It claimed only the amount due him under the contract up to the time of his resignation from the company.

"Gang" Ads Unusual

Effectively depicting some of the horror scenes contained in "Road Gang," Warners have worked out an unusual campaign in a series of newspaper ads. In some of the copy actual scenes from the picture are shown with bold bannered heads and text creating immediate reader interest.

"Story" with Waring Leads Detroit Takes

DETROIT, Feb. 23.—A combination of "Exclusive Story" and Fred Waring and his band turned out to be the best draw of the week here with a take of $23,500 at the Michigan. This topped normal by $3,500.

"It Had to Happen," with a vaudeville bill, came in with second honors on a gross of $15,400 at the Fox. All other first runs were below par.

Total first run business was $64,100. Average is $65,000.

Estimated takings for the week ending Feb. 20:

"CRIME AND PUNISHMENT" (Col.)
"MY MARRIAGE" (20th-Fox)

ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $3,800. (Average, $5,000)

"IT HAD TO HAPPEN" (20th-Fox)

FOX—(5,100), 15c-65c, 7 days. Stage: vaudeville. **Gross:** $15,400. (Average, $15,000)

"EXCLUSIVE STORY" (M-G-M)

MICHIGAN—(4,100), 15c-65c, 7 days. Fred Waring's band. **Gross:** $23,500. (Average, $20,000)

"CEILING ZERO" (F. N.)

STATE—(3,000), 10c-40c, 7 days, 2nd run. **Gross:** $4,100. (Average, $5,000)

"THE GHOST GOES WEST" (U. A.)

UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $8,800. (Average, $10,000)

"THE INFORMER" (Radio)
"CHATTERBOX" (Radio)

RKO DOWNTOWN—(2,950), 15c-65c, 7 days. **Gross:** $8,500. (Average, $10,000)

"Fleet" Heads for Gross of $100,000

(Continued from page 1)

"Rose Marie" garnered $25,700, while the Rivoli on the second stanza of "Modern Times" tallied slightly over $55,000. "Bohemian Girl" at the Rialto ended with about $8,500 and the Palace with a twin bill of "Next Time We Love" and "Professional Soldier" got about $7,000.

Major Bowes' amateurs at the Roxy will probably tilt the gross to around $50,000 this week.

Lesser May Produce Two for 20th-Fox

HOLLYWOOD, Feb. 23.—Sol Lesser, who has just made a new deal for the release of six through Twentieth Century-Fox, may become a producer on the same lot if negotiations for a two-picture deal materialize.

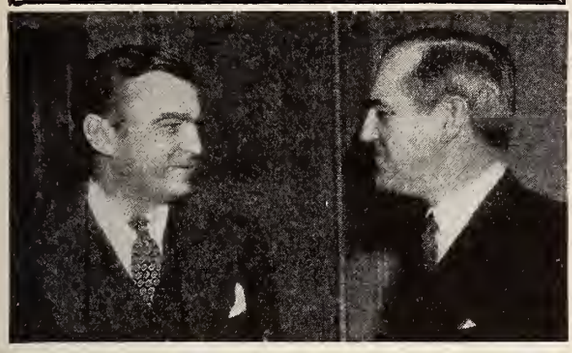
Lesser's plan provides that he personally supervise two features of the next season's lineup for Twentieth Century-Fox.

Brandt to Add Spots

Following return of Harry Brandt next month from Hollywood, Fla., several theatres are expected to be added to the Brandt circuit. Because of the increasing number of units being added to the circuit, Brandt refused to continue as president of the I. T. O. A.

The acquisitions will be in Brooklyn and Manhattan. The Brandt brothers are now interested in about 45 theatres in the local area.

CANDID CAMERA SHOTS OF WELL KNOWN PEOPLE AT MARCH OF TIME PREVIEW IN NEW YORK FEB. 11th



John Martin. March of Time Editor and Managing Editor of TIME. talks over the new release with Ned Depinet, President of RKO Distributing Corporation.



Left to Right—Thornton Delehanty, N. Y. Post's Cinemacritic, Kenneth Hyatt, Manager of Radio City Center Theatre, and James H. McFarland of the Music Hall compare impressions.



John Chapman, N. Y. News columnist (left), gives his first hand impressions as we look over the shoulder of RKO'S Director of Publicity and Advertising, S. Barret McCormick.

IMPORTANT!

REVIEWS — NO. 2 FOR 1936 — U. S.

NEW YORK SUN—The current MARCH OF TIME deserves applause This edition is certainly the best, a remark I've probably made when reviewing each issue, so surely and rapidly does this editorial newsreel improve.

NEW YORK DAILY NEWS—Progress of Russia's second Five Year Plan . . . Hartman's Solution delightfully demonstrated . . . and amazing scenes of Father Divine's No. 1 heaven in Harlem . . . comprise the three interesting and graphic episodes in the new MARCH OF TIME.

MOTION PICTURE DAILY—Extremely good, with expert use of the camera, is the sequence on Father Divine . . . who dominates a vast group of disciples centered in New York's Harlem.

VARIETY—Per usual, high-grade. Again MARCH OF TIME shapes up as sturdy subfeature material.

NEW YORK TIMES—. . . up to the series' usual high standard.

MOTION PICTURE HERALD—. . . The release rates high in its succession.

CHARLOTTE NEWS—The screen has produced only two real literary inventions: a little mouse that runs out of an inkbottle, and a dramatic method of presenting news THE MARCH OF TIME. The TIME product today gives continuity, spells out a story, tells why.

SHOWMEN'S TRADE REVIEW—. . . continues to provide finer audience-pleasing stuff than more feature pictures than you'd care to remember.

REVIEWS — GREAT BRITAIN

GLASGOW SUNDAY MAIL—MARCH OF TIME . . . almost yanked me out of my seat. Terrific is just a mild way of describing this strong and meaty fare.

NEWCASTLE SUNDAY SUN—MARCH OF TIME . . . cuts a new path through the jungle of everyday subjects and ideas. No rush to report weddings, sports, parades and floods, but a leisurely reconstruction of some outstanding events with the argument clearly pointed.

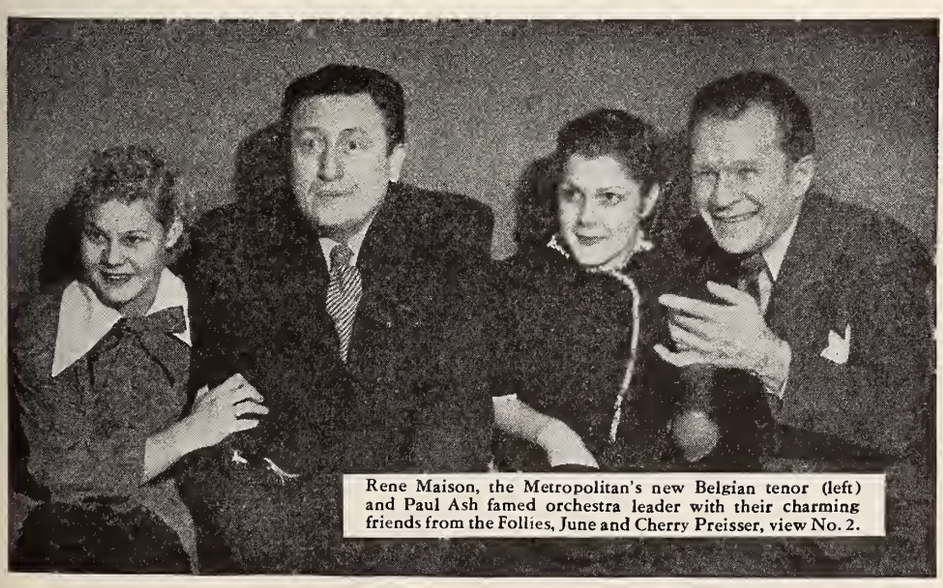
MANCHESTER EVENING CHRONICLE—When the first issue was shown . . . the management received hundreds of letters asking when the next issue would be shown.

DAILY DISPATCH—THE MARCH OF TIME, certainly the most sensational short feature ever seen on the screen.

EXCLUSIVE EXPLOITATION

Each month more than 4500 theatres show a new issue of The March of Time. Backing up their local effort is a powerful selling campaign that reaches millions—***costs these theatres nothing.*** This month for an example:

1—Double page in Fortune Magazine. 2—Page in Time. 3—50,000 gummed posters, "stills" from Russian episode by Lieca. 4—Page in color in 2 largest weekly magazines and in 5 other national magazines by International Truck (M.O.T. Camera Car). 5—American Dental Society informs its 60,000 members of the Hartman episode. 6—March of Time's own advertising (this month 500 advertisements in 125 newspapers in 33 key cities). 7—Five nights a week, over the Columbia network, March of Time on the air.



Rene Maison, the Metropolitan's new Belgian tenor (left) and Paul Ash famed orchestra leader with their charming friends from the Follies, June and Cherry Preisser, view No. 2.

NOW IN MORE THAN 4500 THEATRES

No. 2 for 1936

LIFE BEGINS IN RUSSIA—THE 2nd FIVE YEAR PLAN
HARTMAN DISCOVERY—NEW DENTAL PAIN KILLER?
FATHER DIVINE—ENTERS '36 U. S. POLITICS

THE MARCH OF TIME

RELEASED BY RKO RADIO PICTURES

PRODUCED BY THE EDITORS OF TIME

Short Subjects

"Hit and Run Driver"
(M-G-M)

One more item in the intensive campaign being waged by intelligent people everywhere to reduce the number of injuries and fatalities which result from fast and reckless driving, this subject, No. 5 in the "Crime Doesn't Pay" series, takes its place as an important contribution to that most important work. At the same time the direction has made of the subject an intensely interesting, forceful bit of human drama, as the police chief recounts the story of a particular hit and run case to a reporter. His account is reenacted on the screen. The rushing car on a highway at night, the sharp curve, the young couple walking, the blinding crash, the mutilated bodies, and the terrified escape of the driver. Then the manner in which the police, slowly and carefully unearth sufficient evidence to pin the "crime" on the right person, and his eventual confession as he witnesses the unsuccessful operation on one of his two victims. The story is told with a stark realism which cannot fail to impress. The exhibitor is faced almost with a duty in the presentation of this subject, and it is certain civic authorities will cooperate with him. Production Code Seal No. 1,862. Running time, 20 mins. "G."

"Important News"
(M-G-M)

The work of Charles (Chic) Sale in another of his excellent characterizations makes of this an entertaining short. Herein, Sale is the small town editor of a very small town newspaper, who realizes that his readers believe the arrival of twins is real news and the warning of an approaching frost makes first page material for the farmers. When a wanted gangster is shot by G-Men before his eyes, Sale runs a short obit on the man's death, refusing to take the frost warning off the front page. He is ridiculed until a vacationing big city editor heaps high compliments on him. Production Code Seal No. 1,300. Running time, 10 mins. "G."

"Airhoppers"
(M-G-M)

With Pete Smith affording occasional amusement in his handling of the accompanying dialogue, this number of the Sports Parade series pictures the thrill-seeking enthusiasts of the glider, as they soar aloft in motorless planes, relying on air currents, and taking their lives in their hands. There is entertainment and often a thrill for the audience in the daring maneuvers of the pilots. An effective subject. Production Code Seal No. 1,942. Running time, 10 mins. "G."

"Vamp Till Ready"
(M-G-M—Roach)

Charlie Chase's antics are often amusing in this comedy, when his wife plays a neat trick on him. The Chase fans especially should find the subject entertaining. His wife is old-fashioned in her dress, and when she suddenly buys a modern gown, Chase, coming home, mistakes his wife for her twin sister, expected for a visit. The wife takes advantage of the opportunity, and proceeds to "vamp" her husband, much to his discomfiture. Eventually she tells him the truth, at which point the twin sister actually arrives to completely bewilder Charlie. Production Code Seal No. 1,888. Running time, 20 mins. "G."

"The Lucky Corner"
(M-G-M—Roach)

There are numerous laughs in this Our Gang comedy, in which the always infectious kids seek to aid the poor lemonade vendor who is ruled off a good corner by a greedy stand owner. Their ingenious plan and its laugh-provoking execution as they beat the competitor at his own game, afford a series of amusing moments. As usual, Spanky, the gang's leader, is an entirely delightful and entertaining performer, ably aided by the rest of the gang. The comedy is one which should satisfactorily fill a spot on any program. Production Code Seal No. 889. Running time, 16 mins. "G."

Looking 'Em Over

"Yellow Dust"
(Radio)

It's a western—or an outdoor drama, as they call them nowadays—with only one stagecoach holdup and no cattle rustling. That sets it apart for this type of film fare. It has some darn good singing by a very good looking girl, Leila Hyams, who makes her role seem real in an effortless, competent way, and Richard Dix does his stuff with a nonchalant freedom from heroics that is refreshing.

Any western that can stir up scattered applause from a Times Square audience when the hero escapes from hanging has achieved something. "Yellow Dust" did this at the opening show at the Rialto.

The story, by Cyril Hume and John Twist, is based on the play "Mother Lode," by Dan Totheroh and George O'Neil. Just how much it is based on it this reviewer can't say, but it's enough to make for a series of tense scenes and a good assortment of laughs, most of which are contributed by Andy Clyde, as an old prospector, and Moroni Olsen as a western brigand who is willing to reform.

Dix and Clyde discover a gold vein together, and then interrupt a stagecoach holdup while on their way to town to register their claim. Dix's infatuation for Nellie—Miss Hyams—and Clyde's flirtation with a bottle at the bar, interrupt their plans for filing the claim. Dix winds up in the jug and Miss Hyams files the claim in her own name to foil Onslow Stevens, a crooked hotel proprietor, who intends to get both the gold and the young woman.

There's some smart riding, a tense scene when Dix seems about to be hung, and another exciting moment when Dix interrupts Stevens' efforts to marry Miss Hyams. Some of the photography by Edward Cronjager is splendid. Wallace Fox directed.

Production Code Seal No. 1,799. Running time, 68 minutes. "G."

"Fast Bullets"
(Reliable)

Standard western drama, this one features Tom Tyler as a Texas Ranger and the plot of the film involves the rounding up of a band of gun runners. The usual excitement prevails and it should be a good adjunct to a Saturday children's program.

Tyler, when a couple of his buddies are murdered, sets out after the criminals. With unusual good luck he captures three of them in the first reel. To the third, Rex Lease, he explains the dangers of the criminal life. Lease helps him round up the remainder of the gang. After a bit of sleuthing, a narrow escape from death and the arrival of the Rangers to settle accounts, the piece ends with Lease and his sister, Margaret Nearing, in the Rangers as the cowboys sit around the campfire and sing. There is a bit of humor injected into the narrative when the Rangers use dummies to foil an ambush.

Miss Nearing recites her lines quite amateurishly. Tyler rides and fights in good style and Lease handles his role well. Al Bridges is also in the cast. Henri Samuels directed and Pliny Goodfriend photographed.

Reviewed without production code seal. Running time, 60 mins. "G."

Dix in "Investigator"

HOLLYWOOD, Feb. 23.—Sam Briskin has assigned Richard Dix to "Special Investigator."

Dvorak Row in Court

LOS ANGELES, Feb. 23.—Judge Harry R. Archbald has taken under advisement the contractual dispute between Ann Dvorak and Warners. The star contends she has been suspended from the studio payroll and has been able to work although studio physicians said her health would not permit strenuous dancing.

Warners-Wanger in Deal

Hollywood, Feb. 23.—Warners and Walter Wanger are exchanging talent. Madeleine Carroll, who has recently returned from New York, and Henry Fonda, have been borrowed by Warners from Wanger in exchange for George Brent and others.

"Pine" Hearing on Today

Hearing is scheduled today in the New York Supreme Court on arguments concerning ownership of the rights to "Trail of the Lonesome Pine." Louis Phillips will represent Paramount,

"Things to Come" Is Given London Start

By BRUCE ALLAN

LONDON, Feb. 23.—"Things to Come" opened at the Leicester Square here Friday. It was previously shown at a press preview the day before the opening.

The film deals with a world of the future, after H. G. Wells, a world that is replete with the last word in modernity—great buildings that overshadow present skyscrapers, helicopters landing and taking off in the streets and a perfected television which permits leaders to address the whole world on screens thousands of feet high in the public square. The narrative involves the world's collapse to barbarism through war and its regeneration by a group of scientists. The high point is near the end when two young people, pioneers in interplanetary flight, are shown entering a rocket and being hurled to the moon. They circle it and return.

The model settings and technical work is of a high calibre and it is offered that the picture will create a great impression in America which for the first time in film history may be led to think itself technically outdistanced.

A complete review of this film will be published at a later date.

Three Union Merger Is Now Held Remote

Although Local 306 is reported in control of Empire State Union, a merger of Allied M. P. Operators, Local 306 and Empire is regarded as remote among independent exhibitors in the local area.

Reports have it that the new set of officers in Empire are representatives of Local 306. Independent circuits which have long term contracts with Empire and which call for cancellation upon three days' notice if a merger of the unions is completed are considering taking action.

However, the Empire election is now in the courts. Certain members claim that the list of officers was elected illegally and are now asking the courts to return the former setup. In the event the court holds the election void, the theatre men will continue with the Empire agreements. If the court decides the election was legal, a new union is expected to be formed by the members who are balking at the new official roster.

Curb on Long Island Wells Being Sought

Further sinking of artesian wells under Brooklyn and nearby Long Island theatres for cooling systems will probably be barred if legislation sought by Governor Lehman is enacted by the present Legislature.

Brooklyn, nearby portions of Queens and adjoining towns in Nassau County have in the past made use of the underground water supply for which Long Island has been well known. It seems, however, that the pumping done by the city in Flatbush and in the areas out on the island for water supply has drained the level, or "table," as it is called, to the point where there is danger of salt water seeping in.

Cummins Applies for Order on "Ecstasy"

Samuel Cummins on Friday in state Supreme Court applied for a show cause order preliminary to seeking an injunction restraining Intimate Theatres, Inc., Metropolis Film Exchange and the officers of the two companies from exhibiting any picture using, in whole or in part, the title, "Ecstasy." The action followed the advertising for showing at the 55th St. Playhouse, operated by Intimate Theatres, of "Ecstasy of Young Love."

Cummins, through his attorney, Henry J. Pearlman, charged unfair and fraudulent practice, claiming that he owns the rights to two pictures, "Ecstasy" and "Young Love," both produced in Czechoslovakia, and that these two titles were combined into one by Intimate Theatres. The action, in addition to the two companies, names Max A. and William Goldberg, president and treasurer, respectively, of Intimate, and Martin J. Lewis, president of Metropolis. Max Goldberg said late Friday that it had been decided not to run the picture at the theatre, but Cummins indicated that the injunction action would be pressed in any case.

The film "Ecstasy" was involved in considerable controversy some time ago when the Government refused it admittance to this country.

Raise Ohio WPA Wages

COLUMBUS, O., Feb. 23.—More than 18,000 WPA workers in Ohio have been granted a 10 per cent increase in wages, meaning an expenditure of at least $1,000,000 additional each month to meet the payrolls.

The present payroll varies between $10,000,000 and $11,000,000 monthly. The State WPA has an $81,000,000 budget for operations up to July 1.

Michaels Buys Control

BUFFALO, Feb. 23.—Dewey Michaels, co-owner and operator of the Gayety and Palace, has bought out his partner, Nathaniel Boasberg. He will book stage shows at the Gayety.

The Palace is a burlesque emporium. Nate Boasberg is a brother of Al Boasberg, Hollywood gag man and script writer.

Olmstead Drops Name

HOLLYWOOD, Feb. 23.—Ray Olmstead, owner of Principal Pictures Exchange, has dropped the name, and from now on will operate under his own name. Olmstead started using the name Principal Pictures Exchange some years ago when the Sol Lesser Principal Pictures were his best product.

U. S. Seeks Maloy Tax

CHICAGO, Feb. 23.—A claim for $99,255.87 has been filed against the estate of the late Thomas E. Maloy, on behalf of the U. S. Government for unpaid income taxes by Carter H. Harrison, collector of internal revenue.

When letters of administration were issued Maloy's estate was estimated at less than $2,000.

Broadcast Twice Daily

NEW HAVEN, Feb. 23. — The Whalley, a subsequent run, now broadcasts twice daily over WELI with organ programs, in addition to broadcasting its amateur contest from the stage of the theatre.

Plans Two in St. Louis

ST. LOUIS, Feb. 23.—The Aubrey Realty Co., a holding company controlled by Eugene A. Freund, plans to build two houses here, which will be leased to the St. Louis Amusement Co. Construction will begin about April 1, both to cost about $150,000.

Town Votes Sunday Film

DENTON, Tex., Feb. 23—Citizens of Denton voted 983 to 962 in favor of Sunday films in a special election recently. Sunday shows had been banned for several years as the result of a previous vote.

Brod Made Supervisor

HOLLYWOOD, Feb. 23.—Sid Brod, formerly production assistant on Harold Hurley's staff at Paramount, has been made a supervisor. Brod has been with the company for 10 years, and was an assistant director before joining the Hurley staff.

Greenberg Joins Capitol

OMAHA, Feb. 23—Meyer Greenberg is the new western Iowa representative for Capitol Pictures. He succeeds Joe Zwieback, resigned. Greenberg was with Capitol in 1930, but resigned to go into insurance.

Menches Is Reelected

AKRON, Feb. 23.—Robert Menches has been relected president of the Akron I. T. O. A. Other officers are: First vice-president, W. P. Hart; 2nd vice-president, Charles Stalder; secretary, J. G. Deetjen; assistant secretary, Robert Paulus; treasurer, Al Ploenes; directors, Melches, chairman; Deetjen, Ploenes, Stalder and Park Belden.

Arthur at Salt Lake

SALT LAKE CITY, Feb. 23.—Milton Arthur, Western representative for F. & M., is in town for conferences.

(As Advertised!—Another Extra-Profit Show from Warner Bros.!)

ELECTROCUTION ON "DEATH FENCE" SPURRED REVOLT



Burning of Buddy On "Wired" Barricade in Escape Attempt Incited Mob

RIOTERS HEADING HERE

"Torture Strikers" Invade Broadway

WILD DEMONSTRATION SET FOR SATURDAY

Just when you thought you had tasted the greatest thrills the screen could give—along comes

"ROAD GANG"

A First National Picture • Presented by Warner Bros.

25c to 1 P. M. • STRAND • B'way & 47th St.

Another RCA First

ULTRA-VIOLET RECORDING

Newest box office draw

Not since High Fidelity sound in 1932 have theater owners had such a chance for increased profits as now. Sound that you've never before listened to is being recorded by RCA Photophone's new Ultra-Violet process. You'll be amazed. Your audiences thrilled, and your attendance increased!

But don't miss your share of profits. Use RCA Photophone equipment, whose sound head, amplifiers and speakers can handle without loss or distortion the higher frequencies recorded by the new, exclusive Ultra-Violet method.

RCA

RCA PHOTOPHONE

RCA TRANS LUX • RCA SONOTONE

RCA Mfg. Co., Inc., Camden, N. J
An RCA Subsidiary

'Twas a Busy Day

Kansas City, Feb. 23.—A big day at the Newman.

A man fell down out front and cut his hand on the ice. He was taken inside and given first aid.

A tough looking customer walked up to the box-office and demanded money. A policeman standing in a nearby doorway was listening. He took the stranger to the station.

A woman patron lost her balance and fell down stairs, spraining her wrist.

Two men patrons, desiring the same seat, came to words about the matter, and went out into the foyer to have it out. Only timely intervention of the staff prevented blows.

A pipe in the alley froze, causing the water to back up and flood the main floor rest rooms about two feet deep.

John Balaban of B. & K. came to town to visit with Manager Ralph Lawler all day.

Mrs. Lawler phoned that she had fallen on the ice trying to reach the corner near the Lawler home.

The theatre had the biggest opening day in two years.

Maybe it was all because Mae West came to town in "Klondike Annie."

Fleischer Awarded $5,500 On Doll Suit

Special Master Theodore S. Kenyon, appointed by Federal Judge John Woolsey to determine the amount of damages in the copyright infringement suit by Fleischer Studios, Inc., and Fleischer Art Service, Inc., against Freundlich, doll manufacturer, has awarded $5,500 to the plaintiffs. This is exclusive of $2,000 for costs and attorneys' fees to be decided by Judge Woolsey.

Louis Nizer of Phillips & Nizer orginally tried the case for the plaintiffs before Judge Woolsey, who held there had been an infringement of the Max Fleischer cartoon of Betty Boop by the doll manufacturer. The decision was then appealed to the U. S. Circuit Court of Appeals and the U. S. Supreme Court and in both instances the determination was affirmed.

To Investigate Storage

DENVER, Feb. 23.—An investigation of film storage in the city will be started as a result of a $7,500 fire at the Filmcraft Laboratories, in which five firemen were overcome. Careless handling of film caused the blaze, which necessitated closing the plant temporarily. City ordinances prohibit the storing of more than five reels outside a storage vault.

Charter Kirby-McLeroy

WINNSBORO, Tex., Feb 23.—Kirby-McLeroy Theatres, Inc., has been granted a state charter. J. G. Kirby, Jr., Karlye Kirby and Raymond McLeroy are the principals.

G. B. Names Booth . .

CINCINNATI, Feb. 23.—Herman L. Booth has been named G. B. branch manager here, and Rudy Knoepfle will leave the local exchange for a new assignment, not yet decided.

Shift Dallas Managers

DALLAS, Feb. 23.—Ainsley G. Wood has been appointed manager of the Melrose here. He succeeds W. M. Fink, who will manage the Palace.

So. Norwalk Gets Shows

SOUTH NORWALK, Feb. 23.—The Empress is now using stage shows one night a week.

Decisions Are Made On Technical Awards

HOLLYWOOD, Feb. 23.—The board of judges for the Academy scientific or technical award has completed consideration of the technical achievement nominations. Announcements will not be made until the Academy dinner March 5.

All Academy members will attend the final short subjects showing at Warners Hollywood tomorrow night to cast ballots for the best achievements.

Form Two New Firms

ALBANY, Feb. 23.—Two new film companies formed here are: Alto Theatres Co., Inc., New York City, by Nicholas De Pasquale, Edith Kahn and Samuel Wollan, and Plaigo Corp., also New York City, by Anna Eichel, Betty Black and Florence L. Levy.

Charter Two Companies

ALBANY, Feb. 23.—French Motion Picture Corp. has been chartered here by John S. Tapernoux, Napoleon Vaillancourt and Sylvia Shafran.

Epictone Films, Inc., has been chartered by Moss Pym, Adela Heller and Bertha Twerie.

F. M. Witte to Crosley

CINCINNATI, Feb. 23.—Fritz M. Witte, former exhibitor, has been appointed director of publicity for Crosley Radio Co., operating stations WLW and WSAI here. He succeeds Barkley Schroeder, who has become resort promotional director of the Duluth, Minn., Chamber of Commerce.

Turner to Pittsburgh

PITTSBURGH, Feb. 23.—Charles N. Turner, of Atlanta, has been brought to Pittsburgh by George Jaffe to manage the new Casino, formerly the Harris. He'll have as his associates Ben Jaffe, son of the proprietor. Dick St. Martin is house treasurer.

U. A. Promotes Carroll

BOSTON, Feb. 23.—Joseph Carroll, former booker for United Artists here, has been named office manager of the exchange. He replaces Abe Weiner, who has been promoted to the sales force.

Greater Union Sets Modernization Plan

WASHINGTON, Feb. 23.—At the beginning of December, 1935, Greater Union Theatres of Australia launched a reconstruction policy, starting work on the Brisbane Tivoli, according to a report from Trade Commissioner E. C. Squire in Sydney. About £20,000 is to be spent in modernizing the Tivoli. The entire circuit of Greater Union Theatres is to be modernized during 1936, and work is to begin immediately on four other houses—one at Brisbane, one at Newcastle, one in Sydney and one in Melbourne.

What is claimed to be the highest price paid for any theatre site in Sydney for many years is that on which a new £25,000 theatre and shopping arcade will be erected. The theatre is being built for Packer, Nacard and Packer, and is expected to open in March. A new theatre which cost about £19,000. was opened recently at Manly, a suburb of Sydney.

Bangor Reelects Pierce

BANGOR, Me., Feb. 23.—Albert E. Pierce has been reelected president of the Local 198, I. A. T. S. E., which has celebrated its 25th anniversary here. James E. McGuigan is the new recording secretary. Louis Rice and Fred Aieta have been returned as financial secretary and treasurer, respectively. Everett Bickford has been elected sergeant-at-arms.

MacDermott Transferred

SPRINGEIELD, Mass., Feb. 23.—William MacDermott, formerly assistant manager at Loew's Poli in Worcester, has been transferred to a similar position at the Poli here. MacDermott replaces Walter Kessler, who has been shifted to Jersey City.

Bucyrus State Closed

BUCYRUS, O., Feb. 23.—Schine's State has been closed until damage by smoke from a fire originating in the heating plant can be repaired. The building adjoining the theatre was destroyed.

Ferrara to New Orleans

JACKSON, Miss., Feb. 23.—Marion E. Ferrara of New Orleans, artist, ad man and sports columnist, has been made manager of the Istrione here.

Placing of Ferrara as manager permits A. M. Jacobs to give his entire time to management of the Century.

Theatre to Be Church

TAMPA, Feb. 23.—The Rialto, started as a stock company theatre 15 years ago and closed for the past three years after films had failed there, is to be remodeled into a church. The property has been deeded to the Tampa Welfare Home.

Form United Exhibitors

ALBANY, Feb. 23.—United Moving Picture Exhibitors, Inc., has been formed here by Greta L. Stratman, Gertrude M. Conroy and Mary K. Stratman.

Remodel Provo Theatre

PROVO, Utah, Feb. 23.—F. S. Levine of the Paramount is remodeling and modernizing. C. B. Schultz will open a new 300-seat Orpheum in Tremonton shortly.

STAR PERFORMER

SUPER X delivers unparalleled photographic quality to the screen. That is why it continues to hold its position as star performer among negative motion picture films. That is why it plays a part in most of the feature pictures released in the world's leading movie-producing country. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Distributors, Fort Lee, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

N. Y. Theatre Giveaways Up To 3 Million

(*Continued from page 1*)

a weekly figure of $25,000, it is stated.

One independent circuit is reported to be handing out more than $4,000 in cash every week. The bill for giveaways for the same group of theatres virtually approximates this amount, it is said.

One remedy suggested by a few independents is to tax games and gifts out of the film business by a municipal ordinance. A levy of from 10 to 20 per cent has been recommended, but nothing has been done by either exhibitors individually or the I. T. O. A. to make a move in this direction.

Claim 4,000 Spots Using Bank Nights

Approximately 4,400 theatres in the United States are now featuring Bank Night, Claude Ezell, general manager of Affiliated Enterprises, owners of the game, stated Friday prior to his departure for Dallas after two days in New York.

While here he conferred with Roy Brauer, ex-film salesman in Dallas, who sailed Saturday for Rio de Janeiro to open an office and supervise the company's activities in South America.

Ezell leaves Dallas today for the coast to confer with Rick Ricketson, one of the two partners of Affiliated Enterprises.

Bank Night Appeals Dismissal of Suits

BOSTON, Feb. 23.—George S. Ryan, Bank Night attorney, has filed an appeal with the U. S. Circuit Court of Appeals against the dismissal by Judge Sweeney of the U. S. District Court of a Bank Night infringement suit brought against Meyer Gruber and Harry Bloomberg, distributors of Parlay Cash Night.

In dismissing the suit, Judge Sweeney said that both stunts were gambling "within the meaning of the Massachusetts statutes."

Loew Screeno Cases Postponed in Bronx

Hearing on two cases against Loew's for alleged violation of the lottery laws as a result the use of Screeno in the Elsmere and Grand was postponed Friday to March 17 in Special Sessions, Bronx. Continuation of the cases was sought by Irving Greenfield, Loew attorney, because of an appeal pending on a decision of the Appellate Division of the Brooklyn Supreme Court.

Another hearing is set for Feb. 28 involving the Paradise on a similar situation. A request for an adjournment likewise is expected to be granted.

Delay Bank Night Case

Scheduled for hearing Friday in the Bronx Supreme Court, the Bank Night case against Harry Harris' Bronx Opera House was put over until some time in March.

Although District Attorney Foley is anxious to have the various cases involving games brought to trial, defense counsel asked for the delay because of actions pending in the higher courts.

Denver Insures Prizes

DENVER, Feb. 23.—The Theatre Guarantee Corp., which has just opened offices in Denver, is an insurance company for bank nights. This company will insure one against losing if his name is called at a Bank Night and he is not present.

Bridgeport Hits Prizes

BRIDGEPORT, Feb. 23.—Police here who have forced the operators of Bingo games to abolish cash prizes will next turn their attention to theatres making cash awards. This will be the first city in the state where police have taken action against Screeno, Bank Nights and other cash giveaways in theatres.

Reopen in Providence

PROVIDENCE, Feb. 23.—The Modern Theatre, erstwhile home of burlesque and stock, has reopened as a second-run feature house, with three changes of programs weekly. "The Lives of a Bengal Lancer" and "Roberta" are booked for the first week.

Out Hollywood Way

HOLLYWOOD, Feb. 23.—MAE WEST's current trip east is her first since she came out here to make pictures. . . . BETTE DAVIS wants to go to Honolulu for a vacation, but is waiting to see whether Warners assign her to "Mary of Scotland." . . . JOAN DAVIS gets new contract at Warners. . . . TRAVIS BANTON, costume designer, re-signed by Paramount.

MILT HOWE of Twentieth Century-Fox publicity department buys five-acre farm. . . . Intends to build. . . . Plans afoot to have MARY PICKFORD press button to signal Mayor LaGUARDIA to snip ribbon at opening of Tri-Borough Bridge, New York, next summer.

FLORENCE RICHLER, who has been acting as secretary to RUSSELL BIRDWELL, publicity director for Selznick International, has returned to her old boss, GABE YORKE, now at Paramount. . . . Succeeded by MELBA HOWE, from M-G-M. . . . FLORENCE PINE, sister of BILL, resigns from Paramount publicity department.

MICHAEL CURTIZ will direct "The Charge of the Light Brigade" for First National. . . . ERROL FLYNN to have the leading male role. . . . "Busman's holidays" getting popular here with REGIS TOOMEY and LUPE VELEZ making stage tours.

JOAN DAVIS, she of "Millions in the Air," signed by Radio. . . . HARRY UEBERROTH, photographic model, also signed by Radio, motored here from Chicago to start work. . . . ANITA COUNIHAN, another of the modeling fraternity, in "Mary of Scotland."

NANA BRYANT has long term Columbia ticket, a renewal.

✚

Casting—DIXIE DUNBAR in "The First Baby," Twentieth Century-Fox. . . . J. M. KERRIGAN, ETHAN LAIDLAW, SI JENKS and JOSEPH SAWYER, all with RICHARD DIX in Radio's "Special Investigator." . . . JOHNNY ARTHUR with WILLIAM POWELL in "One to Two." . . . DONALD CRISP and ROBERT BARRAT added to "Mary of Scotland."

First National's "Murder in the Big House" to have CARROL HUGHES and EDDIE ACUFF. . . . CRAIG REYNOLD and JUNE TRAVIS playing the leads. . . . ANN TOBIN and HUMPHREY BOGART heading a big cast in Warners' "Two Against the World." . . . MADELEINE CARROLL also slated for a Warner vehicle as yet unnamed. . . . HENRY FONDA to be featured in one of their star productions of the season. . . . ROGER IMHOF and PAUL GUILFOYLE get prominent parts in Columbia's "Roaming Lady." . . . SPENCER TRACY for "Mob Rule," now in work at M-G-M.

✚

Writers—JEFFERSON PARKE and MURRAY ROTH doing screenplay for "Public Nuisance No. 1," Twentieth Century-Fox. . . . EDWARD T. LOWE and KATHARINE KAVANAUGH writing story for second of "The Jones Family" series, same studio. . . . MAUDE FULTON signed by Republic for final dialogue revision on "The Girl from Mandalay."

✚

Director—GEORGE MARSHALL, who has just finished "A Message to Garcia" for Twentieth Century-Fox, will direct "Mercy Killer."

✚

Story Buys—"Riddle of the Dangling Pearl," STUART PALMER mystery acquired by Radio. . . . M-G-M has taken "Not Too Narrow, Not Too Deep," of RICHARD SALE, and "A Couple of Quick Ones," by ERIC HATCH. . . . "Love on the Run," by ALAN GREENE and JULIAN BRODIE, also to M-G-M.

Seven Major Heads Now in California

Seven presidents of eight major companies are now in Hollywood, the eighth being in Florida on a vacation.

The presidents in Hollywood are: Nicholas M. Schenck of M-G-M, Harry M. Warner, Warners; Mary Pickford, United Artists; Harry Cohn, Columbia; Carl Laemmle, Universal; John E. Otterson, Paramount; Leo Spitz, RKO.

Vacationing at Boca Raton, Fla., is S. R. Kent, Twentieth Century-Fox.

Ned E. Depinet, president of RKO Distributing Corp., also is on the coast.

May Change "Polo" Plans

HOLLYWOOD, Feb. 23.—There is a strong possibility that Douglas Fairbanks will personally finance his film, "Marco Polo," without the assistance of United Artists. Production on the film is being held in abeyance pending his final decision.

Lehman Coming East

LOS ANGELES, Feb. 23.—Robert Lehman, New York banker and a director of Selznick International, left here tonight for New York. He had attended the Santa Anita Handicap and the preview of "Little Lord Fauntleroy."

RKO Lawyers See Big Slash In Rent Claim

(*Continued from page 1*)

limitation applies to the RKO leases with Rockefeller Center on which the claim is based. If counsel succeeds in proving this, RKO would be liable only for rent for three years following the lease defaults, which would reduce the $9,100,000 claim to $2,900,000.

As the claim now stands, it is the largest in the unsecured creditors' group. Officials of Rockefeller Center state that they regard a final settlement agreement as "premature" at this time, and indicate that no commitment on a settlement of the claim will be made until material advancement on a plan of reorganization for RKO has been made. This may entail six months or more, in view of statements from reliable sources that little progress has been made on the development of a plan in recent months, thus leaving reorganization in a definitely elementary stage at this time.

RCA Sees Chance of Liability from RKO

Contingencies under which RCA sold one-half of its interest in RKO to Atlas Corp. and gave an option for the purchase of the remaining half could reduce RCA's return on the transaction to as little as $3,700,000, it is disclosed in the annual report to RCA stockholders issued recently.

The report states that if the option held by Atlas is not exercised, there could arise a liability on RCA, following a reorganization of RKO, which could amount to a maximum appraised value of $1,300,000. Atlas paid $5,000,000 in cash for the 50 per cent of the RCA holdings. The RCA liability mentioned in the report would indicate that the price was fixed in relation to an estimated value of the new securities which would be issued by RKO upon reorganization in exchange for the old securities. If the new do not have the anticipated value, and the Atlas option is not exercised, Atlas could be reimbursed up to a maximum appraised value of $1,300,000.

The option to acquire RCA'S remaining holdings in RKO continues to Dec. 31, 1937, at a price of $6,000,000.

RCA reported net profit for 1935 of $5,126,873, as compared with a profit of $4,249,264 in 1934.

Danziger Is Promoted

Louis Nizer, executive secretary of the New York Film Board, has promoted Henry R. Danziger to office manager, succeeding the late John T. Cronin. At the same time Peter Lewis has been named head of the investigating department, taking over a post formerly held by Danziger.

Schaufele in Cleveland

CLEVELAND, Feb. 23.—Cliff Schaufel has come here from New York to become manager of the Garden, Associated house.

Swedish Group Plan Producing Company

WASHINGTON, Feb. 23.—A new Swedish producing company, which will be capitalized at between 100,000 crowns and 300,000 crowns, will be established in the near future by a small group of distributors and theatre owners, it was reported to the U. S. Department of Commerce by Trade Commissioner Basil D. Dahl in Stockholm.

The studio will be located in or near Goteborg and a number of the actors and actresses of Goteborg's Stads-teater (The Goteborg City Theatre) will be employed by the new company. Production will be started in three or four months, according to present plans, the report stated.

Small in New Concern

William Small, formerly executive secretary of the I.T.O.A., has joined with his brother, Fred, in the formation of Theatre Advisory Service. William is president.

The company will finance construction and reconditioning of theatres as well as render special advisory service on advertising and other matters.

Paris, Ill., Spot Burns

PARIS, Ill., Feb. 23.—The Opera House building here, owned by Mrs. Phillip Bibo, was destroyed by fire at an estimated loss of approximately $100,000. Mrs. Bibo states the building will be rebuilt and used for other business purposes.

Cincy House Gets Organ

CINCINNATI, Feb. 23.—The Rialto, neighborhood, operated by Charles Fine, has installed a Hammond pipeless organ. Hy C. Geis and Pat Gillick are organists, the latter being a member of the WLW radio staff.

N.O. to Get Art Films

NEW ORLEANS, Feb. 23.—The Modern Film Society of New Orleans has been formed here for the purpose of bringing so-called art films and imported film to the city. Showings will be at the Happy Hour.

Carlyle Biggs Resigns

LUMBERTON, N. C., Feb. 23.—Carlyle Biggs, manager of the Carolina, has resigned and has been succeeded by J. B. Jones of Lexington.

Garrity to Lowell

BOSTON, Feb. 23.—Edward Garrity has been named manager of the Victory at Lowell, recently taken over by Michael Daly. Garrity formerly managed the National here for E. M. Loew.

Ackerman in Keady Job

PORTLAND, Feb. 23.—George Ackerman, long associated with the J. J. Parker theatres, has succeeded Victor Keady as house manager at the Broadway.

Bill Hits Holiday Shows

BOSTON, Feb. 23.—The latest bill aimed at theatres to make its appearance in the House is one introduced by Thomas A. Flaherty to put Sunday restrictions on holiday shows.

Warners Sign Up Coxe

HOLLYWOOD, Feb. 23.—Warners have signed Harold Coxe, cartoonist, to make a special series of drawings to exploit "The Green Pastures." The work of Coxe is well known particularly in Chicago and New York.

Open Las Vegas House

LOS ANGELES, Feb. 23.—The Kent Corp. has opened the Palm Gardens at Las Vegas, Nev. K. K. Comstock is president.

Name Examiners' Board

NEWPORT, R. I., Feb. 23.—Harold McGinn and Winfield White, Jr., local projectionists, have been appointed as a board of examiners to pass upon prospective operators in this city under the provisions of a new city ordinance.

Form Laboratory Firm

ALBANY, Feb. 23.—Cineque Laboratories, Inc., has been chartered by Jean Gross, Sol Brown and Sarah Anders.

LaMarre Gets New Post

SAN FRANCISCO, Feb. 23.—Rene T. LaMarre, advertising manager for Harvey Theatrical Enterprises, has been made manager of the Victory in San Jose.

Another change in the Harvey personnel is the appointment of Ray Kelsall to the main office, where he will act as assistant to Julian Harvey. Kelsall has represented the circuit in southern California.

(As Advertised!—Another Extra-Profit Show from Warner Bros.!)

IT'S HARD TO BELIEVE . . . BUT!



All Shown In Warner Bros.' Most Dramatic Revelation Since "I Am A Fugitive"

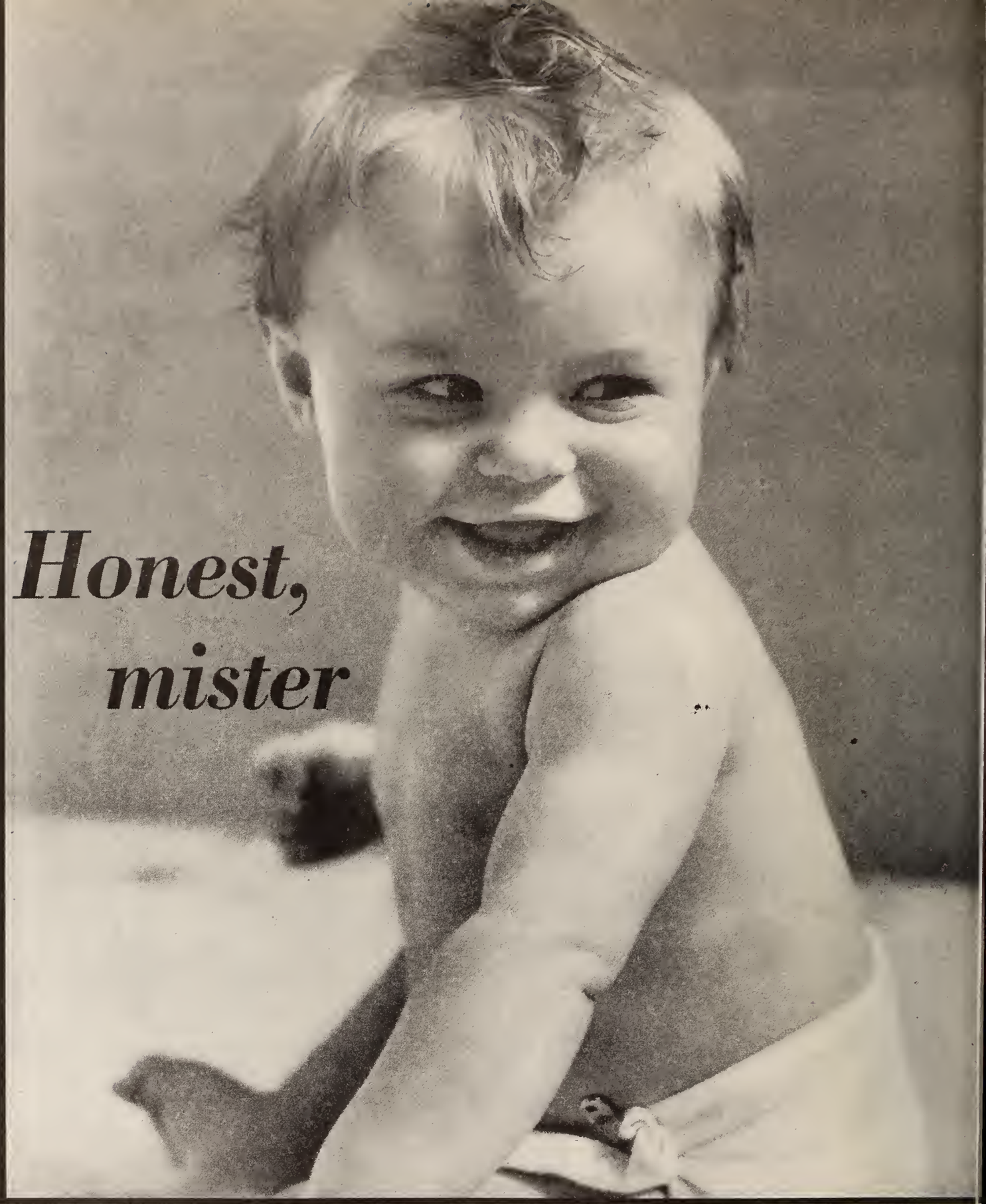
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VOL. 39. NO. 46 NEW YORK, TUESDAY, FEBRUARY 25, 1936 TEN CENTS

Standard Capital Deal For "U" Definitely Set

Long Session On Copyright Begins Today

Sirovich Declares New Measure Ready

By BERTRAM F. LINZ

WASHINGTON, Feb. 24.—Members of the House Patents Committee tomorrow will begin a four-week session on copyright legislation, with a promise from Chairman Sirovich of New York that he will have a new bill to put before them. Sirovich introduced a general copyright measure in the House last week, but withdrew it before it could be circulated, apparently with a view to making some last-minute changes. It is expected to be ready for the committee tomorrow.

For three days, beginning tomorrow, the committee will hear representatives of Ascap. On Thursday, the committee will divide honors with the Neely sub-committee of the Senate Interstate Commerce Committee, which then opens hearings on block booking, and possibly with a subcommittee of the House Interstate and Foreign Commerce Committee. which may hold hearings on the same subject at the same time.

Next week, for three days, the

(*Continued on page 7*)

Pettengill Heads House Film Group

WASHINGTON, Feb. 24.—Congressman Pettengill of Indiana will head the sub-committee of the House Committee for Interstate and Foreign Commerce, the personnel of which was named today by Representative Rayburn of Texas, chairman.

The sub-committee includes: Representatives Sadowski of Michigan, Peyser of New York, Terry of Arkansas, Democrats; and Wolverton of New Jersey and Cooper of Ohio, Re-

(*Continued on page 7*)

Moss Offer on Roxy Denied by Israels

Reports current yesterday that Ben S. Moss had submitted a bid for the reorganization of the Roxy were denied by Carlos Israels of White & Case, attorneys for the first mortgage bondholders' committee.

Israels stated he had heard Moss consulted his attorney on a bid but the committee hasn't heard from either Moss or the lawyer.

All Theatres In Bridgeport Cease Games

BRIDGEPORT, Feb. 24.—Following a conference with police, managers of theatres here using Bank Night, Screeno and other cash giveaways decided to withdraw such games from their houses. In most cases Country Store was substituted, although some of the houses inaugurated Bargain Night, reducing admissions to a 10-cent top.

City Prosecutor Cotter issued a decree prohibiting all games for cash prizes, following constant complaints from business men against Bingo and Beano games running nightly at the clubrooms of various local organizations. Bank Night officials have taken no action as yet, but Adolph G. Johnson, representative in the New Haven territory, has indicated that a test case probably will be sought in the near future.

This is the first city in the state to stop cash giveaways. Norwalk's

(*Continued on page 7*)

"Pine" and "Fleet" Big Over Week-End

"Trail of the Lonesome Pine" at the Paramount and "Follow the Fleet" at the Music Hall are going great guns, the former aiming for a $50,000 take while the latter looks as though it will hit close to $110,000.

The all-color outdoor picture garnered $40,000 for the first five days at the Paramount and indications are the theatre will have a three-week tenant. The Saturday record for the Music Hall was shattered by $2,000, according to the theatre's executives, indicating the Astaire-Rogers musical may be held for a third stanza, too.

Paramount claims 18,000 patrons checked in at the box-office on the opening day of "Trail of the Lonesome Pine." On Saturday, Washington's Birthday, it is said more than 22,000 people jammed the theatre, representing about 1,000 more cash customers than have ever attended the Paramount in one day since it was opened.

Out-of-town business on "Follow the Fleet" is doing better than "Top

(*Continued on page 12*)

Maiden Speech

Ottawa, Feb. 24.—H. E. Wilton, manager of the Strand, Hamilton, Ont., a newly elected member of the Canadian House of Commons, made his maiden speech in Parliament and it was a gem. He said:

"I notice most of the members have taken their full 40 minutes for their speeches. If at any time in this House I am caught speaking more than 15 minutes I hope some member will ring the bell on me."

Under Canadian Parliamentary procedure, a member may speak for 40 minutes on any measure or motion.

Production Gains With 37 in Work

HOLLYWOOD, Feb. 24.—Continued bad weather failed to hold down production here last week. Studio activity showed an increase over the preceding week with 37 features in work. The previous week showed 35 features shooting. Short subject production dropped to one, at the Roach studio. There were five shorts in work the preceding week.

M-G-M recorded the greatest activity, replacing Warners, which had held the lead for several weeks. The Culver City plant had nine features working on the sound stages.

Columbia had four features shooting, three in preparation for filming within the next two weeks and four in the cutting rooms. M-G-M had nine, one and 12; Paramount, five, six and 14; Radio, two, two and four; Roach, one, zero and zero; Twentieth Century-Fox, five, three and seven;

(*Continued on page 7*)

Mae West Hurrying Back to the Coast

CHICAGO, Feb. 24.—Mae West's stay here was short. She arrived yesterday and didn't even take time to unpack, but left for the coast immediately.

Paramount has exercised its option on Miss West's contract. Plans call for a new film scheduled to start

(*Continued on page 7*)

Control Slated to Pass To Cowdin-Rogers On Or Before Mar. 14

By RED KANN

HOLLYWOOD, Feb. 24.—Control of Universal definitely will swing to Standard Capital, headed by J. Cheever Cowdin, and the group represented by Charles R. Rogers on or before March 14, when the extended option granted these interests by Carl Laemmle expires.

Official notice of intention to exercise the option is reliably learned to have been given Universal within the past 48 or 72 hours by Cowdin.

Rogers whose financial chief is Adolph Ramish, one of the original participants in West Coast Theatres long before it became Fox West Coast, today continued his policy of caution, but went far enough to make this flat statement: "We will go through.

"There remain, however, several details to be straightened out and in the face of them there seems to be no point in making any statement. We will make our announcement when the time arrives and I think it will prove a surprise. We will divulge an array of personalities whose identity with Universal has not been suspected," he said.

Asked whether or not he was referring to production personalities or executive personalities, or both, Rogers replied:

"I am referring to both."

Music Society Hit In Canadian House

OTTAWA, Feb. 24.—The 1936 session of the Canadian Parliament had barely swung into its full stride before the Canadian Performing Rights Society was mentioned. Speaking on the floor of the House of Commons, William Esling, member for Kootenay West, described the operations of the society as a "pernicious racket" and said the country was suffering a great deal from its exactions. He demanded legislation to restrict the scope of the society which, he declared, did not protect Canadian authors and composers but only foreigners.

Esling asserted that the fees de-

(*Continued on page 7*)

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Seek Tablet for Mudd

WASHINGTON, Feb. 24.—Representative Jennings Randolph of West Virginia today introduced a bill to erect a tablet to the memory of Dr. Samuel A. Mudd, Maryland physician who treated John Wilkes Booth after the assassination of President Lincoln, and for which he spent four years at Fort Jefferson, Fla. There he was the hero of a yellow fever outbreak. His story is the theme of the film, "The Prisoner of Shark Island."

ITOA Meets Tomorrow

Directors of the I.T.O.A. will hold a special meeting at the Astor tomorrow for a discussion of several topics on tap, among those being the two per cent sales tax, admission of children under 16 and product.

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Insiders' Outlook

By RED KANN

Hollywood, Feb. 24

ADDING significantly and at large to the inanities of press agentry, although not necessarily Hollywood style by any approach, is this picked up from the *Los Angeles Examiner:*

"A man with 'zwip' is a much better sweetheart than a man with 'zumph,' declares blonde Bette Davis, co-starred with Leslie Howard in 'Petrified Forest' opening tomorrow at both Warner Bros. Hollywood and Downtown theatres.

"'Zumph,' according to Bette, is that he-man quality which any red-blooded male can acquire, with big biceps, day-old whiskers and rough-and-ready mannerisms predominating.

"'Zwip,' on the other hand, is a tender, almost inspirational, quality which few men have."

Or didn't you know? . . .

▼ ▼

Nina Skolsky is the three-and-a-half-year-old daughter of Sidney, Hollywood columnist for the *New York Daily News.* Nina, tender years notwithstanding, is a regular visitor to the studios. Just as regularly she collects bags of candy. Back home the other afternoon when papa was busy tickling the typewriter keys, she handed pater a bag.

"Why, it's empty!" said Skolsky.

"I know, but I brought it home for your pills."

Perhaps it's necessary to point out Skolsky is one of the colony's leading hypochondriacs.

The rumor has it Nina writes the Skolsky column. Sidney rests on some sort of constitutional rights and refuses to confirm or deny. . . .

▼ ▼

Maxie Rosenbloom is a pug and once the world's light-heavyweight champion. Radio signed him for a part. That brings the tale to a Vine Street eatery and an enthusiast seeking an autograph.

"How do you want it?" asked Rosenbloom. "As a fighter or an actor?" . . .

▼ ▼

A Walter Wanger nifty. Scene and place: The Brown Derby on Wilshire Boulevard.

A streamer in the *Examiner* read: "Mother's Kiss Smuggles Dope to Convict."

Wanger: "I'll bet Zanuck has a picture out on that in the morning." . . .

▼ ▼

One from Leonard Goldstein: "I just ran into a fellow who works for Republic. They're going to rename it the S. S. S. Studio.

"Sunrise.

"Sunset.

"Sundays." . . .

▼ ▼

Boris Morros, whose shirts used to scream louder than the lobbies at the Paramount in New York, by his own word has gone conservative.

He was wearing a deep ruby red at the time. . . .

▼ ▼

Back to Skolsky for a minute. He's writing a takeoff on Cliff Odets' "Waiting for Lefty."

"Waiting for Thalberg" is the title and Odets the central character. . . .

▼ ▼

Description of Hollywood, courtesy of eavesdropping:

"This isn't a city. It's not even a town. It's a hamlet. Accent on the first syllable." . . .

C. M. Woolf May Join Union Cinema Board

LONDON, Feb. 24.—It is understood here that C. M. Woolf may join the board of directors of Union Cinemas, in which his financial associate, J. A. Rank, is already interested.

Colton Wins Judgment

A judgment for $69,585 was handed down in the Supreme Court yesterday on behalf of John Colton, scenario writer who wrote "Rain" and "Shanghai Gesture," against Harry Oshrin, theatrical attorney, who was at one time Colton's manager and personal representative. The judgment was obtained after accounting proceedings were brought by Colton.

The Appellate Division ruled that all money received by Oshrin for Colton was received as trustee in a fiduciary capacity, and that Oshrin's charge of $18,337 for commission on Colton's salary was improper and should be set aside. Oshrin was also taxed the cost of the action, which amounted to $3,551.

Intermountain Takes Over Nielson Houses

Intermountain Theatres, a Paramount subsidiary, on March 1 will assume operation of four Mike Nielson theatres in Preston, Idaho, and Logan and Bingham, Utah. Nielson also has a theatre in Boise, Idaho, which is not included in the transaction.

Harry David, operating head of Intermountain, who was in town last week conferring with Y. Frank Freeman, closed the deal for the leases. Two of the four houses to be taken over are in Logan.

Fairbanks Flies East

HOLLYWOOD, Feb. 24.—Douglas Fairbanks left here by plane for New York yesterday for further conferences with Robert E. Sherwood on "Marco Polo." He will remain in the East three or four days. The tentative starting date on the film has been set for May 1.

Laemmle Feted on 30th Anniversary

HOLLYWOOD, Feb. 24.—More than 300 film personalities of the past and present gathered at luncheon today in the Universal studio to honor Carl Laemmle on his 30th anniversary in the motion picture industry. The gathering included such past celebrities as King Baggott, William Selig, J. Stuart Blackton, Hobart Bosworth, Grace Cunard; also such present-day tycoons as Hal Roach, Cecil DeMille, Henry Herzbrun, Hal Wallis and Jesse Lasky, as well as a veritable galaxy of current screen stars. Paramount and Universal Newsreels recorded the event.

Rupert Hughes acted as toastmaster. Among the guests were:

Joseph I. Breen, representing Will H. Hays; Frank Capra, president of the Academy; Jesse L. Lasky, Irving Thalberg, Henry Herzbrun, Cecil B. DeMille, Jack L. Warner, Hal Wallis, Al Jolson, Joe E. Brown, Joseph H. Schenck, Darryl F. Zanuck, Sol Wurtzel, Hal Roach, S. J. Briskin, Charles R. Rogers, Sol Lesser, William Koenig, Carl Laemmle, Jr., Walter Wanger, Col. William Selig, Comm. J. Stuart Blackton.

Red Kann, Louis Sobol, Robert Welsh, Arthur Ungar, Boone Mancall, Jimmy Starr, Louella O. Parsons, Edwin Schallert, Charles Winninger, Bela Lugosi, Herman Stern, Beulah Livingstone, Ernst L. Frank, Dr. A. H. Gianinni, Carl Schroeder, C. K. Freeman, E. B. Hatrick, Douglas Churchill, Relman Morin, William Heineman.

Irene Dunne, May Robson, Edward Arnold, Grace Cunard, King Baggott, Dorothy Phillips, Jack Mulhall, Hobart Bosworth, Allan Jones, Gloria Holden, Otto Kruger, Jack Holt, Buck Jones, Binnie Barnes, Jane Wyatt, Helen Westley, Billy Burrud, Gloria Stuart, Buster Crabbe, Jean Rogers.

James Cruze, Priscilla Lawson, Lee Shippey, Stanley Bergerman, Paul Kohner, Lucien Hubbard, Ella Hall, Edward Everett Horton, Julius Klein, Jack Smalley, Elizabeth Wilson, Elizabeth Yeaman, Flannery Lewis, Marian Rhea, Ted McGee, Harrison Carroll, Hubbard Keavy, Ronald Wagoner, Wallace X. Rawles, Albert O'Keefe.

Mervyn Le Roy, Shaindel Kalish, James Whale, Lambert Hillyer, Edward Laemmle, Alfred Stern, Arthur Collins, David Diamond, Edmund Grainger, Henry MacRae, Walter Lantz, Arthur Jacobson, Don Briggs, Noah Beery, Jr., Maurice Pivar, Cesar Romero, Leopold Wyler, Mrs. Wyler, Gaston Wyler, Fred S. Meyer.

Marguerite Churchill, Jerry Sackheim, Julius Bernheim, Irving Starr, Martin F. Murphy, Nan Gray, John King, Sunnie O'Dea, Nat Ross, Sam van Ronkel, Diana Gibson, Dutch Ergenbright, John Schwarzkopf, Henry H. Zehner, Paul Harrison, Ella Williams, Sidney Skolsky, Rob Wagner, Mike Marco, Louis Friedlander.

To Confer with Laemmle

Joseph Pasternak, Herman Kosterlitz and D. Rabinowitz, who have been connected with Universal foreign production activities, leave for Hollywood today to confer with Carl Laemmle on making pictures on the coast.

Universal is endeavoring to inject international angles in pictures to be made abroad and will have the trio work at the coast studios for a while. They arrived last week on the *Ile de France* and since have been discussing plans with Nate Manheim, head of the company's foreign department.

To Reopen Sabath Probe

Murray Garsson, attorney for the Sabath Congressional committee for the investigation of real estate bond reorganizations, returned from the coast yesterday after hearings on the Fox West Coast reorganization. Garsson said that additional hearings on film company reorganizations may be held in Washington before the full committee in the near future.

"TRAIL OF LONESOME PINE" A WOW!



Society Storming Colony, Miami Beach, as "The Trail of the Lonesome Pine" Opens in Summer Weather

Paramount Technicolor Picture Smashes All Records in Miami Beach and Broadway Openings.

Within a single week, "The Trail of the Lonesome Pine," first big film drama in color, has smashed all time records in two key spots on the Atlantic Seaboard. Opening Monday in Miami Beach, the big Walter Wanger production had mobs fighting for admission to the high hat Colony Theatre. And Wednesday morning saw Broadway jammed as the New York Paramount gave New York its first glimpse of the Technicolor opus.

Critics joined with Florida society, with celebrities of the theatre, of the sports world, of the writing business, and with Mr. and Mrs. Fan to tell the world Paramount had a winner. And exhibitors all over the country had the home office haywire begging for prints. Follow up business at both houses continues strong. And it looks like Paramount has added another to the Paramount list of box office aces.

(TURN OVER PLEASE)

HOT OR COLD IT'S A HIT!



Broadway Street Scene as "The Trail of the Lonesome Pine" Opens in Zero Weather

HURRICANE OF APPLAUSE HITS MIAMI BEACH AS "TRAIL OF LONESOME PINE" TAKES FIRST BOW



Mr. and Mrs. Du Bose "Porgy" Heyward with Mr. and Mrs. Hervey "Anthony Adverse" Allen at "Trail" opening, Miami Beach

Miami Beach, Fla.—Feb. 18—There may have been a Moon over Miami last night. If there was, nobody noticed it. They were too busy fighting their way through the mobs on Lincoln Road, trying by a little straight arm stuff to muscle their way into the biggest picture opening this winter resort has ever seen . . . the world premiere of Paramount's all-color drama, "The Trail of the Lonesome Pine."

The big shots of the sports world, the theatre, high society, not to mention a few hundred ordinary muggs like your reporter wrinkled their stiff bosoms, k.o'd their straw kelleys and had themselves one brawl of a time but it was worth it . . . as everybody from the moneyed top kicks to the little fellows voted without a single dissenting opinion that this big time action picture in color was aces, and set up a mark for the other boys in the picture business to shoot at.



Daniel Frohman, dean of Broadway producers, at "Trail" opening, Miami Beach.

Celebrities at "Trail" Opening Praise Color Picture as Tops

"The color was really wonderful. It was well presented and well acted."
—George Ade

"It is the most beautiful thing I have ever seen on the screen."
—Paul Block, Publisher

"The natural coloring is the most beautiful thing I have ever seen."
—H. I. Phillips, New York Sun columnist

"The screen has found a new medium."
—Gar Wood, speed boat racer

"Magnifiicent beyond compare."
—George F. Getz, Treasurer, Republican National Committee

"Enjoyed every minute of the picture."
—Daniel Frohman

"Never have I been so touched with a motion picture."
—Henry Horner, Governor of Illinois

"Great box office picture. Never have seen anything so beautiful."
—E. J. Sparks



Major and Mrs. Albert Warner with Mr. and Mrs. Al Levy at "Trail" opening, Miami Beach.



George Ade, famous humorist, at "Trail" premiere, Miami Beach.

Miami PIC Critics Write Raves After First Look-See at "Trail"

"The most important picture in nearly a decade—since 'The Jazz Singer' made the screen articulate."
—Edgar Hay, Miami, Fla., Herald

"In a good many years of show-going, we do not remember having sat through an hour and a half of anything quite so beautiful as this film."
—Miriam Bell, Miami Daily News

Trail Marks New Picture Epoch says Major Warner

Miami Beach—Feb. 18—"Tonight's premiere brought me back to the day when we made the first talkie," said Major Albert Warner, interviewed at "Lonesome Pine" opening. "They said it could not be done. They predicted the public would never take to it. But the skeptics have been proved wrong. 'The Trail of the Lonesome Pine' is a magnificent production in color. It marks an epoch in pictures."

CROWDS BRAVE WEATHER, MOB BROADWAY FOR "TRAIL OF THE LONESOME PINE" OPENING

New York, N. Y.—Feb. 20—Old Weather Man slipped over a fast one and hauled the temperature down to the zero line yesterday. But the New York fans just buttoned up their overcoats, held their mitts to their ears and stood in line until they got what they wanted . . . and what they wanted was to see the world premiere of the first color drama, "The Trail of the Lonesome Pine."

Before noon the New York Paramount had chalked up a new record for attendance and the fans were still streaming in. And did they like it? They did. As far as New York is concerned Paramount has topped off its recent series of box office successes with an even bigger winner.



N.Y.Paramount warms frost bitten fans with sinkers and coffee.

"The picture that opened at the Paramount Theatre yesterday before a record early morning audience marks the beginning of a new epoch in films. Henry Hathaway, the director who handled 'Lives of a Bengal Lancer' so expertly has kept the story moving at a lively pace."

—Kate Cameron, Daily News

"Accurate reporting compels the reporter to write that the audience love it."

—William Boehnel, World Telegram

"Utterly lovely are the colors in 'The Trail of the Lonesome Pine'. As a demonstration of outdoor photography in color it is an outstanding achievement."

—Rose Pelswick, New York Journal

What the New York Fans Say About "Trail of the Lonesome Pine"



"It's a fine picture. The acting is excellent. And the photography fine."

—Elma Anzak, saleslady



"A honey of a picture with marvelous acting. The color is beautiful."

Georgette Vine Edith Frankel actresses



"Fine acting . . . excellent photography." *George Fox sales clerk*



"It's got everything."

—Joe Mangelli, auto salesman



"A stirring picture. With plenty of spirits."

—Dominic Sicilian Charles Ferrar, bartenders

New York Critics Praise Color Picture as Real Triumph for the Picture Industry

"The beauties of nature and those of Miss Sylvia Sidney are brought in realistic hues to the screen of the Paramount in this handsomely Technicolored production. Each scene is a painting wrought by the hand of the Master."

—Regina Crewe, New York American

"A tremendous advance in color photography. It is beautiful enough to shine as a milestone in the movies' technical march of progress."

—Bland Johaneson, Daily Mirror

"When to the story is added a cast of unusual merit and a richly beautiful color production, then it becomes a distinguished and worthwhile picture, commanding attention no less for its intrinsic entertainment value than as another milestone in the development of the cinema."

—Frank S. Nugent, New York Times

HOLLYWOOD DUSTS OFF ADJECTIVES AS TRADE PRESS CRITICS WRITE RAVES ON "THE TRAIL OF LONESOME PINE"

Sure Fire Mass Entertainment With Strong Appeal in Story, Fine Cast and Color That Is Best Yet

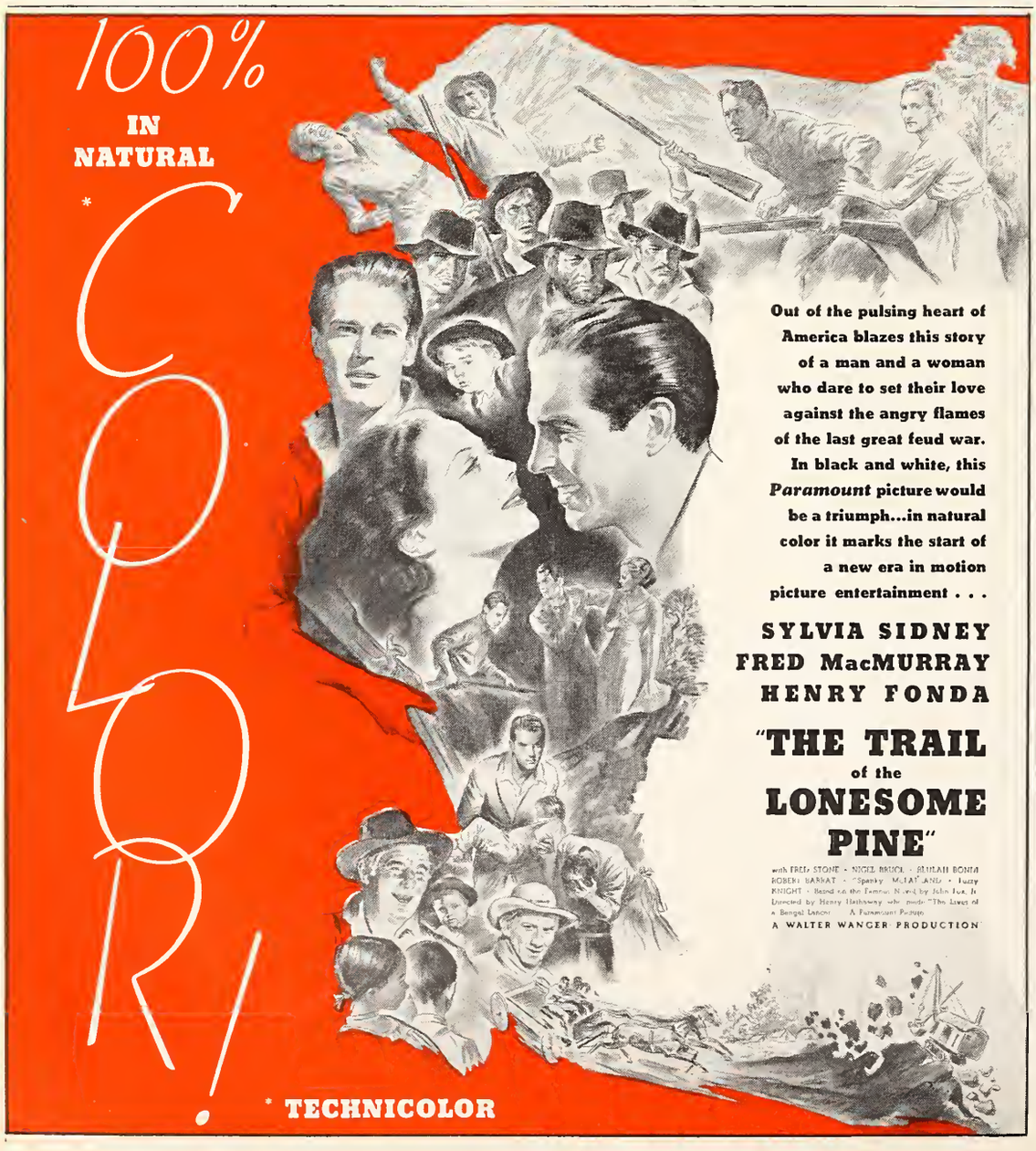
With or without color, this production has been so effectively done from screenplay and casting to direction and editing that it can't miss . . . action, suspense and heart interest all dovetailed together and carried to a strong finish that will send the fans home with wet handkerchiefs but a satisfied feeling.

—FILM DAILY

Wanger's Production Would Be Box Office Even Without Color Novelty; Hathaway, Sylvia Sidney, Writing Splendid

Color is here. And prosperity too, for the theatres booking Walter Wanger's "Trail of the Lonesome Pine." You don't have to be a veteran in the business to remember what Irving Cumming's "Cisco Kid" did at the box office. That picture was the first outdoor talking picture. It gave the producers confidence that talking pictures were here to stay. Now comes "Lonesome Pine"... the first major outdoor talking feature in color—to prove that color is here to stay. . . . The picture would be a hit even in black and white, due to the uniformly high quality of its cast, direction and story.

—HOLLYWOOD REPORTER



"Trail" Proves Film of Magnificence Great Entertainment; Box Office Smash

"The Trail of the Lonesome Pine" is a film of dramatic and artistic magnificence, a great piece of entertainment for all classes and a box office smash by every sign.

Picture is a directorial triumph for Henry Hathaway. The players score solidly, man, woman, and child. Supporting the whole pyramid of outstanding excellence is the courage, the vision, the imagination and showmanly intuition and shrewdness of Walter Wanger paving a further way into the realm of screen color on firm commercial ground."

—DAILY VARIETY

"Trail of the Lonesome Pine" should blaze a new trail to the Box Office for new records. It is an outstanding triumph in the field of natural color, portrayed by an excellent cast, and the last word in scenic beauty.

—BOX OFFICE

All Theatres In Bridgeport Cease Games

(Continued from page 1)

mayor is now studying the legality of the awards, but so far has not indicated any intention of asking theatres to discontinue the practice.

At Danbury, Bank Night has grown to the extent that the city's three theatres all offer the same show with the same scale of prices on that night.

Study Bank Night Insurance

DENVER, Feb. 24.—Bank Night insurance companies are being studied by the state. Assistant Attorney General J. Glenn Donaldson has ordered two companies here, and invited theatre managers to attend a hearing to be held at the statehouse in an attempt to determine the legality and whether the state insurance laws govern.

If insurance laws govern, the companies must post large cash bonds. In Arizona the attorney general ruled the insurance laws applied and the Bank Night insurance there quit because of inability to post the $100,000 required. The Theatre Guarantee Corp., first of the Denver companies to sell Bank Night insurance, says it will post whatever bond is necessary. A second company, backed by a large drug chain, and ready to start operations, has postponed action until a state ruling is made.

The Theatre Guarantee Corp. operates through agencies, having more than 30 in the city. It charges 10 cents for the first $100 insurance, 15 cents to $200, 20 cents to $300 and 25 cents for $400 to $500.

Theatre Guarantee's plan covers 14 theatres, the Lucky Seven and Civic groups, and two others. In order to win, one must not only have the first number drawn, but must not be at the theatre.

Lottery Charge Dismissed

ELKHART, Ind., Feb. 24.—An affidavit charging Sid Holland, manager of the Elco here, with violating the Indiana anti-lottery law by conducting Bank Night was quashed in Superior Court here by Lenn J. Oare of South Bend, special judge. Oare held that since the theatre asked "no cash or other valuable consideration" from customers participating in Bank Night, the state law had not been infringed.

Cited for Contempt on Games

DETROIT, Feb. 24.—Judge DeWitt H. Merriam, of Circuit Court, has issued an order directing Jacob Schreiber to show cause why he is not in contempt of court for using cash giveaways in spite of a permanent injunction granted by the judge on Jan. 16. The order is returnable on Feb. 29. The injunction was obtained by the Temple-Sproat Co., operating the Roxy of the Ben & Lou Cohen circuit.

Schreiber has an appeal pending in the state Supreme Court. Prosecutor Duncan McCrea last week stated that he would take no further action against theatres using cash prizes until the high court had rendered its decision in the Schreiber case.

Schreiber immediately resumed cash giveaways at the Colonial and Majestic, covered in the permanent injunction and also started using them in the Forest, Garden and Blackstone, in most instances every night but Saturday and Sunday. Judge Merriam's order followed.

Schreiber declared he would continue to use the cash prizes until the contempt action and the Supreme Court ruling were settled.

Missouri Test Case Near

KANSAS CITY, Feb. 24.—G. E. McKean, St. Louis distributor for Affiliated Enterprises, Inc., patentees of Bank Night, was arrested last week for the sale and promotion of a lottery, at Fredericktown.

McKean immediately filed a habeas corpus writ with the Supreme Court of Missouri, in which it was asserted that Bank Night does not violate the state's anti-lottery law because the promotion does not involve "consideration." This is the state Supreme Court test, on the strength of which Attorney General Roy McKittrick last week withdrew his department's "premature" decision pronouncing the promotion illegal.

Birmingham Houses Warned

BIRMINGHAM, Ala., Feb. 24.—Local theatres have been warned by the police department that Jackpot Nights or any form of lottery contest will not be permitted. Contests of this nature, Police Chief Luther Hollums said, are violation of a city ordinance.

Production Gains With 37 in Work

(Continued from page 1)

Universal, two, one and two; Warners, seven, zero and seven; independent, two, two and three.

In the short subjects lineup were Columbia with none shooting, two in preparation and three editing; M-G-M with zero, five and four; Radio, zero, two and two; Roach, one, zero and three; independents, zero, two and zero.

Copyright Session Will Begin Today

(Continued from page 1)

Patents Committee will hear the writers and publishers and other interests, and for three-day periods during the two following weeks representatives of the film industry and others affected will testify.

Morros Coming East

HOLLYWOOD, Feb. 24.—Boris Morros, recently elevated to Paramount producership in addition to his duties as general manager of the music department, entrained for New York tonight. He will line up talent for the first musical production on his new contract.

Berenstein to Miami

LOS ANGELES, Feb. 24.—Ben Berenstein, local M. P. T. O. representative, plans to leave for Miami next Sunday to attend the M. P. T. O. A. meeting there.

To Re-Release Rogers

Twentieth Century-Fox will re-release the pictures of the late Will Rogers, beginning with "A Connecticut Yankee" in April.

Pettengill Heads House Film Group

(Continued from page 1)

publicans. While Pettengill said last week he would not accept the chairmanship of the sub-committee, he explained today that all Democratic members senior to him are either ill or engaged on other matters.

The sub-committee will hold a meeting within the next day or two and may have a hearing on block booking legislation at the same time as the Neely sub-committee of the Senate Interstate Commerce Committee on Feb. 27 to accommodate witnesses here for the latter hearing, who do not wish to make another trip. It was stressed, however, that this will not be the only hearing to be held on the subject, and that those who do not wish to appear this week, if a hearing is held, will be given a later opportunity to be heard.

Music Society Hit In Canadian House

(Continued from page 1)

manded of small amusement owners were excessive. During the investigation of the society last year by Judge James Parker of Toronto, the society, he claimed, sent agents about the country to collect all possible fees in advance because of the fear of adverse legislation. He said he hoped the Government would take early action to compel the society to publish the list of compositions on which it claimed copyright, at least.

Mae West Hurrying Back to the Coast

(Continued from page 1)

April 1, and are thought to be acceptable to the star since Ernst Lubitsch is no longer production head. She had frequent disagreements with Lubitsch, it was stated here.

Miss West refused to discuss her plans today, saying that she had come to Chicago for a shopping trip and that she had not intended to go through to New York.

Picketing Law Upheld

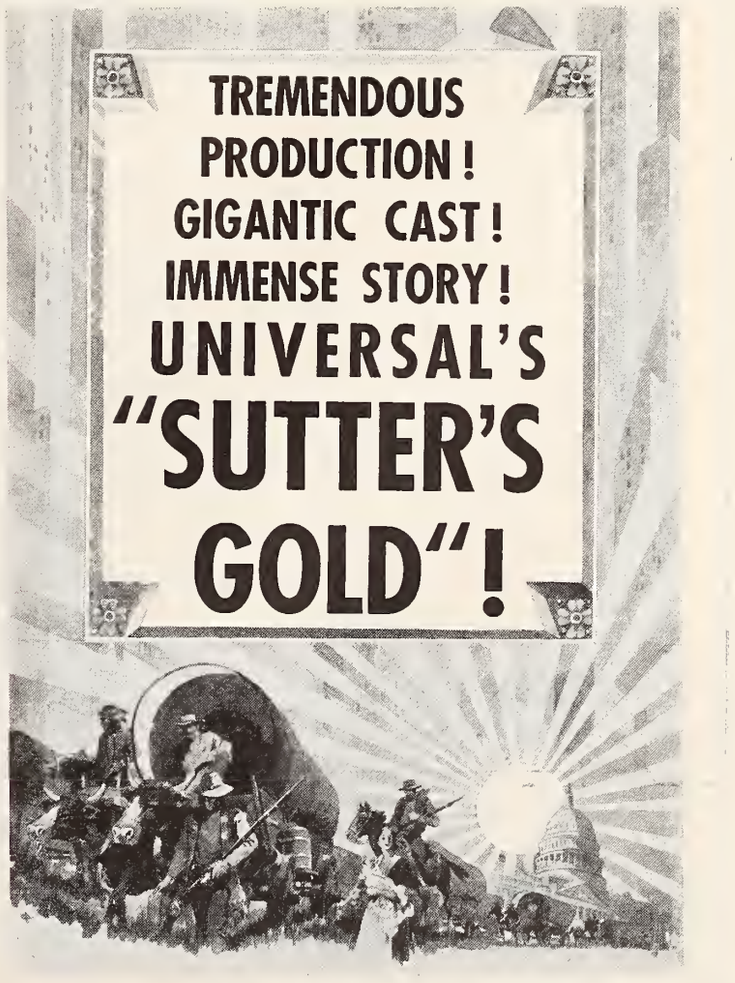
MONTGOMERY, ALA., Feb. 24.—Alabama's anti-picketing law has been upheld by the Court of Appeals in a test case review of the conviction of John M. O'Rourke, charged with picketing the Ritz with a placard declaring the stage hands non-union men. The court held the statute was not in conflict with the constitutional guarantee of free speech and affirmed the lower court's sentence of $1 and costs.

M'g'rs Meeting Extended

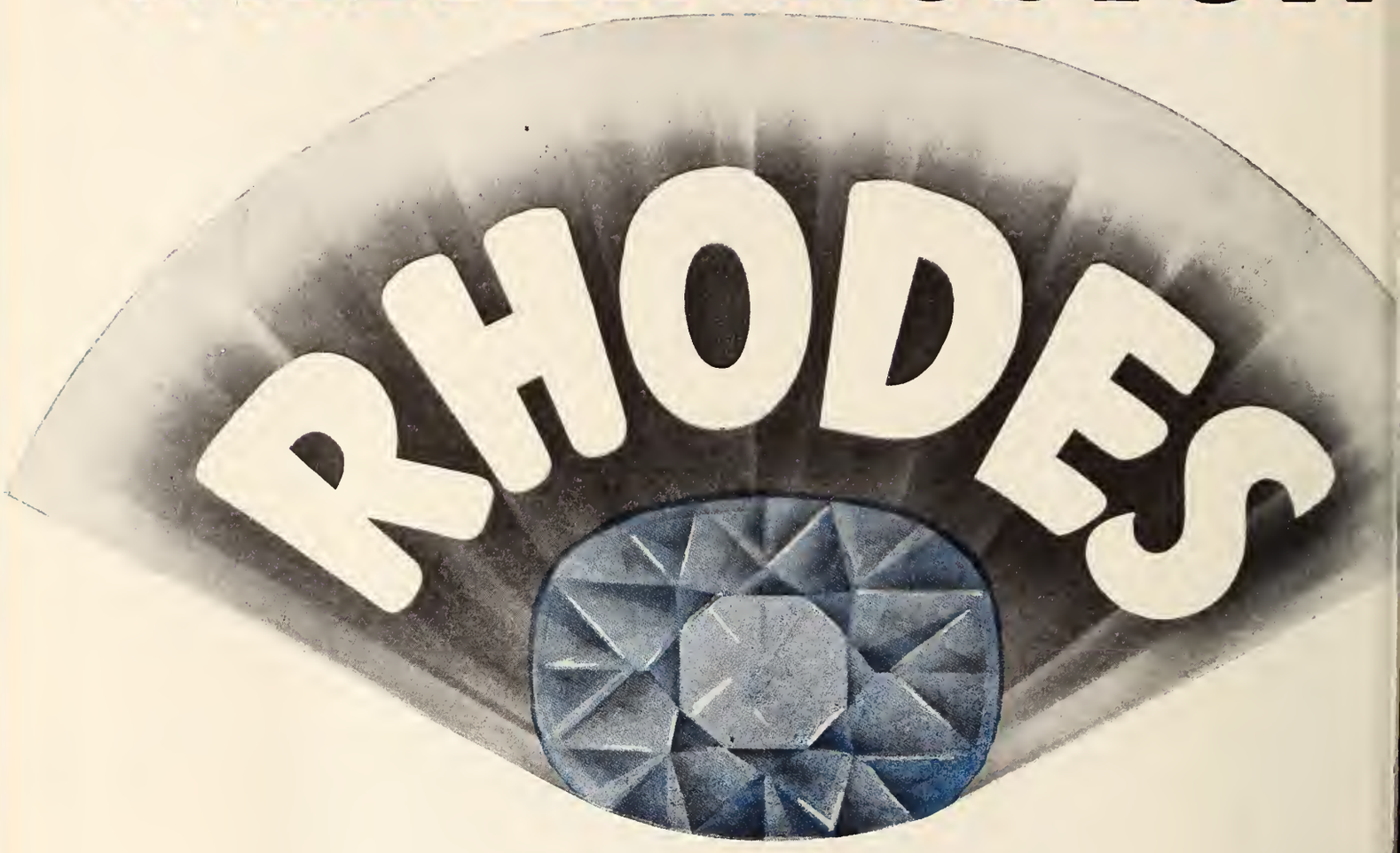
LOS ANGELES, Feb. 24.—The managers' meeting of Fox West Coast and National Theatres now in progress here has been extended until Friday in order that further business conferences may be held. The confab had been scheduled to end today.

Clark, Wobber on Coast

HOLLYWOOD, Feb. 24.—John D. Clark and Herman Wobber, Twentieth Century-Fox executives, arrived here today from the company sales meeting in Chicago over the week-end.



WALTER HUSTON



DIAMOND MASTER
EMPIRE BUILDER . . .
JUNGLE CONQUEROR

The Kimberley Diamond Fields . . . land of romance, adventure and buried treasure . . . where men became millionaires overnight . . . and women were scarcer than diamonds.

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DIAMOND MASTER

His diamonds bought women's hearts . . . conquered the jungle . . . built an empire . . . changed the map of the world!



Remick Shifts WOR Actions to Newark

Remick has withdrawn two copyright infringement suits filed against the Bamberger Broadcasting Co. in N. Y. Supreme Court and yesterday refiled the same suits in Newark where station WOR is located. The Warner music subsidiary is seeking $10,000 damages for the use without permission of "My Isle of Golden Dreams" and "I Want to Bounce Around With You."

In addition to these suits, Harms yesterday filed an action in Newark against the same station for $5,000 for the broadcast of "Chansonette." In Jersey City, Harms has filed suit against WHOM for the use of "I Want to Woo," claiming damages of $5,000.

Papers have been sent to Philadelphia and New Orleans where actions will be filed against WPEN by Witmark & Sons in the former city for the use of "Mother Machree" and by Harms against DSU in New Orleans for using "Three Little Words."

Conn. Group to Hold First Meeting Today

NEW HAVEN, Feb. 24.—Approximately 45 independent exhibitors are expected to meet here tomorrow in the Film Building, in the first meeting of the group of unaffiliated exhibitors who are attempting to form a new independent exhibitor association, in a split from the Connecticut M. P. T. O.

Future policies of the group and a possible affiliation with Allied are to be discussed. The meeting place is expected to be made the permanent headquarters of the group.



MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Little Lord Fauntleroy"

(Selznick Inter'l-United Artists)

HOLLYWOOD, Feb. 24.—There is substantial merit in David O. Selznick's initial picture under his own banner for United Artists release.

Strictly in the mood which has characterized all of his recent pictures, such as "A Tale of Two Cities," this young producer has turned to the sticky and minor classic of Frances Hodgson Burnett and, by dint of considerable ingenuity and intelligence, has fashioned an attraction which should send parent-teacher associations out cheering and clubwomen into ecstatic raves over this celluloid exploration into motives pure and chivalry untarnished.

Rarely has there been such a set of unblemished characters and infrequently a group of individuals who have thought so well of their fellow man. The story tells of Freddie Bartholomew, son of the son of the Earl of Dorincourt, who married Dolores Costello and into an estate so beneath him parental forgiveness failed to be forthcoming. Comes the day when the boy, Ceddie, and his mother, "Dearest," are called from Brooklyn of the '80s to England, where the last of the Dorincourts is waiting to induct the youngster, now Lord Fauntleroy, into the magnificence of the landed gentry. The condition is "Dearest" cannot live in the great castle.

Freddie, who plays Ceddie, goes and at once captivates the earl, played gruffly and with much hiccoughing by C. Aubrey Smith, to a point where the entire household undergoes a heart-warming change. The only menacing influence in the picture is the rival claim set up by a woman representing herself to be the wife of another son and mother of their offspring, who, therefore is the legitimate Fauntleroy. But Freddie's pals in prosaic Brooklyn recognize the fraud from the newspapers and prove instrumental in puncturing the trumped up charge. Serenity returns to the countryside and "Dearest" into the household.

John Cromwell's direction is sympathetic and intelligent. Young Bartholomew's performance is expert and impressive far beyond his age. Miss Costello, returning to pictures after a lengthy absence, bears the mark of the years lightly and remains lovely to look at and pleasant to hear. Smith makes a very good job of the grumpy nobleman in the style perfunctory with a role of the type. Others who do well include Henry Stephenson, Mickey Rooney, Una O'Connor, Guy Kibbee, E. E. Clive, Constance Collier, Jackie Searl, Jesse Ralph and Helen Flint.

"Fauntleroy" has a definite mid-Victorian flavor reeking from it and that, of course, is traceable to the story which is quite light and nostalgic. If the public will take any "Little Lord Fauntleroy," it will take this one in sizable gobs.

Production Code Seal No. 1,959. Running time, 106 minutes. "G."

K.

"The Walking Dead"

(Warners)

HOLLYWOOD, Feb. 24.—Karloff here delivers an interesting and sinister characterization though the weak story motivation holds the picture to fair entertainment classification.

Edmund Gwenn, a scientist, restores life to Karloff after his electro-

(Continued on page 11)

Rossasy Joins Schwartz

Ben Rossasy, operator of the Adelphi, Brooklyn, has joined a partnership with Lulu Schwartz. The new team plan to build a new 600-seat theatre in Woodhaven, L. I., on the site of the Forest Park. Cost of the structure is estimated at $50,000, with work to start next week.

Grainger Closes Deal

NEW ORLEANS, Feb. 24.—James R. Grainger has closed a three-year franchise deal for Universal product with the Jefferson Amusement Co., which operates in 21 east Texas cities. Grainger is due to arrive in New York Thursday.

Tracy in "Courageous"

HOLLYWOOD, Feb. 24.—M-G-M has assigned Spencer Tracy to the leading role in "Captains Courageous," which Jack Conway will direct. Tracy is also appearing in "San Francisco" and "Mob Rule," and there is a strong possibility that shooting schedules on these three pictures will overlap.

Reserves Dvorak Ruling

HOLLYWOOD, Feb. 24.—Judge Harry R. Archbald has taken under advisement testimony given in the suit of Ann Dvorak for the legal interpretation of her Warner contract. Miss Dvorak was suspended by the studio last Nov. 1.

Short Subjects

"Down the Ribber"

(Radio)

Building up to some humorous moments, this comedy starring Leon Errol is entertaining. While the plot is not novel, the treatment is what will put it over. Errol, having quite a reputation as a practical joker, is planned a counter reception by his brother-in-law and his friends. He arrives in town and joins an automobile club and there his troubles begin. His car is stolen and when he reports the theft he is referred from one department to another. The dialogue here produces the required comic effect with the dumb answers and incompetent acting principals. At the conclusion, after much exasperation, he is inducted into the Ribbers' Club and given his badge. Production Code Seal, No. 1,262. Running time, 21 mins. "G."

"The Goose That Laid the Golden Egg"

(Radio)

This is a good entertaining color cartoon which features the return of Felix to the screen. Felix has the Golden Goose and is solving the depression problem in his town by distributing gold to the needy. However, a villain, Captain Kidd, breaks into the house and makes off with the goose. Felix, ingeniously, after the fashion of cartoons, gets on board Kidd's ship and with a good amount of animated action sequences turns the tables and returns a hero. Production Code Seal, No. 0809. Running time, 7 mins. "G."

"Framing Father"

(Radio)

A standard comedy plot gives this film a bit of interest. Ford Sterling, a hosiery manufacturer, breaks into print in a Broadway column and must answer to his wife, Marjorie Gateson. His son, Kenneth Howell, is really to blame and the triangle revolves about this end, with Dorothy Kent the love interest. Sterling is against his son's wish to marry Miss Kent, and by a bit of smart trickery they obtain his consent and all ends well. Production Code Seal, No. 1776. Running time, 16½ mins. "G."

"Winged Pageantry"

(RKO-Van Beuren)

Remarkable closeups of various sea birds and beautiful photographing of aerial patterns as the birds take wing together with an intelligently spoken accompaniment should put this over with most audiences. The film, after the fashion of natural history efforts, shows the migration, breeding and habits of gulls, cormorants, sea parrots, gannets and the penguin-like murre. Production Code Seal, No. 1,917. Running time, 10 mins. "G."

"Garcia" Plans Halted

SAN FRANCISCO, Feb. 24.—Plans for a special premier performance of "A Message to Garcia" in honor of Col. Andrew Rowan, hero of the Spanish War incident on which the picture is based, are being held up because of the colonel's illness at his home here, where he lives in retirement.

"Ceiling" and Show $38,000 Chicago Lead

CHICAGO, Feb. 24.—Bitterly cold weather held down grosses generally, but "Ceiling Zero," with Horace Heidt and his Brigadiers on the stage at the Chicago, garnered $38,000, over the line by $6,000, for the best downtown showing.

"A Tale of Two Cities," at the Roosevelt, was good for $17,000, which topped par by $6,000. "Miss Pacific Fleet" managed to get $16,800, up by $1,800, with a stage show, at the Oriental.

Total first run business was $119,200. Average is $109,900.

Estimated takings:

Week Ending Feb. 18:

"TALE OF TWO CITIES" (M-G-M)
ROOSEVELT—(1,591), 30c-40c-60c, 7 days. **Gross:** $17,000. (Average, $11,000)

Week Ending Feb. 19:

"ANOTHER FACE" (Radio)
Palace—(2,509), 25c-35c-50c, 7 days. Stage: Al Pearce and Gang. **Gross:** $14,000. (Average, $19,000)
"CEILING ZERO" (W. B.)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Horace Heidt and his Brigadiers. **Gross:** $38,000. (Average, $32,000)
"MISS PACIFIC FLEET" (W. B.)
ORIENTAL—(3,490), 25c-40c, 7 days. Stage: "Continental Cavalcade" revue. **Gross:** $16,800. (Average, $15,000)
"ANYTHING GOES" (Para.)
GARRICK—(900), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $5,500)

Week Ending Feb. 21:

"DANGEROUS" (W. B.)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $5,400. (Average, $4,500)
"THE GHOST GOES WEST" (U. A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days, 2nd week. **Gross:** $9,000. (Average, $17,000)
"THE GREAT IMPERSONATION" (Univ.)
STATE-LAKE—(2,776), 20c-30c-35c, 7 days. Stage: Fifi D'orsay and Paul Ash. **Gross:** $13,000. (Average, $13,000)

"Petrified" Pulls $6,200, Milwaukee

MILWAUKEE, Feb. 24.—"The Petrified Forest," on a dual bill with "Chatterbox," copped high honors at the Warner, grossing $6,200, or $1,200 above par. A premier performance opened the new program on a Wednesday night.

"The Milky Way" and "Timothy's Quest" ranked second with a $5,800 take at Fox's Palace, just $800 above par. Other business was average or below. Feb. 18 brought to a close the coldest 30-day period in the city's history. Since Jan. 19 the average temperature here has been 1.5 degrees above.

Total first run business was $22,700. Average is $23,000.

Estimated takings:

Week Ending Feb. 19:

"THE PETRIFIED FOREST" (W. B.)
"CHATTERBOX" (Radio)
WARNER—(2,400), 25c-40c, 7 days. **Gross:** $6,200. (Average, $5,000)

Week Ending Feb. 20:

"THE MILKY WAY" (Para.)
"TIMOTHY'S QUEST" (Para.)
PALACE—(2,800), 25c-40c, 7 days. **Gross:** $5,800. Average, $5,000)
"DANGEROUS INTRIGUE" (Col.)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: Saul Grauman's "Tunes & Steps." **Gross:** $4,700. (Average, $5,000)
"PROFESSIONAL SOLDIER" (20th-Fox)
"MY MARRIAGE" (20th-Fox)
WISCONSIN—(3,200), 25c-40c, 7 days.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Walking Dead"

(*Continued from page* 10)

cution. Karloff had been railroaded to the chair by crooked politicians and had been innocent of the crime for which he had paid the penalty. The story is concerned with his vengeance on the crooks, who all meet a violent death after their encounters with Karloff, who merely stares at them. Intertwined in the plot is a light romantic theme carried by Warren Hull and Marguerite Churchill with some interest focused on the scientific aspect of reviving the dead.

The cast includes Ricardo Cortez, Barton MacLane, Joseph Sawyer and Henry O'Neil, all of whom give creditable performances. The story and screen play are credited to Ewart Adamson, Peter Milne, Robert Andrews, Lillie Hayward and Joseph Fields. Michael Curtiz directed under the supervision of Lou Edelman. Hal Mohr photographed.

The best selling angle is Korloff's name.

Production Code Seal No. 1,812. Running time, 65 minutes. "G."

"Silly Billies"

(*Radio*)

HOLLYWOOD, Feb. 24.—The bright idea of putting Wheeler and Woolsey in a western fails to work out according to hopes, resulting in the least funny offering of the comics to date, and giving exhibitors little to promise except the usual antics of the buffoons against a new background.

Woolsey plays a dentist going west to make his fortune in the pioneer settlement of Littletown. Wheeler is his assistant who falls moonily in love with school teacher, Dorothy Lee. Richard Alexander, bad man, sells them a building on the eve of the departure of the whole town in the California gold rush. Harry Woods, bad man number two, has arranged for the wagon train to be massacred by Indians. Wheeler and Woolsey ride to warn of the plot, but are accused of being in league with the Indians. Some fairly funny scenes are contrived during the attack on the wagon train when Woolsey uses sponges soaked in chloroform to knock out the savages. Wheeler rides for the cavalry and saves the day. The supporting cast includes Ethan Laidlaw, Chief Thunderbird and Delmar Watson.

A fair sample of the dialogue is in the scene where the comics, drunk, mistake a goat for a patient. "He reminds me of my old man!" sobs Wheeler sympathetically. "Reminds you!" retorted Woolsey. "He smells like mine!" Fred Guiol directed the story which he wrote with Tom Lennon. The screenplay is by Al Boasberg and Jack Townley. Dave Dreyer and Jack Scholl wrote music and lyrics for a rather amusing cowboy song. Lee Marcus produced.

Production Code Seal, No. 1,866. Running time, 65 minutes. "G."

Sussman and Chicago Conferees Get Back

William Sussman, newly appointed eastern division manager for Twentieth Century-Fox, arrived yesterday from Chicago after attending a two-day mid-winter conference with John D. Clark, general sales manager. Clark left yesterday for Hollywood from the Windy City.

Among those returning with Sussman are E. C. Grainger, William J. Kupper, J. A. Clark, Charles E. McCarthy, William Clark, Nat Finkler, Edward Collins, Harry H. Buxbaum, Joe Lee, Clarence Hill, Irving Maas, Jack Bloom, Roger Ferri, Felix Jenkins and Martin Moskowitz.

Jane Withers on Tour

HOLLYWOOD, Feb. 24.—Jane Withers, accompanied by her mother, has left here for Chicago for personal appearances at the Oriental. From there she will go to Detroit and Cleveland. The trip will last a month, after which the youngster returns to do "Public Nuisance No. 1" for Twentieth Century-Fox.

Coast Independents Plan Booking Office

LOS ANGELES, Feb. 24.—Independent exhibitors in this territory are laying plans for the formation of a cooperative booking office. It is believed that through such an office independent theatres might receive benefits which distributors are unable to grant individuals.

Distributors favor rather than oppose the idea, as it will enable them to make deals that would otherwise be unprofitable. A meeting of the exhibitors will be held within the next few weeks. Such an office will not effect the I.T.O. or any other independent exhibitor organization, it is said.

Bartholomew Invited

Freddie Bartholomew, star of "David Copperfield" and "Little Lord Fauntleroy," will be one of the guests of honor and possibly a speaker at the regular Ampa luncheon to be held Thursday at the Astor. Robert M. Brinkerhoff, cartoonist, is also scheduled to speak.

"Surrender," Show Top in Louisville

LOUISVILLE, Feb. 24.—"Sweet Surrender," helped by a stage show headed by Lottie Mayer's water ballet for four days, led the first runs last week, and contributed the bulk of the $5,400 gross at the National. "The Crime of Dr. Crespi" and "Lover Divine" formed the film fare for the other three days.

"The Lady Consents" took a strong $3,400 at the Brown in its second week. This was over normal by $600. "The Petrified Forest" was $100 up on a take of $3,600 at the Mary Anderson.

Total first run business was $26,600. Average is $24,200.

Estimated takings for the week ending Feb. 20:

"TOUGH GUY" (M-G-M)
"THE LONE WOLF RETURNS" (Col.)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $4,800. (Average, $5,500)
"IT HAD TO HAPPEN" (20th-Fox)
"EVERY SATURDAY NIGHT" (20th-Fox)
RIALTO—(3,000), 15c-25c-40c, 7 days. **Gross:** $4,500. (Average, $4,500)
"ANYTHING GOES" (Para.)
STRAND—(1,500), 15c-25c-40c, 7 days. **Gross:** $3,700. (Average, $3,500)
"THE PETRIFIED FOREST" (W. B.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days. **Gross:** $3,600. (Average, $3,500)
"THE LADY CONSENTS" (Radio)
BROWN—(1,400), 15c-25c-40c, 5 days, 2nd week. **Gross:** $3,400. (Average, $2,800)
"SWEET SURRENDER" (Univ.)
"THE CRIME OF DR. CRESPI" (Republic)
"LOVER DIVINE" (G. B.)
NATIONAL—(2,400), 15c-25c-40c, 7 days, split week. Stage: Four days, Lottie Mayer Water Ballet, Gene Gory & Roberta, Jack Lane. **Gross:** $5,400. (Average, $3,000)
"ANNIE OAKLEY" (Radio)
"IF YOU COULD ONLY COOK" (Col.)
"TWO IN THE DARK" (Radio)
"MISSISSIPPI" (Para.)
ALAMO—(900), 15c-25c, 7 days, split week. **Gross:** $1,200. (Average, $1,400)



"Pine" and "Fleet" Big Over Week-end

(Continued from page 1)

Hat," according to Radio-ites. At the Stanley, Philadelphia, a new record opening day was established, it was said. The Memorial, Boston; Hippodrome, Cleveland; Orpheum, Minneapolis; Colony and Unity, Miami Beach; and in Albany and Cincinnati are also showing grosses on the musical which indicate the picture will exceed "Top Hat."

"Road Gang" at the Strand opened to capacity business Saturday, Warners state, and week-end figures are far above those chalked up by "Shipmates Forever," "The Irish in Us" and "Page Miss Glory."

The Rivoli with "Modern Times" continues at a steady pace and will probably end the third week with $50,000, or better.

Attendance and box office records for several houses in widely separated sections of the country are reported for "The Music Goes 'Round and Around" in wires received at the Columbia home office yesterday. Houses reporting exceptional business for the picture were Lincoln, Miami Beach; Brandeis, Omaha; Grand, Evansville; Bijou, Rochester, and Orpheum, Terre Haute.

"Pine" Suit Hearing Postponed by Court

The scheduled hearing yesterday on an order to show cause why a stay should not be issued against the exhibition of "The Trail of the Lonesome Pine" was postponed to Wednesday by Justice Collins in N. Y. Supreme Court.

The show cause order was obtained by Gustavus Simons, attorney for the Trail Co., which claims ownership of certain dramatic and film rights to the work which it contends have not been obtained by Paramount.

Wilk Goes to Coast

Jake Wilk, eastern story head for Warners, left for the coast Sunday to confer with production executives on next season's output. Harry M. Warner already is in Hollywood and Joseph Bernhard, Gradwell Sears and A. W. Smith arrive at the studio today.

Hammond Fisher, creator of Joe Palooka, has been signed to turn out a series of six two-reel cartoons for three years. The company also has signed Rosalind Marquis, a singer who left for the studios yesterday, and Jeanne Madden, another singer, who is en route to Hollywood.

Walk Out at Saenger

NEW ORLEANS, Feb. 24.—The engineers walked out of the Saenger here Saturday afternoon, demanding 42 hours weekly instead of 57. E. V. Richards, circuit executive, who had been seriously ill, surprised employes by appearing at his office in a wheelchair.

Wyler Heading East

HOLLYWOOD, Feb. 24.—William Wyler is en route east to confer with Sidney Howard and Samuel Goldwyn on "Dodsworth," which he will direct for Goldwyn. Jock Lawrence, Goldwyn publicity director, will leave here for the east on Wednesday.

Purely Personal

LEON J. BAMBERGER, ED MCAVOY, HARRY MICHAELSON, FRED SCHAEFFER, DAN FRANKEL, ED FINNEY, F. J. MCCARTHY, A-MIKE VOGEL, JAMES CRON, RAY GALLAGHER, ROBERT HARRISON, JAMES CUNNINGHAM and AL FINESTONE were among the film group from the RKO Building seen yesterday destroying lunches at Jack Lyon's Chop House.

•

DOROTHY SPERO, secretary to ARTHUR GREENBLATT, branch manager of the local G. B. exchange, has just gotten around to telling her friends she is MRS. WILLIAM GOLDBERG. GOLDBERG and his brother MAX operate the 55th St. Playhouse in New York and the Europa, Philadelphia.

•

J. ROBERT RUBIN and LEOPOLD FRIEDMAN arrived yesterday from Hollywood. HOWARD DIETZ did not accompany the lawyers. He's still on the coast.

•

CRESSON E. SMITH returned from a month's tour of Radio exchanges. He says he spent six of the 30 days in bed with a bad cold.

•

EDDIE RUBEN, who has the Pantages, Minneapolis, and Granada, Sioux Falls, is in town for a few days.

•

M. H. AYLESWORTH planed to the coast over the week-end for an indefinite stay.

•

EDWARD G. LEVY, general counsel for the M.P.T.O.A., was a week-end visitor.

•

MAX KRAVETZ, who handles independent production deals, is in from Hollywood.

•

JOHN E. OTTERSON is due back from the coast today.

IRVING LESSER is all excited about the business recorded at the Roxy Saturday. It was the largest day's business in four years, LESSER states, the receipts topping everything since the popular price schedule was placed in effect.

•

DAVID PALFREYMAN left yesterday for Washington and will proceed from there to the annual meeting of the Carolina M.P.T.O. at Pinehurst, March 1 and 2, and the M.P.T.O.A. board meet at Miami, March 4 and 5.

•

ERNST LUBITSCH, accompanied by MRS. LUBITSCH and VIVIAN GAYE, English Actress, will arrive tomorrow on the Century. He is en route to Europe for a vacation.

•

ROBERT YOUNG, having completed two pictures in England, will arrive today with MRS. YOUNG on the *Aquitania*. He will leave for the coast in a few days.

•

OMAR KIAM, who recently completed designing the costumes for "These Three," is in New York on a short vacation.

•

S. S. KRELLBERG is due back from a week of iceberg hurdling at Montreal today.

•

LOUIS ROME, Baltimore exhibitor, in town for a short stay, having returned from his Nassau vacation.

•

PAT GARYN leaves today for a three-week vacation at Miami.

•

OSCAR DOOB returns today from a two-weeks vacation in Miami.

•

ARNOLD VAN LEER is back at Columbia again.

•

MIRIAM HOPKINS is due today from California on the *Santa Elena*.

Dramatists Present Draft of New Terms

The first completed draft of the revised minimum basic agreement between the Dramatists Guild and theatre managers, which was drafted by the guild's contract committee at a meeting on Sunday, was submitted to the council of the guild yesterday and approved by it.

The revised agreement, which is scheduled to become effective March 1, will not be valid, however, until it has been ratified by the guild membership. Ratification is expected at the general membership meeting to be held on Thursday.

Details of the changes covering new methods of bidding for film rights to stage plays, which are covered in the revised agreement, were not disclosed following the council meeting yesterday because of the awaited ratification by the membership.

"Times" Big in Chicago

CHICAGO, Feb. 24.—"Modern Times" opened yesterday at the United Artists here to sensational business. The house opened this morning at 8:30 for the first time in its history, and is running 10 shows daily. The opening day gross was claimed to be the greatest since the last Chaplin film ran at the house.

Bandits Get $12,500

BOSTON, Feb. 24.—Three armed bandits held up the cashier's office of the RKO Boston here last night, and escaped with the day's receipts, $12,500. The office, on the second floor in the rear of the house, is always locked, the three gaining admission by a bold use of the buzzer system.

Robbery Suspect Caught

BOSTON, Feb. 24.—Charles Malkewicz, a local resident, has allegedly confessed to participation in the $12,500 RKO Boston robbery last night. $3,500 was found in his room and tentatively identified as part of the theatre's week-end receipts.

"Obsession" Dallas Hit

DALLAS, Feb. 24.—"Magnificent Obsession" has just completed an unusual run here, with one week at the Palace and three at the Rialto. It was indicated at the Dallas Public Library that the showing of the film stimulated exceptional interest in the novel.

To Play "Times" Feb. 27

NEW HAVEN, Feb. 24.—The Vuono Operating Co. of Stamford, recently denied a mandatory injunction against United Artists for Feb. 14 service of "Modern Times" will play the feature on Feb. 27. Vuono has not withdrawn its $5,000 suit for damages, however.

Grants Examination In Pathe-Casey Suit

Justice John E. McGann in N. Y. Supreme Court yesterday granted the application of the Pathe Studios, Inc., for an examination before trial in connection with its suit for breach of contract against Patrick J. Casey. Also named as defendants were E. B. Derr, Charles E. Sullivan, Clinton J. Scollard and Pat Casey Enterprises.

The complaint alleges that Casey was appointed agent of Pathe Studios in November, 1930, to purchase in his own name for Pathe's account and with funds provided by Pathe the film dialogue and music rights to "Lonely Wives" and "The House of Glass." It also charges that Casey, without Pathe's consent and contrary to instructions, took title to the properties in the name of Pat Casey Enterprises as a conspiracy to defraud the plaintiff. Pathe claims it paid Casey $58,250 and he failed to hand over the rights to the material.

Casey has entered a general denial and further sets forth that this action is not brought in good faith, but to annoy him and discourage him from the prosecution of a stockholder's action which he had previously filed against the plaintiff.

Hoffman Quits Selznick

HOLLYWOOD, Feb. 24.—Renaud Hoffman today tendered his resignation as business assistant to David Selznick. His post has been taken over by Henry Ginsberg, general manager of Selznick International.

Awards Dinner Sellout

HOLLYWOOD, Feb. 24.—The Academy has announced a record sellout for the annual Awards dinner, with every reservation sold out two weeks in advance.

Wall Street

Fox Issues Best Board Gain

	High	Low	Close	Net Change
Columbia, vtc	38	37¼	37¼	—1¼
Columbia, pfd	47¼	47	47	— ¼
Consolidated	6⅜	6¼	6⅜	.....
Consolidated, pfd	19	18¾	19	.....
Eastman Kodak	161	160¼	161	.....
K.-A.-O., pfd	85	85	85	—5
Loew's, Inc.	48⅝	48	48	— ⅞
Loew's, Inc., pfd	106⅛	106⅛	106⅛	.....
Paramount	10⅝	10¼	10⅝	.....
Paramount 1 pfd.	79	78⅜	78¾	— ¼
Paramount 2 pfd.	11⅜	11⅛	11¼	.....
Pathe Film	8	7⅞	7⅞	— ¼
RKO	8⅞	8⅝	8¾	— ¼
20th Century-Fox.	27½	25¾	27½	+1½
20th Century, pfd.	37½	36	37⅜	+ ⅝
Universal, pfd.	66¼	66	66	....
Warner Bros.	13¾	13¼	13⅝	+ ⅛

Little Curb Activity

	High	Low	Close	Net Change
Sentry Safety	1	1	1	— ⅛
Sonotone	3½	3⅜	3¼	.....
Technicolor	25½	24½	25	.....
Trans-Lux	4½	4¼	4¼	— ¼

Keith Best Gain in Bonds

	High	Low	Close	Net Change
General Theatre 6s '40	24	23¼	24	.....
General Theatre 6s '40 ctf	23⅞	23½	23¾	+ ¼
Keith B. F. 6s '46	96	96	96	+ ½
Loew's 6s '41 ww deb rights	103⅛	102⅞	102⅞	.....
Paramount B'way 3s '55	58	57⅝	58	—1
Paramount Pict. 6s '55	94¼	93⅝	93⅞	— ⅛
RKO 6s '41 pp	76	76	76	—2
Warner Bros. 6s '39 wd	96	95	95¼	—1

(Quotations at close of Feb. 24)

The Leading Daily Newspaper of the Motion Picture Industry

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Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 47 NEW YORK, WEDNESDAY, FEBRUARY 26, 1936 TEN CENTS

Big 20th-Fox Stock Shifts Shown by SEC

Chase Active; Kent Cuts Holdings; Goetz Gains

WASHINGTON, Feb. 25.—Extensive shifts of Twentieth Century-Fox stock holdings are revealed in the semi-monthly report of the Securities and Exchange Commission.

S. R. Kent's Berkshire Finance Corp. in September disposed of 2,842 shares, reducing its holdings to 100 shares. Chase National Bank in August acquired 387,377 shares of common and disposed of 1,549,507 shares of A common. Chase National also acquired 774,754 shares of $1.50 cumulative preferred, and at the close of the month held 7,381 warrants for old Class A Fox stock.

Holdings reported for August showed William Goetz, Beverly Hills, to have 214,643 shares of Twentieth Century-Fox common and 55,284 shares of $1.50 preferred, while Darryl F. Zanuck was shown to hold 183,980 shares of common and 21,946 shares of preferred.

Other details of the Twentieth Century-Fox report showed that in November Seton Porter, New York, acquired one share of common, bringing his holdings to 251 shares, and dis-

(Continued on page 4)

Censorship Measure Introduced in Jersey

TRENTON, Feb. 25.—A motion picture censorship bill was introduced in the Senate today by Senator Horace G. Prall, Republican, of Hunterdon. The bill would create a state board of censors consisting of two men and a woman appointed by the governor with Senate confirmation.

Wide powers are given the censors. It would be unlawful to sell, lease, exhibit or lend any film until approved by the board. The board is further empowered to prevent distribution and

(Continued on page 9)

Not Strong Enough

Chicago, Feb. 25.—That Albuquerque dispatch to the effect Ernst Lubitsch "pushed Mae West all around" is all wrong, Lubitsch insisted here today en route to New York.

"It's ridiculous," says Lubitsch; "I'm not strong enough."

Hearing Split Hinders Bills On Copyright

Gene Buck Only Witness As Sessions Open

By BERTRAM F. LINZ

WASHINGTON, Feb. 25.—Dissension among the members of the House Patents Committee as hearings opened today on copyright measures, threatened to make impossible any action on the legislation at this session of Congress.

The hearing, set for the full day, came to an abrupt conclusion shortly after noon when Congressman Church of Illinois criticised Chairman Sirovich for reversing the usual committee procedure of first hearing proponents of legislation, and called attention to the fact that no permission had been obtained from the House to sit during its sessions. Under that rule, Sirovich was forced to adjourn the hearing until tomorrow morning.

A roomful of creative talent greeted Sirovich as he opened the hearings with the announcement that in addition to the Duffy and Daly bills, the committee would consider a measure which he had introduced yesterday. After posing with Rudy Vallee, Irving Berlin and George Gershwin,

(Continued on page 9)

Sabath to Resume Hearings Mar. 11

Open hearings on the RKO receivership and reorganization proceedings will be held before the Sabath Congressional committee in Washington beginning about March 11, Murray W. Garsson, attorney for the committee, said yesterday.

Garsson declined to state what phases of the proceedings would be subjects of the committee's study, but indicated that the acquisition by Lehman Bros. and Atlas Corp. of one-half of RCA's holdings of RKO securities and an option to purchase

(Continued on page 9)

Hearst Papers Make Attack on West Film

SAN FRANCISCO, Feb. 25.—The *Call-Bulletin*, Hearst paper, today launched a heavy editorial attack against "Klondike Annie," playing at the Warfield.

The editorial, among other things, said: "Mae West's 'Klondike Annie' is a disgrace to everyone connected

(Continued on page 11)

U. S. EQUITY SUIT IS FILED IN N. Y.

Grounds Broader Than in St. Louis Action; Ten Corporations and 30 Individuals Are Named—To Seek Early Trial

Carrying out plans he made known when he withdrew the civil action against Warners, Paramount and RKO in St. Louis 27 days ago, Russell Hardy, special assistant to the Attorney General, yesterday filed a similar equity suit, this time in U. S. District Court here.

That the Government was anticipating shifting the scene of the new action from St. Louis to New York was exclusively reported to MOTION PICTURE DAILY on Feb. 10.

All the acts complained of in the original equity action are the same in the new one, according to a source connected with the case, except that the papers filed yesterday are "technically broader, based on more of the statutes involved. In addition to the individual acts, the charges also state the contracts for product for the Shubert-Rialto and Orpheum are in restraint of trade."

In the suit filed yesterday, 10 corporations and 30 individuals were named as defendants. One of the corporations, Paramount Theatres Service Corp., was not named in the St.

(Continued on page 11)

New 2-Month Deal Set on Music Hall

A two-month extension of the agreement under which RKO and RCA are given a participation in operating profits of the Music Hall was agreed upon yesterday and will be submitted to the Federal court here for approval. The current agreement expires Feb. 29 and the extension continues it to April 30.

The agreement allocates weekly and annual profit participations to RKO, RCA and Rockefeller Center under various scales of earnings. The agreement originated in September, 1934, when Rockefeller Center and RCA took over the Music Hall lease from RKO and assumed the operating management. It provides for a joint participation by RKO and RCA on an annual basis of $500 per week in the initial earnings of the Music Hall

(Continued on page 10)

Jefferson Answers Frels Dallas Suit

DALLAS, Feb. 25.—The Jefferson Amusement Co., has filed in Federal court here an answer to the action brought by Rubin Frels, former exhibitor in Victoria, Texas, under the Sherman anti-trust act, charging conspiracy and asking triple damages totaling $504,024. The trial of the suit has been postponed until the May term of the Federal court. Named with Jefferson were East Texas Theatres, Inc., and various major companies.

In its answer Jefferson denies all the allegations in the plaintiff's petition. It declares that in January, 1931, Jefferson concluded that Victoria presented a good opportunity for a the-

(Continued on page 10)

Schaefer Talking Post at Universal

George J. Schaefer, former Paramount vice-president and general manager, will join Universal in an executive capacity if negotiations now in progress are consummated, it was learned yesterday.

The negotiations with Schaefer are being conducted by representatives of Standard Capital Co., which is expected to exercise its option to acquire a controlling interest in Universal within the next week or 10 days. Schaefer will probably occupy a managerial post to be created for him. Reports that he would succeed James R. Grainger as general sales

(Continued on page 11)

More Quints

Hollywood, Feb. 25.—Twentieth Century-Fox is reported negotiating with guardians of the Dionne quints for their appearance in another talker, probably when the children first begin to talk.

"The County Doctor," their first, will be previewed here at the Carthay Circle Wednesday night.

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Motors Show Stirs Few K. C. Protests

KANSAS CITY, Feb. 25.—The General Motors show opened here for a week's run, Feb. 22, with plenty of newspaper publicity, an official blessing from City Manager H. F. McElroy, and general fanfare.

Theatre men grumbled a little about it, but haven't done, and probably won't, do anything.

"We ought to boycott General Motors," said one. "But General Motors could call attention to the fact that theatres have gone into the merchandising business—giving away cars, houses, money, dishes. The only difference is that General Motors gives the show and charges for the merchandise. Theatres charge for the show and, etc."

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•
CIRCLE 7-3100

Insiders' Outlook

By RED KANN

Hollywood, Feb. 25

OF the many good things coming out of Hollywood, "These Three" will rank with the best of the season. The film colony may chortle over the gags recounted at the general expense of Sam Goldwyn and delight in their never-ending and largely legendary flow, but this man has the respect of the individuals who count because he knows how to produce superior films and they know that he does. . . .

▼

"Original story and screenplay by Lillian Hellman," read the credits and nowhere a reference to "The Children's Hour" from which the film stems, with a significant shift in the nature of the scandal. The play's tongue wagging dealt with the relations between two women teachers. The picture concerns the alleged intimacy between Joel McCrea, at the time engaged to Merle Oberon, and Miriam Hopkins. Much of the stage dialogue, as we recall it, and certainly all other major situations have found their way into the film adaptation. Yet, by a craftsmanlike twist, dramatically and expertly improvised by Miss Hellman, the one alteration leaves the original essentially untouched and provides the picture with the power and the impact of the New York version. . . .

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Several times in this area we have chided Goldwyn for purchase of the vehicle. These were recurring evidences of our phobia about buying books and plays only if they lent themselves to the film formula as author and playwright conceived them. The case in point now proves something which gravely damages our first contention. "These Three," very definitely and easily recognizable as a close relation of "The Children's Hour" and, at the same time, pivotally different, tends to substantiate the well-defined producer theory that material often may be worth acquiring if only for an idea, a characterization or a situation. . . .

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The situation here concerns Miss Oberon, Miss Hopkins—college students and chums—and McCrea, small town doctor and the devastation heaped upon them by maliciously glib tongues chattering without restraint. The basic thought is as old as old, but its development here is powerfully different. The scene is a school for girls approaching the adolescent age. Bonita Granville, playing Mary Tilford, is the bully—a pampered child of the rich, arrogant, deceitful and thoroughly despicable. Her influence on the remainder of the class is baneful. . . .

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Caught in a constant series of lies, she faces punishment, terrorizes Marcia Mae Jones, who portrays Rosalie, into complicity, and, taking French leave, returns to her grandmother's house with a vindictive and wholly fanciful tale of oppression suffered at the hands of her two teachers. The other thread of the drama finds McCrea in love with and engaged to Miss Oberon. Miss Hopkins is secretly in love with him to boot. The lie around which the tragic consequences are constructed develops through the simple and entirely innocent incident of McCrea falling asleep in Miss Hopkins' room while waiting for his fiancee. . . .

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Mary Tilford spies through the open door. When her grandmother, played by Alma Kruger, fails to become impressed with the brat's fantastic tales of punishment, the youngster weaves and whispers into Miss Kruger's ear her "fears," her stories of "strange things happening there." Rosalie, completely cowed and intimidated, verifies the story. By telephone, the news is spread, the children withdrawn and personal holocaust at large let loose. Attempts by McCrea to get the truth from the Tilford girl fail and "these three"—McCrea, Oberon and Hopkins—file a libel suit. . . .

▼

Their strongest witness, Miss Hopkins' aunt, fails to appear in answer to a trail of frantic messages and the case is lost. Some months elapse. The poison of the scandal gradually circulates through Miss Oberon until finally she voices her own doubts.

McCrea denies it in accordance with the facts and leaves for Vienna, the romance blasted. Miss Hopkins immediately learns of it, attempts to convey the truth and, for the first time, voluntarily tells her chum of her love for McCrea; then she departs with her aunt by this time returned from abroad. . . .

▼

Conversation between them on the train imparts a clue to the truth and back to the painful scene of the difficulties and to Rosalie goes Miss Hopkins. Mary Tilford's lies are brought into the open and the situation cleared. On a note of sacrifice Miss Hopkins withdraws from the lives of the other two and Miss Oberon hurries to Vienna and McCrea for a happy ending to one hour and thirty-seven minutes of engrossing drama. . . .

▼

The performances of all principals are dignified, forceful and brilliant and the direction by William Wyler from Miss Hellman's excellent script distinguished. Young Miss Granville, as Mary Tilford, delivers in a manner which finds us floundering for an adjective and ending with amazing. In slightly lesser measure this goes for Marcia Mae Jones as Rosalie as well. Even McCrea, who has in the past impressed this department as a merely good-looking bohunk, acts with authority under Wyler's persuasive tutelage. There is charm in the lighter sequences, stalwart drama when the time comes for it and fluidity and flow in the unfoldment of the story. . . .

▼

One note of minor criticism. When the youthful menace finally is tripped in the meshes of her own intrigue and is ordered to her room in open rebellion, the maid gives her one resounding smack across the cheek. Every audience that sees "These Three" will at once hope for more. . . .

FWC Executives Visit WB Studio

HOLLYWOOD, Feb. 25.—Fox West Coast executives and division managers visiting Warner Bros. studio today heard Jack Warner describe several of the 42 pictures which the studio plans to make during the year.

In addition to "Anthony Adverse," "Green Pastures" and "Singing Kid," Warner announced "Three Men on a Horse," "The Charge of the Light Brigade," "Green Lights," "Gold Diggers of 1937," "God's Country," "Robin Hood" and "The Gentleman from Kimberly."

Spyros Skouras spoke briefly, saying that of all the studios visited, none announced a comparable program. He paid tribute to the Warners for having starred Errol Flynn in "Captain Blood."

Others in the party included Edward Alperson, John J. Sullivan, Elmer C. Rhoden, Frank Newman, John Hamrick, Rick Ricketson, A. M. Boles, W. C. Steege and William Gossert.

Among the Warner greeters were Harry and Jack Warner, Andrew Smith, Gradwell Sears, Hal Wallis, Edward Hatrick, Joseph Bernhard Lou Halper, Jack Brower, Harry Mazlich and Edward Selzer.

Aylesworth Coming East

HOLLYWOOD, Feb. 25. — Merlin H. Aylesworth will leave for New York the end of this week, according to present plans. It is understood that Ned E. Depinet and Leo Spitz will remain here several days longer.

Sheehan to Start Later

HOLLYWOOD, Feb. 25. — Winfield Sheehan will not start actual production activities until Walter Wanger leaves General Service Studios, it is understood here.


SOCK!
THE NEXT BOX-OFFICE HEADLINER!
Clark GABLE • Jean HARLOW • Myrna LOY
WIFE Versus SECRETARY
(A Clarence Brown Production of Faith Baldwin's novel. With May Robson, George Barbier, James Stewart, Hobart Cavanaugh. Produced by Hunt Stromberg.)
ROAR LION!

Big 20th-Fox Stock Shifts Shown by SEC

(*Continued from page* 1)

posed of one share of $1.50 cumulative preferred, bringing his holdings to 500 shares. In September, John R. Dillon, New York, acquired one share of common, apparently to qualify as a director; Wilfred James Eadie, New York, acquired 125 shares, apparently to qualify as an officer, and Eadie also was shown to have disposed of 500 shares of A common and to have acquired 250 shares of $1.50 preferred, while Dillon acquired one share of $1.50 preferred and the Berkshire Finance Co. disposed of one share.

Further Details Reported

Other details of the August report show that William C. Michel acquired 311 shares of Twentieth Century-Fox common; H. G. Place, one-fourth share, and Sydney Towell, 309 shares. Michel disposed of 1,242 shares, Place of one share and Towell of 1,234 shares. In $1.50 cumulative preferred Michel acquired 621 shares, Place one-half share and Towell 617 shares. At the close of the month Towell held 7,000 six per cent convertible debentures.

In October, H. Donald Campbell was reported as the holder of one-fourth share of common and one-half share of preferred.

Reports for other film companies showed that during December Albert Warner acquired 166,000 shares of six per cent optional convertible debentures in Warner Brothers' Pictures, bringing his holdings at the end of the year to 1,731,333. He disposed of 4,000 shares of common during the month, reducing his holdings to 59,260 shares.

Cohns Reduced Holdings

Receipts of reports on Columbia Pictures Corp. covering several months was also announced by the commission. In a report for December, Jack Cohn was shown to have disposed of, by gift, 5,089 shares of common through voting trust, reducing his holdings to 32,544 shares, while Harry Cohn sold 300 shares, reducing his holdings to 69,238 shares.

A report for November shows that through a stock dividend, Harry Cohn received 509 shares of common and 23,179 shares through voting trust certificates, and Nathan Burkan received 12 shares of common. Still earlier reports showed that Harry Cohn disposed of 1,100 shares of common through voting trust certificates in October.

Reports on Consolidated Film Industry showed that in December the Setay Co., Inc., New York, disposed of 1,900 shares of $2 cumulative participating preferred, and at the end of the year held 2,098 shares of the preferred and 155,673 shares of common. In November, the company disposed of 2,100 shares of preferred and in October of 700 shares.

A report of the effective registration in April of Universal showed R. H. Cochrane to hold 22,746 shares of common and Samuel Sedran, New York, four shares.

Purely Personal

JEFFREY BERNERD, ARTHUR LEE, WILLIAM FITELSON, HARRY SHIFFMAN, NAT COHN, IRVING WORMSER, CHARLES MOSES, AL HOVELL, MITCHELL KLUPT, LOUIS WEBER, ARTHUR W. KELLY, PAUL LAZARUS, HARRY GOLD, JAMES MULVEY, HASKELL MASTERS, IRVING LESSER, GEORGE BATCHELLER, EDWARD GOLDEN, IRWIN KLEEBLATT, AL FRIEDLANDER and EMIL JENSEN, among those at the Tavern for lunch yesterday.

•

F. JOSEPH HOLLERAN, assistant vice-president in charge of the Times Square branch of the National City Bank, leaves for the coast the end of the week on bank business.

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ABE MONTAGUE will return from Miami in about three weeks when he is expected to name a new manager for the local exchange.

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LEO ABRAMS, manager of Universal's New York branch, has been awarded a diamond stick pin signifying the best sold territory.

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ABE LEFF of the Leff & Meyers circuit is sending exhibitor and branch manager friends boxes of oranges from Miami. It's his usual custom.

•

RALPH BELLAMY will make his stage debut at the Palace, Chicago, Friday. This will be the first of a series of personal appearances for F. & M.

•

WILLIAM WYLER is due here today from Hollywood. He will collaborate with SIDNEY HOWARD on the "Dodsworth" script.

•

SAMUEL GOLDWYN will be guest of honor at a luncheon tomorrow at the Lombardy given by the Ass'n. of Foreign Correspondents.

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ROGER PRYOR will shortly embark on a series of personal appearances which will take him to Boston, Washington, D. C., and Baltimore.

•

EDWARD RUGOFF will leave Saturday for Miami. He plans to be gone about two weeks.

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WILLIAM CAMERON MENZIES is aboard the *Berengaria* en route here with a print of "Things to Come."

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A. K. MILLS, March of Time publicity director, has returned after several weeks in Nassau and Florida.

•

GEORGE BROWNE, head of the I.A.T.S.E., is due from the coast in about two weeks.

•

WILLIAM A. SCULLY is back from the sunny south, all tanned up.

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LOUIS FRISCH and HAROLD RINZLER are Miami-ing.

•

CHARLES MOSES and his wife leave Friday for a West Indies cruise.

•

OMAR KIAM, coast costume designer, is in town for a short vacation.

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S. CHARLES EINFELD is back from Miami.

•

HARRY SHIFFMAN will sail on the *Lafayette* March 20 for a cruise.

•

JOE HORNSTEIN is due back from the south next Monday.

HARRY H. THOMAS is due back today from New Haven where he attended the opening yesterday of the new First Division exchange. MIKE THOMAS is in charge.

•

AL HOWELL, vice-president of Century circuit, will leave Friday for Miami for a two-week fishing vacation.

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. . . Los Angeles

JACK SCHLAIFER, again with United Artists, is rounding out a stay of almost four weeks and hits for the North shortly.

CHARLIE SKOURAS, also SPYROS doing the light fantastic at the Cocoanut Grove.

RAY MILLER, who runs the Robb and Rowley theatres in Pasadena, now five strong, had a narrow squeak driving in from Tucson. A tire blew out.

FRED SCHWARTZ, now on *A. H.*, New York circuit operator, and his bride sail shortly for Honolulu following a stay here. They will reach the east about mid-April.

GEORGE DEMBOW plans to stay on another couple of weeks.

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. . . New Orleans

SCOTT E. CHESTNUT, divisional manager for G. B., is in the city. Back in the days gone by CHESTNUT was a professional baseball player.

HARRY MCLEOD and JACK DUFFY, executives of the St. Charles, have purchased an automobile jointly for use in promotional work.

MILES A. PRATT, president of the St. Charles Amusement Co., ducked the carnival, preferring to spend a couple of weeks in quiet Miami.

•

. . . Omaha

EVERT R. CUMMINGS, A. H. BLANK's district manager, was snowbound for several weeks—but in the district office. He's preparing for a swing around the territory with the country now thawing out.

D. V. MCLUCAS, United Artists branch manager, president of the Film Board and Variety Club, was caught in a blizzard and delayed in Minneapolis for four days.

C. H. SARTORIUS, manager of the Capitol at Hartley, Ia., was the first exhibitor Monday to drive the highways for any distance. He made the 180-mile drive to Omaha in four hours.

BERT THACKER, manager of the Soo at South Sioux City, Neb., has gone to California for the second time, this time to close a deal for a theatre out there.

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. . . Pittsburgh

RUTH SCHWERIN, Pittsburgh girl with the Blackstone Agency in New York, has just announced her engagement to MAX LOEWENTHAL.

SAM HOGINBERG is doing the publicity work at the Art Cinema while MANNIE GREENWALD is opening a new house in Detroit.

MRS. IRA COHN, wife of the 20th Century-Fox exchange manager, is ill in the West Penn Hospital.

ED SEGAL, manager of the Ritz, will become a benedict soon.

DAVE IDZAL, manager of the Fox in Detroit, was in town to catch the N.T.G. unit at the Stanley.

HARRY KALMINE is back on the job again after battling bronchitis at home.

Columbia Sets Deal On Macfadden Shorts

Columbia yesterday completed negotiations with Macfadden Publications for production and distribution of a series of one-reel shorts to be known as the "Court of Human Relations," derived from the publisher's national radio program. Ben Blake will be producer and director of the series.

The deal also gives Columbia rights for this series to all stories published in Macfadden magazines, as well as the radio scripts used in the national broadcasts. Publicity cooperation for the series from the Macfadden publications is also assured, Columbia states.

Warner Executives Meet

HOLLYWOOD, Feb. 25.—The arrival today of Jake Wilk and Max Reinhardt completed the gathering of Warner executives here for conferences on product. Gradwell Sears and Andrew Smith got in yesterday.

Sears and Smith declared that "A Midsummer Night's Dream" will not be released generally this fall due to the success of the road showings. These will continue for another year.

Talk Probe on Award

BOSTON, Feb. 25.—Legislative investigation is being talked here as a result of a statement credited to Louis Berrett that he had to split with a legislator a $2,500 lump sum awarded him by the Legislature as a result of his arrest with Clement Molway in connection with a holdup at the Paramount. Three other men later confessed and were electrocuted.

Rachman Loses His Plea

LINCOLN, Neb., Feb. 25.—The Pardon Board has denied Jules W. Rachman's plea for clemency and parole. Rachman is serving the third year of a 15-year sentence resulting from the shooting of his cousins and business partners, Harry and Sam Goldberg. Harry Goldberg died as a result of his wounds.

Plan Grainger Dinner

Friends and associates of E. C. Grainger, retiring eastern division sales head for Twentieth Century-Fox, on March 9 will tender him a testimonial dinner at the Astor. Moe Sanders, office manager of the New York exchange, is in charge of the arrangements.

RKO Buys L. A. Building

LOS ANGELES, Feb. 25.—RKO has just closed a deal with Gore Bros. for the two-story exchange building at 1,980 So. Vermont St., formerly occupied by Paramount. Remodeling starts at once and it is expected RKO will move into the new quarters in two months.

Vergesslich to Warners

Joe Vergesslich has rejoined the Warner sales force in Atlanta. Up to two years ago, he had been manager of the New York branch. Vergesslich resigned this post shortly after Roy H. Haines was appointed sales head of the metropolitan area.

Sherman Re-Signs Stout

HOLLYWOOD, Feb. 25.—Harry Sherman has signed Archie Stout, cameraman, to a new one-year contract.

Hearing Split Hinders Bills On Copyright

(*Continued from page* 1)

the chairman called Gene Buck, president of Ascap, as the first witness.

Charging repeatedly that the "Power Trust" was behind the Duffy bill, which he said was written by an interdepartmental committee after one hour of hearings, and passed by the Senate with but 13 members present, Buck asserted that Congress "has been sensitized by propaganda from the users of music," including exhibitors, and declared that this propaganda was evidenced in the telegrams received at the Capital, and in the effort of Representative Zioncheck a week ago to have the committee discharged in order that the Duffy bill could be brought up on the floor of the House.

Ascap Collected $4,000,000

Buck revealed that total collections of Ascap last year were slightly more than $4,000,000, of which some $860,000 was secured from film theatres, $197,000 from 1,200 hotels and $2,500,000 from radio stations. His statement that Ascap had never collected from hot dog stands, saloons and similar places was challenged by Representative O'Malley of Wisconsin, who declared that demands had been made upon 10 taverns in his home city of Milwaukee.

Meeting criticisms from members of the committee that the 10-cent tax seemed high for the small house, Buck asserted that houses playing less than three days a week were assessed only five cents per seat.

Ascap's chief opposition to the Duffy bill is based upon the elimination of the $250 minimum damage clause and the provision that the right to produce a picture includes also the right to exhibit it, said Buck.

Referring to the latter provision, he testified, "This means that the creator and the author loses a right. That will be one of the great stumbling blocks in the bill for this nation to join the Berne Convention. You cannot take any right away from a creator and merge it, and still be a party to the Berne Convention."

Buck also objected to the clause calling for a 56-year copyright term. The 28-year term is better, he explained, since the author can retrieve the copyright then and make new disposition of it.

"Congress Being Used"

The picture, broadcasting and hotel industries, he said, are "attempting to use Congress to write their contract with Ascap," and added that "these same forces motivated the Department of Justice to bring action against us for monopoly." The picture industry, he said, should not favor the elimination of the minimum damage clause, because it, too, suffers from infringements and bicycling.

Buck charged that the provision to make the right to exhibit part of the right to produce was asked by the exhibitors "to rid themselves of paying much money for the right to exhibit pictures." This, he claimed, "is going to lead directly to the doorstep of the power trust."

When Buck, concluding his testimony, prepared to introduce Vallee as a witness, Church criticised Sirovich, pointing out also Sirovich's failure to fix any specific time for the hearing of particular witnesses who planned to come from long distances, and called the chairman's attention to his violation of House rules. Shortly after, the session was adjourned.

Sirovich, in an effort to proceed in the face of Church's opposition, questioned Buck on infringement suits, and declared that in 22 years Ascap has collected only $8,800 through such suits. Sirovich told the witness three bills were pending before the committee and asked which he favored. Buck replied, "I favor the Sirovich Bill."

The Sirovich Bill eliminates many of the provisions of the Duffy and Daly Bills. It gives to the copyright owner the right to synchronize his work for use in films, as well as to make or exhibit films, but does not join the right to exhibit with the right to produce. It also provides that copyright shall subsist in dramatizations and picturizations whether or not based in whole or in part upon works in the public domain, but where based on copyrighted material the consent of the copyright owner must be obtained.

Infringement provisions include injunctive relief and recovery of damages by suit or in lieu thereof, statutory damages, which in the case of films would be not less than $250 or more than $20,000.

Censorship Measure Introduced in Jersey

(*Continued from page* 1)

sale of films if they are deemed obscene, immoral or sacrilegious.

A fee of $2 would be charged for examination by the board of each 1200 feet of film, and the same charge would be levied for each print. All funds collected would go to the general state fund. Fines are provided for violations. Jail sentences from 10 to 30 days could be imposed for failure to pay the fine.

The statement attached to the bill declares that it is designed "to prohibit the showing of any films immoral, indecent, obscene, sacrilegious, or which tend to debase or corrupt morals."

The bill was assigned by Senate President John C. Barbour to the Miscellaneous Business Committee, headed by Senator Clifford R. Powell of Burlington.

Sabath to Resume Hearings Mar. 11

(*Continued from page* 1)

the remaining half would probably be a subject for the hearing. Garsson leaves for Washington today.

An application to list an additional $500,000 of RKO debentures was filed with the N. Y. Stock Exchange yesterday. The listing is sought to accommodate holders of part-paid debentures which have become exchangeable for the new.

Warners Sell Samuelson

After being out of the situation for two years, Warners has sold Sidney Samuelson for the Newton, Newton, N. J. The deal was closed by Roy H. Haines, metropolitan manager for Warners.

"Fleet" Sets Record

Hollywood, Feb. 25.—"Follow the Fleet" grossed $22,800 at the Music Hall Saturday for the theatre's largest single day take in its history, according to a wire received here by Ned E. Depinet from W. S. Van Schmus, managing director of the theatre.

Pathe Seeks Ending Of New Spear Suit

CHICAGO, Feb. 25.—With the filing of a new $1,000,000 suit in the last few days, Pathe News yesterday made a motion to dismiss Ivan I. Spear's claim that the newsreel company induced Oliva Dionne to break a contract held with the plaintiff.

Operating as Century of Progress Tour Bureau, Spear contends he had an exclusive arrangement with the father of the Dionne quintuplets which was breached. Pathe moved to dismiss on the ground the complaint doesn't state the cause of action. Two previous attempts by Spear to have this action heard in the local U. S. District Court have failed.

In addition to Pathe, respondents include S. S. Kresge, F. W. Woolworth, NEA, Scripps Howard, Dr. Allen Roy Dafoe and others.

David W. Kahane, brother of B.B. and local legal representative for RKO, will represent Pathe with the assistance of William Savage of the New York office. Luis Kutner is attorney for Spear.

Loew's $15,000,000 Debentures Offered

The public offering of $15,000,000 Loew's, Inc., 3½ per cent sinking fund debentures, due Feb. 15, 1946, was made yesterday through an underwriting group headed by Dillon, Read & Co. The debentures are priced at 99 and accrued interest. The bonds will be redeemable in whole or in part after 30 days' notice at 103 and interest if redeemed by Feb. 15, 1941, and at lower premiums to maturity.

The net proceeds from the sale will be used for the redemption on April 1 of $7,972,500 of the company's 15-year six per cent debentures, and the balance will be used to reimburse the treasury for advances made to subsidiaries for the retirement of debt and preferred stock, and for additions to the company's working capital.

20th-Fox Names Mayer

Charles Mayer has been named Twentieth Century-Fox manager in the Federated Malay States, with headquarters in Singapore. He was named manager in Calcutta a year ago. This appointment follows the promotion of L. B. Steedman, former Singapore manager, to the post of India manager, with headquarters in Bombay.

Pathe Board Meet Off

A regular meeting of the Pathe board scheduled for yesterday was postponed indefinitely because of the absence of Frank F. Kolbe, president, and Robert Atkins, board member, who are vacationing in Florida.



Wall Street

Eastman Best Stock Gain

	High	Low	Close	Net Change
Columbia, vtc ..	37½	36⅞	37½	+ ¼
Columbia, pfd. ..	47¼	47¼	47¼	+ ¼
Consolidated	6½	6¼	6⅜	.....
Consolidated, pfd	18¾	18¾	18¾	— ¼
Eastman Kodak	164	162	164	+4
Loew's, Inc.	49⅞	48½	49	+1
Loew's, Inc., pfd.	106	106	106	— ⅛
Paramount	10⅝	10⅛	10¼	— ⅜
Paramount 1 pfd.	79	78	78	— ¾
Paramount 2 pfd.	11¼	11	11⅛	— ⅛
Pathe Film	8⅛	7⅝	7⅞	.....
RKO	8¼	7⅞	8	— ¼
20th Century-Fox.	28⅛	26¾	27½	.....
20th Century, pfd.	37	35½	36	—1⅜
Universal, pfd ..	66½	65¾	65¾	— ¼
Warner Bros. ...	14	12¾	13	— ⅝
Warner, pfd.	54	54	54	—2½

Curb Issues Off

	High	Low	Close	Net Change
Sentry Safety ...	1	1	1	.....
Sonotone	3¼	2⅞	3	— ¼
Technicolor	25¾	24⅜	24½	— ½
Trans-Lux	4⅜	4⅛	4⅛	— ⅛

Bonds Mostly Down

	High	Low	Close	Net Change
General Theatre 6s '40	23⅞	23	23	—1
General Theatre 6s '40 ctf	23⅞	23	23⅞	+ ⅛
Loew's 6s '41 ww deb rights 103	102⅞	103		+ ⅛
Paramount B'way 3s '55	57¾	56¾	56¾	—1¼
Paramount Pict. 6s '55	94½	92½	92½	—1⅜
RKO 6s '41 pp...	76½	76	76½	— ½
Warner Bros. 6s '39 wd	95¾	95	95	— ¼

(Quotations at close of Feb. 25)

Miriam Hopkins Returns

HOLLYWOOD, Feb. 25. — Miriam Hopkins changed her plans in Guatemala when the *Santa Elena* arrived there from California, and went to Mexico City, whence she flew back here.



Out Hollywood Way

HOLLYWOOD, Feb. 25. — MERVYN LE ROY looking forward to that European trip starting from New York, March 18. It's for rest purposes. He'll be away a couple of months . . . JULES LEVY due in from Honolulu the end of the week. BOB MCNEILL and the missus came down from San Francisco for the Santa Anita Handicap. Everyone was there, including JACK KRINDLER of "21" . . . HOWARD BENEDICT likes the life here, but turns restless when the theatre season gets going back East . . . JACK BARNSTYN hopes to start for New York shortly. Here on production matters. . . . LYNN FARNOL will stay for one more Pickford broadcast then hie himself to Gotham. Mrs. FARNOL's here with him . . . EDDIE GRAINGER hopes to go abroad after another picture or two for Universal. He's now finishing "Sutter's Gold" . . . CHARLIE ROGERS is probably the hardest man to reach in Hollywood . . . NICK and JOE SCHENCK, DARRYL ZANUCK, SAM BISCHOFF, NAT FORBSTEIN, GEORGE DEMBOW, EDDIE SELZER, LOUIS SOBOL, JESSE LASKY and EDDIE GOULDING just a few at the Clover Club early Sunday morning.

✚

Columbia exercises option on IRVING BRISKIN for another 12 months, making it his sixth year with the company . . . ANITA COUNIHAN, under contract to Radio, to be ANITA COLBY hereafter. . . . She is starting in "Mary of Scotland."

✚

MEL ABBOTT, formerly in charge of script analysis for Radio, made assistant to SID ROGELL, studio manager . . . IRWIN SHORE due here to start writing contract for Radio . . . JIMMY GRIER and orchestra signed by Radio for "Small Town Girl."

✚

MADELEINE CARROLL and CHARLES BOYER met ANTON LITVAK at the train . . . Both have worked for him . . . Pickford-Lasky company offering $600 for trade mark idea . . . JAMES HILTON postpones trip to England to work on "Camille" script for M-G-M . . . May also work on "Goodbye Mr. Chips."

✚

GRETA GARBO expected back from Sweden middle of March . . . CHARLES WINNINGER suffering from a wrenched knee . . . SIR JOHN LAVERY, noted artist, to paint portrait of NORMA SHEARER as "Juliet" . . . ERIC ALDEN, Selznick International player, father of a seven-pound girl . . . WALTER PIDGEON, just signed by WALTER WANGER, cast in "Big Brown Eyes" . . . JERRY MANDY cast as waiter in in "Brazen," also WANGER.

✚

GINGER ROGERS writes words and music for "I Don't Understand Why You Don't Understand Me," to be published by IRVING BERLIN . . . FRED ASTAIRE rehearsing six hours daily for "Never Gonna Dance," Radio . . . JOHN BLYSTONE planning trip around the world . . . BRUCE HUMBERSTONE vacationing at Lake Arrowhead . . . ALBERT E. LEVOY and his bride, former ELLA ARNOLD, to Honolulu for three-week honeymoon.

✚

Castings—Additions to "The Unguarded Hour," M-G-M, are: DUDLEY DIGGES, AILEEN PRINGLE and JESSIE RALPH . . . LIONEL BARRYMORE in "Mob Rule," also M-G-M . . . BURNS and ALLEN added to "Three Cheers for Love," Paramount . . . FRANK ALBERTSON cast in "Mob Rule," M-G-M . . . HERMAN BING and HARRY WOOD in "Human Cargo," Twentieth Century-Fox . . . GENE LOCKHART set for "The First Baby," same studio . . . LEON ERROL signed for untitled LAUREL and HARDY feature, HAL ROACH . . . GEORGE MARION, JR., cast in "Job," Twentieth Century-Fox.

✚

ETIENNE GIRARDOT added to "Lightning Strikes Twice," Twentieth Century-Fox . . . DOUGLAS WALTON borrowed from SAMUEL GOLDWYN by Radio for "Mary of Scotland" . . . WILLIAM B. DAVIDSON in "Big Business," Warners . . . BEULAH BONDI in 'Hearts Divided," same studio . . . JACK SANTOS in Republic's "The Girl from Mandalay" . . . MARTHA RAYE, night club singer, assigned to "Rhythm on the Range," Paramount.

✚

Directors—GEORGE STEVENS and DUDLEY NICHOLS get new term contracts at Radio . . . MITCHELL LEISEN re-signed by Paramount . . . HENRY KING, who directed "The Country Doctor," signed for three more years by Twentieth Century-Fox . . . DAVID HOWARD assigned to "The Mine with the Iron Door," Republic . . . RICHARD BOLESLAWSKI signed by DAVID O. SELZNICK for "Dark Victory."

✚

Writers—JOHN LEE MAHIN gets new term pact at M-G-M . . . Can also act in any of his stories, if he wishes . . . MAUDE FULTON doing final revision of dialogue for "The Girl from Mandalay," Republic . . . ROBERT LEE JOHNSON and JOSEPH GRAHAM collaborating on "Sitting on the Moon," also Republic.

✚

Story Buys—WILLSON CULLISON's "Save a Lady," acquired by Radio . . . EDWARD HARTMAN's "Twinkle, Twinkle" purchased by Radio.

✚

Title Change—"U. S. Smith" changed to "Pride of the Marines," Columbia.

Donald Duck New Editor

There has been an editorial shake-up over at the office of the *Mickey Mouse Magazine*. Donald Duck, that sterling comedian who boasts that he is one of Richard Watts, Jr.'s favorites, has been made editor-in-chief, succeeding Mickey. Heckled by newspaper reporters, Donald, according to the Horne publicity, broke down and admitted that it was his unquestioned ability that brought about his appointment.

Young Suit Is Delayed

Argument is scheduled for March 10 in the Appellate Division of the N. Y. Supreme Court on the plagiarism suit for $2,000,000 filed by James Young against RKO Pathe Pictures. Meanwhile William Savage for RKO Pathe has filed briefs in support of a motion for dismissal.

Young contends that the picture "What Price Hollywood?" is based on his book "What Price Sex in Hollywood?"

Jefferson Answers Frels Dallas Suit

(*Continued from page 1*)

atre location, and at the time did not know Frels. The house was opened in April, 1931, Frels at the time operating the Victoria and the Uptown. Since Frels had licensed practically all of the product for the 1930-31 season, Jefferson had available only 41 films, being required to take 43 films from prior seasons.

Reviewing in detail the licensing situation for the seasons 1930-31 to 1934-35 inclusive, Jefferson sets forth that it licensed 970 first run pictures of the major companies and Frels licensed 865 films, but points out that if Frels had licensed films from several of the major companies during those seasons which had been offered to him, and which he refused, Frels would have licensed during the five-year period a total of 1,072 pictures from the majors.

For the same period, according to the defendant's answer, taking into consideration the product of all distributors, Frels licensed a total of 1,396 pictures, and Jefferson a total of 1,131. During the period, it is claimed, Frels refused to license a total from all companies of 291 pictures, of which 207 were the product of major companies. It he had licensed all the product available to him, the answer declares, Frels would have had a total of 1,687 pictures.

The defense contends in its answer that these figures prove Frels licensed more pictures than he played and was offered more than he licensed, both first and subsequent run, answering the plaintiff's charge that he could not obtain sufficient product. It is claimed that during the five-year period Frels licensed a greater percentage of the major companies' product than did Jefferson.

The answer declares also that in May, 1934, Jefferson opened the Rita, a second Victoria house, because oil fields were opened and the city's population had substantially increased, and that the action was taken entirely independently of any other of the defendants in the suit.

New 2-Month Deal Set on Music Hall

(*Continued from page 1*)

and an initial rent participation of $700,000 per year for Rockefeller Center. Provisions for additional participations for all three are made in the event of profits in excess of the initial requirements.

No split-up of the profits has been made since the agreement became operative and the participation of the three interests, consequently, have been increased by two-thirds since the end of the original agreement on Sept. 1, 1935.

N. M. Schenck East Soon

HOLLYWOOD, Feb. 25.—Nicholas M. Schenck probably will leave for New York the end of the week. His brother, Joseph M. Schenck, will be in the party.

Powers Acquires Comic

The Gene Byrnes newspaper comic, "Reg'lar Fellers," will be part of the expansion of P. A. Powers and will be released as Celebrity short.

U. S. Equity Action Filed In New York

(Continued from page 1)

Louis case. All the individuals are new, the former action having been limited to nine companies, six of which were subsidiaries.

The action is an application for temporary and permanent injunctions to restrain Warners, Paramount and RKO from allegedly withholding product from the Ambassador, Missouri and New Grand Central in St. Louis. F. & M. operates the three houses.

Para. Contracts Specified

In addition, the complaint points out that Paramount "has been entering into contracts with corporations affiliated with the lessees of the Ambassador, Missouri and New Grand Central for films at the Manchester and Balboa, Los Angeles; the Strand, Long Beach, and the Studio-Phoenix, Phoenix, Ariz. Warners, the papers state, have been doing business with the Roxy, New York, and in continuance of the alleged conspiracy, neither Paramount nor Warners will sell the theatres mentioned.

The 10 defendant companies are: Warner Bros. Pictures, Inc., The Vitaphone Corp., First National Pictures, Inc., Vitagraph, Inc., Warner Bros. Circuit Management Corp., General Theatrical Enterprises, Inc., Paramount Pictures Distributing Co., Inc., Paramount Pictures Distributing Corp., Paramount Theatre Service Corp., and RKO Distributing Corp.

The 30 individuals are: Harry M. Warner, Albert Warner, Herman Starr, Abel Cary Thomas, Gradwell Sears, Joseph Bernhard, Maurice Silver, Andrew W. Smith, Jr., Lester Krieger, Clayton Bond, Roy H. Haines, Nat H. Brower, Robert Hicks, Byron F. Moore, of Warners; Adolph Zukor, John E. Otterson, Neil F. Agnew, Charles M. Reagan, Ralph LiBeau, Maurice Schweitzer, Carroll Peacock, Myke Lewis, of Paramount, and George J. Schaefer, Ralph Kohn and Samuel Dembow, Jr., formerly of Paramount; Ned E. Depinet, Jules Levy, Cresson E. Smith, Bernard J. McCarthy and Louis Ellman, of RKO.

Subpoenaes to Be Served

About 45 witnesses will be called by the Government, it was said, and it is estimated the hearings will not run longer than a month.

Walter Rice, assistant to Hardy, last night completed arrangements for serving the complaints and subpoenaes. Hardy, who arrived Monday afternoon, returned to Washington last night. Rice will go back today. Both plan to return here next week.

Representing the Government in the new hearings will be Hardy, Rice, Harold L. Schilz, William Benham, John S. Claggett, John Herberg and Grant Kelleher. Paramount will not bring on Samuel W. Fordyce or William R. Gentry from St Louis. Louis Phillips of the Paramount home office legal staff will most likely handle the case for his company alone. Both Fordyce and Gentry represented Paramount in the criminal action last October and November. Fordyce was ill during the civil case and was not on hand at any time.

Warners may call in former Senator James A. Reed, who with Frederick H. Wood, acted in both cases. Wood will again represent the company in the new hearings. Robert W. Perkins of the company's home office staff, who aided importantly in assisting Reed and Wood, is in Hollywood, and is expected back in time for the new hearing.

George S. Leisure of Donovan, Newton, Leisure & Lumbard, will probably represent RKO alone. It is doubtful that Jacob M. Lashly, St. Louis attorney, who worked on both cases, will be called to assist on the new action.

Take New York Quarters

Temporary offices have been established by Hardy and Rice in the new Federal Bldg., opposite the Municipal Bldg. According to the Government men from Washington, permanent headquarters will be established in about a week or so in the same building to prepare for the hearings. Preliminary reports have it the case may be heard by Judge John C. Knox.

The complaint cites the history of the case starting in 1932. The total assets of the three companies involved are listed as $767,237,638.39, as taken from financial statements of Warners, Paramount and RKO as of Aug. 25, 1934, and Dec. 31, 1933. It is contended that during the period of the alleged conspiracy Warners had 581 theatres; Paramount, 976; RKO, 254, or a total of 1,811. The percentage of pictures produced by eight major companies from 1932 to 1935 is listed as: Warners, 16; Paramount, 17; RKO, 13; Columbia, 10; Fox, 15; M-G-M, 13; Universal, 10; United Artists, 6. The three companies involved are said to have turned out 46 per cent of the total, according to the complaint.

Signing the complaint are Homer S. Cummings, Attorney General; John Dickinson, assistant to the Attorney General; Lamar Hardy, U. S. Attorney; Russell Hardy, Rice and Schilz, special assistants to the Attorney General.

After a six and one-half week trial, the nine Warner companies, Harry M. Warner, Starr, Sears, Depinet and Schaefer were acquitted by jury of indictment charges in St. Louis. On Jan. 6, the Government brought the first equity suit before Judge Joseph West Molyneaux of Minneapolis and this case was withdrawn by Hardy after the court had refused to permit into the record certain testimony by Harry C. Arthur, complaining witness. The hearings lasted about four weeks.

Looking 'Em Over

"The Farmer in the Dell"

(Radio)

A wholly human, and often highly amusing story of the farmer who landed in Hollywood and pictures, and thereby almost lost his home and happiness, interwoven with a youngster romance and a measure of drama, this picture should be found engaging entertainment almost wherever played.

It is actually a yarn of one central character, and the player, Fred Stone, by this production, should considerably enhance his popularity with picture-goers. Comparisons with Will Rogers here are inevitable, and it cannot be said that Stone suffers particularly by such a comparison.

Taken from the novel by Phil Stong, the story has Stone selling his Iowa farm and with his wife and daughter, Jean Parker, moving to Hollywood, an idea entirely his wife's. Frank Albertson, Miss Parker's fiance, follows them on a hint from Stone that he did the same when he was a youngster. There is considerable amusement in the first visit of Stone and his daughter to a studio, the purpose of their moving to Hollywood, a career for their daughter, suddenly becoming clear to Stone. Accidentally, on the set of a farm picture, Stone is drafted to help, and is given a large contract as a result.

His wife becomes ambitious, and during his absence on location, she fits out the family like millionaires, and Albertson is in danger of losing his sweetheart, who is taken with a bogus Russian nobleman. Stone's bewilderment on his return home is a highlight of the film, but, thoroughly mad, he straightens out his household and happiness results. Robert Sisk was associate producer, and Ben Holmes directed.

Production Code Seal No. 1,991. Running time, 68 minutes. "G."

Hearst Papers Make Attack on Mae West

(Continued from page 1)

with it. Paramount and Will Hays' office should be ashamed to allow it to be shown to the public."

Both the Hearst papers here, the *Examiner* and *Call-Bulletin*, are refusing to accept advertising on the picture.

A. M. Bowles, F. W. C. head here, is now in Los Angeles, and George Smith, manager of the Paramount exchange, refuses to make any statement.

Bay State Sets Back Vote on Beano Bill

BOSTON, Feb. 25.—The House has recommitted a bill to prohibit Beano to the Committee on Legal Affairs. It was felt in some quarters that the bill should be reframed so as to restrict the game to churches and charitable agencies.

An amendment to limit prizes to a $100 top was proposed by Representative Lawrence Curtis.

Schaefer Talking Post at Universal

(Continued from page 1)

manager of the company were authoritatively denied. It was stated that Grainger had been asked to remain with Universal following the change in control.

West coast reports that official notice of Standard's intention to exercise its option had been given Universal already were denied by officials of both companies yesterday. Little doubt remains, however, that the option will be lifted in advance of its expiration date, March 14.

Gardner's Mother Passes

COLUMBUS, Feb. 25.—Marie E. Gardner, 67, mother of John Bernard Gardner, local Paramount salesman, died at the St. Francis Hospital after an 18 months' illness. Burial was at Saginaw, Mich. Gardner's father died Jan. 31.

Mrs. Emma Boyd Dead

CINCINNATI, Feb. 25.—Mrs. Emma Boyd, mother of Cliff Boyd, manager of the RKO Shubert, died last night. Burial will be at Fort Thomas, Ky., tomorrow. Boyd and a daughter survive.

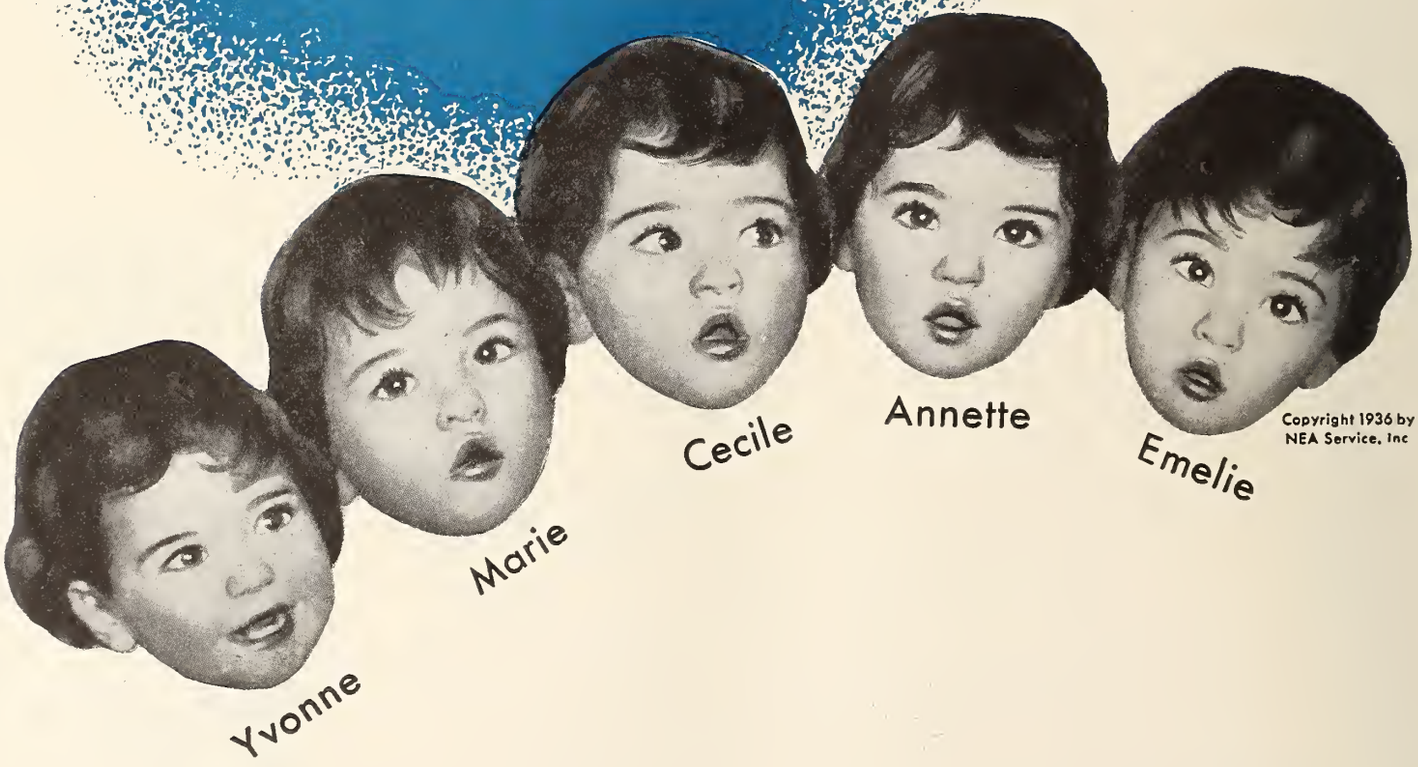
"Pasteur" at $24,000

"The Story of Louis Pasteur" in its second and final week at the Strand grossed approximately $24,000.

The Paramount garnered slightly over $50,000 for the opening week of "Trail of the Lonesome Pine," while "Modern Times" in the third stanza at the Rivoli chalked up about $38,000.



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MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry In All Branches

VOL. 39. NO. 48 NEW YORK, THURSDAY, FEBRUARY 27, 1936 TEN CENTS

Copyright Is Barely Heard In Wrangling

Threats to Impeach and "Challenges" to Fore

By BERTRAM F. LINZ

WASHINGTON, Feb. 26.—Threats to impeach a Federal judge, "challenges" to produce alleged victims forced illegally to pay Ascap fees, and general bickering among members of the House Patents Committee marked today's hearing on copyright legislation.

Except for a revelation by Gene Buck, Ascap president, that the "power trust" which he said yesterday was behind the Duffy Bill, was represented by the North American Co., which is backing the development of wired radio in Cleveland, there was little discussion of the copyright legislation itself.

Buck's attack on wired radio was set off by Representative Lanham of Texas, who asked regarding the provisions of the Duffy Bill. "Nothing in this bill disturbs us more," the witness declared. "It is my opinion they are liable to be eminently successful, because there are millions of people kicking on the quantity of ad-

(*Continued on page 8*)

Chaplin Film Pulls $167,000, 3 Weeks

For the three weeks ending last night, "Modern Times" grossed a total of $167,000 at the Rivoli. For the first week, the take was $65,000, exclusive of $5,000 checked in for the opening night. The second week's tally approximated $55,000 and for the third week, ending last night, the gross was close to $42,000.

Indications are that the Chaplin film will run another three weeks, following which it will be booked into the Loew metropolitan circuit.

Decision Reserved On Stay for "Pine"

Decision on an order to show cause why an injunction should not be issued restraining Paramount from exhibiting "The Trail of the Lonesome Pine" was reserved by Justice Collins following a hearing in N. Y. Supreme Court yesterday.

The injunction is sought by the Trail Co., which claims ownership of certain dramatic rights to the production. Paramount contends that it has owned all of the essential film rights to the play since 1915.

Legion of Decency Opposes Law Against Block Booking

WASHINGTON, Feb. 26.—Opponents of block booking legislation today were given the support of the Legion of Decency, which sees in the measures pending in Congress "grave danger of political censorship."

In a formal statement by the administrative board of the National Catholic Welfare Conference following its midyear meeting, it was held that block booking has a business as well as a moral side and insofar as it is a purely business matter it is of no concern to the organization. So far as the moral side is concerned, the Legion is interested, it was said and will continue to work, as in the past, through public opinion.

Commending the producers for their cooperation in elevating the moral tone of the screen, the board warned against legislation in which "one law may lead to another" and result in the establishment of a bureaucracy. "The Legion of Decency sees in legislative measures not a means of securing a wholesome screen but rather a grave danger of political censorship," it was declared. "There would be the danger of political appointees interpreting the provisions of the law in a bureaucracy so as to set up moral standards of films. There would be danger also of appointees being influenced by political pressure in their interpretations.

"The Legion of Decency has had one simple, clear objective, to insure for the public, as legitimate recreation, a

(*Continued on page 6*)

Standing Room

Youngstown, O., Feb. 26.—An unusual "fire" disturbance without a fire occurred at the Dome here recently when a boy upset a fire extinguisher on which he was standing. The discharged contents struck a radiator, and the resulting cloud of steam caused other boys nearby to raise the "fire" cry. Fire officials have been summoned to investigate. The show continued without interruption.

Independent MPTO Is Formed in Conn.

NEW HAVEN, Feb. 26.—The Independent M.P.T.O. of Connecticut was organized yesterday at a meeting of exhibitors seceding from the Connecticut M.P.T.O.

Joseph A. Davis, acting chairman, appointed committees on by-laws, nominations and membership, which will report to the group at the first regular meeting in the newly-leased clubroom in the film building on March 10. It is expected that at that time about 50 exhibitors, or 75 per cent of the total number of independent exhibitors in the state, will elect officers and draft by-laws for the oper-

(*Continued on page 6*)

Schaefer Calls "U" Reports "Premature"

George J. Schaefer, former vice-president and general manager of Paramount, yesterday declined to comment on the possibility of his appointment to an executive post in Universal other than to describe the story as "premature." Discussions looking toward such an appointment when Standard Capital Co. exercises its option to purchase a controlling interest in Universal have not been concluded yet.

Schaefer arrived yesterday from Florida and left last night for Washington where he will spend a few days. He will return to New York before he goes back again to Florida.

Soundmen Meet Set For March in N Y C

HOLLYWOOD, Feb. 26.—Jurisdiction of studio soundmen will be definitely arbitrated in New York during March, it was stated here today. Jurisdiction of first cameramen was settled here yesterday at a private meeting with producers. Approximately 100 special effects cameramen joined the I. A. T. S. E. This settlement cleans up all problems affecting the closed shop contract, with the exception of the soundmen.

Actors, laborers, painters and scenic artists have joined forces to fight for the inclusion of a basic studio agreement at the March meeting.

Directors' By-laws Revision Completed

HOLLYWOOD, Feb. 26.—Major Joseph O. Donovan, business manager of the Screen Directors' Guild, has completed revision of the organization's by-laws as suggested by members and the board of directors at a recent meeting.

He will call a meeting of the directors next week for approval of the revisions.

K.C. Indies Take Zoning Row to Court

File Trust Suit Against Fox Midwest, Majors

KANSAS CITY, Feb. 26.—Local independents have filed suit in Federal court here asking temporary and permanent injunctions to prevent the operation of the zoning schedule set up by Fox Midwest last fall. The defendants are Fox Midwest, with 12 local houses, and Paramount, Universal, Twentieth Century-Fox, M-G-M, Columbia, Radio, United Artists and Vitagraph.

Based on the anti-trust law, the petition charges the arbitrary zoning eliminates the competition of the plaintiffs with the circuit's houses, which have the choice of run in every zone. Restrained from buying until Fox had its choice of pictures and availability, the complaint says the independents were forced to take contracts Fox and the distributors had determined for them, thus preventing

(*Continued on page 8*)

Papers Are Served In Equity Action

William P. Sears, deputy marshal, yesterday began serving the 40 corporate and individual defendants in the Government's civil suit against Warners, Paramount and RKO for allegedly withholding product from the Ambassador, Missouri and New Grand Central in St. Louis.

The papers served yesterday were copies of the original complaint filed in the U. S. District Court here Tuesday. Subpoenas for about 45 witnesses will not be issued until a hearing date has been set by the court. Respondents in the action have until March 16 to file answers.

Although attorneys for the 10 companies involved accepted service in

(*Continued on page 6*)

Hunt Stromberg Has New 5-Year Ticket

HOLLYWOOD, Feb. 26.—With two years still to go on his current contract, Hunt Stromberg has been signed by M-G-M to a new five-year deal, giving him a seven-year term as producer.

Metro's action is recognition of Stromberg's work on such outstanding productions as "Naughty Marietta," "Rose Marie" and "The Great Ziegfeld."

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Fairbanks, Jr., at Ampa

In addition to Freddie Bartholomew and Robert M. Brinkerhoff, guests at the meeting of the Ampa today at the Astor will include Douglas Fairbanks, Jr., William Wyler, the Kelly Sisters and Lynch and John Connery.

Clark Discussing Meet

HOLLYWOOD, Feb. 26.—One of the purposes of John D. Clark's visit here is to confer with Darryl Zanuck on dates for the annual sales convention of Twentieth Century-Fox. Clark is slated to return east in about a week.

Swedish Actress Weds

LONDON, Feb. 26.—Jack Donahue, American band leader, was married today to Solvei Jenny, Swedish film actress.

MOTION PICTURE DAILY
Is now located in its new offices at
ROCKEFELLER CENTER
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CIRCLE 7-3100

Looking 'Em Over

"The Country Doctor"

(*Twentieth Century-Fox*)

Even without the quintuplets this would be an exceptional picture—a fine, human story, balanced to a nicety between tears and laughter. With the five babies it is a screen masterpiece. The word is used advisedly.

It is a picture that will linger long in the memory—meaning the memories of exhibitors as well as audiences. For theatre men everywhere, it will be one of those monumental money-makers they like to look back upon year after year with fond hopes of playing another like it.

The story is as dramatic as life itself. It is shrewdly based on the element of sacrifice in the life of a country doctor, with little material reward in prospect, who ushers babies into the world under the most trying conditions; fights to preserve their lives with contagion spreading under the overwhelming menace of a northern winter with communication blocked and medicine running low; fights again for proper hospitalization when he visits Toronto, and finally in a supreme achievement brings the quintuplets into the world. Dr. Dafoe is almost a deified figure in the hearts of millions today, and Jean Hersholt does a masterly job in presenting his conception of the doctor's finer qualities on the screen.

The characterization is a blend of gentle humor, modesty, intense devotion to duty. He seems to be what the world thinks Dr. Dafoe is—a hero without heroics. Just the gentle shadings of his voice bring tears to the eyes at times.

As the long winter sets in and the lumberjacks have gone, the doctor battles a diphtheria epidemic almost hopelessly until a crippled lumberjack gets in touch with Montreal over his amateur radio. The doctor's nephew, Michael Whalen, responds by plane, thereby introducing a note of romance when he falls in love with June Lang, daughter of a village functionary, who has volunteered as nurse. Through these dark days Dorothy Peterson is the only nurse available. Her portrayal is unforgettable.

The doctor incurs the enmity of the heads of the lumber company which controls the village when he makes a public appeal at a medical banquet. A young doctor is sent in to take his place and he is about to leave his beloved countryside when the father of the quintuplets appeals to him for help. In the meantime it has been learned that the doctor has no license. Slim Summerville, constable, goes to arrest the doctor, but stays to assist at the birth. This scene will live as a classic. It has tremendous suspense, heart-warming humor, tenderness. It is extraordinary.

The story is credited to an idea suggested by Charles E. Blake, with the screen play by Sonya Levien. Darryl Zanuck and Nunnally Johnson, the former as production head and the latter as associate producer, undoubtedly had a hand in the wise blending of its elements. All concerned deserve credit.

Henry King's direction is superb. The world has been told of the problems he encountered. Unquestionably the world—especially that portion of it which devotes its attention to production—will applaud the results.

The quintuplets appear only in the closing sequence. They are remarkable. They have personality, beauty, childish abandon in the presence of strangers.

Production Code Seal No. 1,976. Running time, 95 minutes. "G."

J. M. J.

20th-Fox Sets Dividend

The board of directors of Twentieth Century-Fox yesterday declared a quarterly dividend on the preferred stock of 37½ cents per share, payable March 31 to stockholders of record March 14. The preferred stock was issued in August, 1935, and carries an annual dividend of $1.50 cumulative from Jan. 1, 1936.

Pantages Will Filed

LOS ANGELES, Feb. 26.—Alexander Pantages left his entire estate to his widow, Lois Pantages, under the terms of his will filed today. No valuation was mentioned.

Ampa Truth Dinner In Studio Setting

The Ampa will hold its annual Naked Truth Dinner on March 14 in a film studio setting in the main ballroom of the Astor. Lights, cameras, drops and all the rest of the studio paraphernalia will decorate the room, and Naked Truth sketches will be presented on studio stages spotted all over the floor.

A hidden newsreel camera will "shoot" the guests as they enter, and the result will be shown at a special midnight screening. Ralph Stone and his orchestra will play, and Ampa authorities vow and declare there will be *absolutely* no speeches.

New Hearst Attack Hits West Picture

BALTIMORE, Feb. 26.—The Hearst papers here, the *Baltimore News-Post* and *Sunday American*, have instituted an editorial broadside against the Mae West picture, "Klondike Annie," and have refused to accept advertising on the film from any theatre. The advertising was accepted up to and including Sunday, when a sudden policy switch brought the denunciation and refusal of advertising.

The film opened Saturday at Keith's and is still running. It was passed by the Maryland censors. The editorial, captioned, "A Filthy Picture," scores Will Hays for permitting the film and Paramount for producing it. The editorial concludes: "The only way of influencing such producers is by the people showing that pandering to the lewd elements of the community is not profitable." The attack is coincidental with similar action by the *Call-Bulletin*, San Francisco Hearst paper. Other Hearst papers are expected to follow the same line as the film opens in various cities.

Warner-B. & K. Pool Details Decided On

CHICAGO, Feb. 26.—Details of the pooling arrangement between Warners and B. & K. whereby the former will take over the Paramount at Hammond, Ind., have been completed. The arrangement will go into effect March 1.

Larry Stein will be district manager for Warners and Sonny MacDonald will be manager of the 2,000-seat house. Tom Bonk has been moved from the Orpheum here to serve as assistant manager and Paul Marlowe takes Bonk's place at the Orpheum.

Critics Awards Sunday

New York film critics will hold the presentation of their awards for the outstanding screen achievements of last year Sunday at the Ritz-Carlton. The awards will go to "The Informer" as the year's best picture; to John Ford for the best direction; to Greta Garbo and Charles Laughton for the best performances, and to Ben Hecht and Charles MacArthur for the script most suitable for reading, "The Scoundrel."

Mrs. Elmer Pearson Dead

Mrs. Emily B. Pearson, wife of Elmer Pearson, who has been associated with the industry for many years, died yesterday in the emergency ward of Bellevue Hospital, where she was taken on Tuesday when stricken suddenly. She was 50 years of age.

Funeral will take place tomorrow at 1 P.M., from the Campbell Funeral Church.

Rites for Lennox Pawle

HOLLYWOOD, Feb. 26.—Funeral services for Lennox Pawle, actor who died here last Saturday night, were held Tuesday. Pawle died in his 65th year. His last picture role was in "David Copperfield." He is survived by a daughter, Mrs. Dermott Darby, of New York.

C. A. Phillips Passes

PROVIDENCE, Feb. 26.—Charles B. Phillips, who formerly ran the Rialto, is dead.



'The Singing Cowboy', **DICK FORAN,** gallops to the fore again in **'SONG OF THE SADDLE',** the second of Warners' new western series which has had such an enthusiastic reception from the trade. This is a melodic thriller designed for action fans who like their villains bad, their heroes musical, and ever the twain shall meet. Alma Lloyd supplies the charm, Addison Richards the drama, Charles Middleton and Eddie Shubert the villainy, and Louis King the colorful direction that go to make this film noteworthy in its field.
A First National Picture. Released Feb. 29th.



"A box office knockout in the first round. It will delight all manner of audiences, critical or casual, with its high comedy, effective pathos, genuine feeling and fine dramatic unfoldment, and will clean up financially from the acers to the subsequents because of its sheer merit and irresistible human appeal."
—DAILY VARIETY

•

"The most charming motion picture I have ever seen. It will be a sweeping triumph everywhere. David O. Selznick again shows the way." —Jerry Hoffman, UNIVERSAL SERVICE

•

"The picture is refreshing and brilliantly accurate. Freddie Bartholomew and C. Aubrey Smith should be contenders for the 1936 Academy Award." —Grace Wilcox, DETROIT FREE PRESS

•

"This is a notable production. Freddie Bartholomew's 'Little Lord Fauntleroy' is truly marvelous. A perfect screen story, rich sets, beautiful photography, stunning costumes, colorful music, fine sound, a grand cast and superb direction of John Cromwell." —Robb Wagner, SCRIPT

•

"David O. Selznick has given an incomparable production that would wring the heart of a stone image. It is the perfect picture for Dolores Costello Barrymore's come-back. Freddie Bartholomew tops his 'David Copperfield' appearance."
—Alice Tildesley, PUBLIC LEDGER SYNDICATE

SELZNICK INTERNATIONAL
presents

Little L

FREDDIE BARTHOL

***with* C. AUBREY S**

R E L E A S E D



" 'Little Lord Fauntleroy' is greater than 'David Copperfield'. I have never been so thrilled by the performance of any human being as by the portrayal of 'Ceddie' given by Freddie Bartholomew. David O. Selznick again shows the way to the rest of the film world. —Jimmy Starr, Los Angeles HERALD-EXPRESS

•

"David O. Selznick's initial production for his own Selznick International puts that organization in the production front rank at one bound. A picture of the widest audience appeal. It is box-office of large proportions and should spell prosperity for all concerned." —HOLLYWOOD REPORTER

•

" 'Little Lord Fauntleroy' is another triumph for David O. Selznick. Laughs and tears are expertly woven into a cinematic fabric that resolves itself into magnificent entertainment patterned for both mass and class appeal." —BOX OFFICE

•

"A picture of such surpassing excellence that it must be rated as one of the finest achievements in screen history.
—Carl Schroeder, SCREEN BOOK

•

"A four-star plus picture in which every member of the cast excells. —Marion Rhea, SCREEN PLAY

•

"One of the most charming, heart-warming pictures of the year, with Freddie Bartholomew at his ingratiating best."
—Ruth Waterbury, PHOTOPLAY

RD FAUNTLEROY

STARRING

W • DOLORES COSTELLO BARRYMORE

GUY KIBBEE • MICKEY ROONEY • HENRY STEPHENSON

David O. Selznick production

DIRECTED BY JOHN CROMWELL

R U UNITED ARTISTS

Purely Personal

LEON NETTER, Felix Jenkins, Lou Weber, Arthur Mayer and E. C. Grainger, huddled at one table; Leo Moskowitz and Bob Goldstein at another; Jeffrey Bernerd, Arthur Lee, George Weeks, William Feitelson and A. P. Waxman, grouped in a corner, and scattered at other tables at the Tavern yesterday were Ed Thorgesen, Lew Lehr, Al Friedlander, Jack Trop, J. H. Hoffberg, Jack Lait, Dan Frankel, Ken O'Brien, Gregory Dickson, Moe Streimer and Haskell Masters.

•

E. C. Grainger, William Sussman and William Kupper leave tomorrow for Washington to attend the hearings on the Pettengill Bill. Edgar Moss left Philadelphia last night for the Capital. Joe Unger also leaves tomorrow for the sessions.

•

Walter Vincent will start southward Saturday to attend the Carolina M.P.T.O. meeting at Pinehurst and the M.P.T.O.A. directors' meeting at Miami next week, following which he plans to remain in Florida for a brief vacation.

•

Dr. Allan Roy Dafoe, physician to the Dionne quintuplets, the stars of "The Country Doctor," arrived in town yesterday for a short holiday.

•

Joe Vogel has gone to Boca Grande, Fla., where he will join E. A. Schiller for a few days and then head for Miami.

•

Isaac Levinson of the Warner legal department has been home ill for the last few days.

•

Jack Alicoate left for Miami yesterday and Joe Pincus will head for the same resort over the week-end.

•

Merian C. and Mrs. Cooper arrive today from a trip through Europe on the *Conte di Savoia.*

•

Eddie Ruben of Minneapolis leaves for home today after a few days around town.

•

Henry King was laid up yesterday with a bad cold. He plans to go to Miami sometime next week.

•

Douglas Fairbanks, Sr., sailed yesterday on the *Aquitania,* fooling even the ship reporters.

•

R. H. Cochrane joined the industry delegation at Washington yesterday.

•

C. W. Bunn, Erpi general sales manager, returns Saturday from a lengthy coast visit.

•

M. H. Aylesworth is expected back from the coast within the next few days.

•

Morris Ruffman, Warner lawyer, returned yesterday from a cruise.

•

Harry Moskowitz has returned from a short trip to Chicago.

•

Whitford Drake, Erpi vice-president, is due in on the *Berengaria* next Tuesday from a five-week business and vacation trip to England.

•

Freddie Bartholomew will make a radio appearance tomorrow night at 8 o'clock over WHN.

•

Paul Graetz, comedian, of "Mr. Cohen Takes a Walk" has been given a long-term contract by Warners.

•

Boris Morros is due to arrive from the coast tomorrow for conferences with Paramount executives.

•

. . . Los Angeles

Al Bowman, who operates the Glassell in Eagle Rock, is blowing himself to a new marquee, new carpets and new projection equipment. He is also changing the name of his house to the La Salle.

Sam Decker, district manager of First Division in the Detroit territory, who has been here for several weeks lining up product, will leave for home soon.

Bill Nagle, exhibitor from Gallup, N. M., who is here to buy, has been laid up with flu since he got to town. . . .

•

. . . Toronto

Joe Franklin and Mrs. Franklin are enjoying the tropical pleasures of Miami. Among other Toronto film men vacationing at the Florida resort are Oscar Hanson, president of Empire Films, Ltd., Sam Firestone of the Aster Theatre, Sam Ulster of the Embassy, Charlie Rottenberg of the Chateau and Abe Polakoff of the Mayfair. Mrs. Harry Gunsler, wife of the Iola's manager, is also there.

Jules Bernstein, manager of Loew's and Mrs. Bernstein, have motored to California. Harry Braden and Mrs. Braden are also on the coast. Braden manages the Kenmore, Hamilton.

Donat Paquin, owner of three houses in Ottawa and Hull, is back from Bermuda.

Mrs. Sam Lester, wife of the owner of the Doric, Toronto, has sailed for England.

Legion of Decency Opposes Law Against Block Booking

(Continued from page 1)

wholesome screen against which there would be no objection on moral grounds," the statement said. "Its strongest weapon has been an aroused public opinion and public opinion will continue to be the most effectual safeguard against salacious films. The Legion of Decency regards public opinion as a much safer guide than would be any regulations made by political appointees in a Federal agency.

"The national Legion of Decency has not dealt with the exhibitor, but with the producer. To deal with the former would mean conducting campaigns on 12,000 fronts rather than confining it to one front—the producers.

"The Legion has not dealt with questions that have not at least a moral implication. Block booking, however, as it involves a moral question—that is, to force exhibition of salacious pictures—should be dealt with. Local groups in such cases should sustain the exhibitor, not merely by protest, but in any legal action taken against the producer.

"The Legion urged the producers to allow a cancellation of pictures produced prior to July 15, 1934, when there was a protest on moral grounds. Such cancellations have been authorized. Before the opening of the campaign of the Legion of Decency it is said there were few if any complaints against block booking by exhibitors when there was a question of salacious pictures which are financially profitable. The producers have invited reasonable and constructive criticism which must be of benefit morally to the public which seeks entertainment in films.

"Since there has been a marked improvement in the moral tone of pictures effected through public opinion, it seems reasonable to let the good work go on. The Legion of Decency will continue to be vigilant and to urge that all groups maintain an active interest in the moral significance of pictures."

Independent MPTO Is Formed in Conn.

(Continued from page 1)

ation of the new body. The purpose of the organization is defined as "promoting the interests and welfare of the strictly independent and unaffiliated theatre owners of Connecticut."

Committees appointed are: by-laws, Harry L. Lavietes, chairman; Joseph Reed, Joseph Schulman, Samuel Bailey; nominations, Ralph Pascho, chairman; George Comden, Barney Calechman, and Michael Tomasino; membership, Al Schuman, chairman; Lavietes, Leo Schapiro and Morris Schulman. Davis serves ex-officio on all committees.

Professor Predicts Early Stereo Films

Boston, Feb. 26.—Professor Clarence Kennedy of Smith College in Northampton is credited with the statement that he believes stereophotography will make its appearance in the motion picture field within the next 12 months.

Professor Kennedy is now making three-dimensional still photographs for college use. More than 500 views have been taken to date. He is using polarizing apparatus developed in cooperation with Edwin H. Land of this city, the inventor.

Shift Building Check

The Fire Department today resumes inspection of buildings in the city under the provisions of two bills signed yesterday by Gov. Lehman, transfering the Bureau of Combustibles from the Department of Buildings back to the Fire Department.

Fields Starts "Poppy"

Hollywood, Feb. 26.—W. C. Fields, completely recovered from his recent illness, has started work in "Poppy." Rochelle Hudson and Richard Cromwell are also featured.

Papers Are Served In Equity Action

(Continued from page 1)

most instances, few individuals were served, most of them being out of town. In the Warner group, Herman Starr and Clayton Bond were served, as were John E. Otterson and Charles M. Reagan of Paramount and Cresson E. Smith of RKO.

Walter Rice, special assistant to the Attorney General, yesterday left for Washington after spending two days here on the case. He is scheduled to return next week with Russell Hardy.

Louis Phillips of Paramount, Stanleigh Friedman of Warners, William Mallard of RKO and Frederick H. Wood of Cravath, de Gersdorff, Swaine & Wood late yesterday afternoon conferred for about two hours on the latest developments in the civil action, but decided after the meeting not to issue a statement.

A. F. A. Meets Tomorrow

The American Federation of Actors will hold its annual nominations meeting tomorrow at 11 P. M. in Union Church. Rudy Vallee, president of the organization, will preside and he is expected to announce the members of the nominating committee which will submit the official ticket for eight council terms expiring in May.

New Studio Chartered

Sacremento, Calif., Feb. 26.—Associated Cinema Studios today filed incorporation papers listing 2,000 no par shares. Directors are Victor Ford Collins, Arnold M. Cannan, Claire Jordan, Vida Lee Debona, and William Manns, all of Los Angeles. It is reported a local millionaire concern is backing the venture.

Wall Street

Majority on Board Slightly Off

	High	Low	Close	Net Change
Columbia, vtc	38	37½	37½	.....
Consolidated	6⅜	6¼	6¼	— ⅛
Consolidated, pfd.	18½	18½	18½	— ¼
Eastman Kodak	160¼	160	160¼	— ¾
Loew's, Inc.	49⅛	48¼	48¼	— ¾
Loew's, pfd	105½	105½	105½	s15
Paramount	10¼	9⅞	10	— ¼
Paramount 1 pfd.	77⅞	76½	76½	—1½
Paramount 2 pfd.	11	10⅝	10⅝	— ½
Pathe Film	7¾	7¾	7¾	— ⅛
RKO	8	7¾	8	.....
20th Century-Fox.	27⅜	26½	27⅜	— ⅛
20th Century, pfd.	36½	36⅛	36¼	+ ¼
Universal, pfd.	66⅛	66	66⅛	+ ⅜
Warner Bros.	12⅞	12½	12½	— ½

Technicolor, Sonotone Curb Gains

	High	Low	Close	Net Change
Sentry Safety	1	1	1	.....
Sonotone	3⅛	2⅞	3⅛	+ ⅛
Technicolor	25⅜	24½	25	+ ½
Trans-Lux	4⅛	4	4	— ⅛

Little Bond Activity

	High	Low	Close	Net Change
General Theatre 6s '40	23	22½	22¾	— ¼
General Theatre 6s '40 ctf.	23	22½	23	— ⅞
Keith B. F. 6s '46	96	96	96	.....
Loew's 6s '41 ww deb rights	102⅞	102⅞	102⅞	— ⅛
Paramount B'way 3s '55	56⅝	56	56	.....
Paramount Pict. 6s '55	93	92½	92½	.....
Warner Bros. 6s '39 wd	95	94½	95	.....

(Quotations at close of Feb. 26)

"FLASH GORDON" ROCKETS WAY TO SCREEN IN STIRRING ADVENTURES ON STRANGE PLANET!



Buster Crabbe

Jean Rogers

Charles Middleton

Scenes from "Flash Gordon," Universal chapterplay

Buster Crabbe, as Flash, Makes the Conquest of Mongo

Flash Gordon has risen to the third plane of his eventful existence. First he made his way from Alex Raymond's mind and brush into the newspaper strip read by millions of people. Then he rocketed up to the mysterious planet of Mongo. Now he has hurtled his adventure-blazoned orbit to motion picture screens across the entire country.

"Flash Gordon" has been given the proportions of a living person in a Universal chapterplay of the same name, the character being portrayed by Buster Crabbe. All the breath-taking incidents of Flash's stirring career have been enacted before the camera and will soon be shown in this city at your favorite theatre.

According to advance information from Hollywood, the sequences retain the vivid highlights of the original narrative. The rocket ship makes its dangerous trip to the strange world of Mongo. Flash and his friends against Dale Arden.

Dr. Zarkov invent his miraculous rays and machines, including the apparatus that makes Flash invisible. All the splendors and marvels of Ming's awe-inspiring palace have been reproduced. Vultan's City in the Sky looms up in shining magnificence, declares the Universal studio bulletin.

King Thun battles against Flash, who conquers his air armada. Kala's Shark Men hold Flash captive in the underwater kingdom, where he subdues the Octoses. Strange beasts like the Gocko are defeated in terrific struggles with Flash.

Ray guns spew forth streams of destruction. Rocket ships hurl devastating bombs at rival ships. The sub-

graph. How the cameramen performed all their magic remains a secret of the studios, never to be revealed.

Besides Buster Crabbe as "Flash Gordon," the cast includes Jean Rogers as Dale Arden, Charles Middleton as Emperor Ming, Priscilla Lawson as Aura, Frank Shannon as Dr. Zarkov, John Lipson as Vultan and Richard Alexander as Prince Barin.

The miracles of the heavens and Ash, cameraman, astronomer and expert illusionist. It was Ash who devised the method of showing planets hurling through space as if they were apples thrown by a schoolboy. He planned all the electrical machines and the special effects for the film.

Stated as a scientific formula, Buster Crabbe plus Jerry Ash equal Mongo and further, into the imagination of moviegoers of this country.

IT'S A UNIVERSAL SERIAL OF COURSE!

Watch for this page! Syndicated to the greatest newspapers in the world!

Copyright Is Barely Heard In Wrangling

(Continued from page 1)

vertising that you get in the reception of the artists."

In wired radio, he explained, the programs are offered from records, for which the creator of the composition receives a royalty of two cents, which must be split with his publisher. Asked by Lanham if the extension of wired radio would not result in unemployment among artists and musicians, he said it would parallel the situation in film theatres. "There is unemployment in theatres outside the metropolitan cities because producers put everything on the film," he declared. "The basic interest of the power companies is to sell more power."

Questioned by Representative O'Malley of Wisconsin as to his salary as president of Ascap, Buck said he received $35,000 a year, but added that for many years he did not get anything.

Pressed by the Wisconsin Congressman to explain the form of contracts which Ascap uses, Buck promised to furnish for the record copies of contracts with film, radio, hotel and other licensees, but insisted that he also be permitted to introduce copies of contracts between producers and exhibitors and between the electric companies and the broadcasters.

Burkan and O'Malley Clash

Today's fireworks began when Nathan Burkan, Ascap counsel, took the stand and delivered an oration which O'Malley said was a lecture aimed at him. Burkan bitterly criticized conditions in Wisconsin and said a Federal judge had thrown out 17 cases brought by the organization and threatened the Ascap attorney if he did not stop bringing cases. Representative Daly of Pennsylvania thereupon assailed any judge who acted improperly and promised to bring the matter upon the floor of the House. O'Malley said Daly had misquoted him and a general squabble ensued.

Reverting to his charge of yesterday that small tavern keepers in Milwaukee had been mulcted by Ascap, O'Malley asked Burkan to explain and the Ascap counsel challenged the Congressman to produce the alleged victims, promising to pay their expenses if they were brought to Washington. These allegations, he explained, are part of the "fabricated, false, malicious charges" which have been injected into the issue.

Burkan also went into the history of the Government suit charging Ascap with monopoly and asserted that during the hearings last June he showed by the Government's own witnesses that piracy was rampant in the broadcasting industry and the Government thereupon secured an adjournment of the trial because, he said, it found that those it was attacking were not the "racketeers."

He also introduced a bulletin of the National Ass'n. of Broadcasters to show that Justice Department men had been consulted with respect to the contracts broadcasters were to make with Ascap and asserted that the Government had no right to interest itself in the matter.

The first coherent explanation of Ascap's objections to the Duffy Bill was given by Deems Taylor, composer and music critic, who said that "the $250 minimum is the rock upon which Ascap rests."

Taylor explained that the Duffy Bill would eliminate the amount of damage a copyright owner had suffered through infringement. It would cost $100 or more to bring suit. On the basis of Ascap receipts the charge for each use of a copyrighted composition is about four cents. After conclusively showing infringement, he said, the court might make an award based on the charge, leaving the copyright owner a moral victory and a financial loss.

Beano, Sweepstakes Lotteries in Mass.

BOSTON, Feb. 26.—The Massachusetts Supreme Court has declared that Beano and Sweepstakes are lotteries, in upholding the ruling of Judge Daniel Gillen of Municipal Court here that the Beano game organized by the Brookline General Hospital was a violation of state laws.

Acting Attorney General James Ronan has declared he will launch a statewide drive against all such games. The decision is seen here as probably indicating the fate of Bank Night, which is now before the courts.

Giveaways Gain in Cleveland

CLEVELAND, Feb. 26.—Bank Night and Movie Sweepstakes continue to flourish in local theatres without interference in spite of Police Prosecutor Perry A. Frey's warning two weeks ago that he was going to crack down on them, and on all types of giveaways. Max Kaplan of the Grand Central, who filed complaints against Bank Night users, has gone in for two-for-ones at his house.

Isaac-Shearer Test New Sound Devices

HOLLYWOOD, Feb. 26.—Lester B. Isaac, in charge of sound and projection for the Loew circuit, is collaborating with Douglas Shearer, recording director at M-G-M, in a series of demonstrations and experiments with the new Raven screen in conjunction with the push-pull system of recording and the Shearer horn.

The Raven screen is of metal. It has tiny louvres, similar to the vents on the sides of an automobile hood, only much smaller, which allow the sound to come through the screen without distortion and also without dimming the picture.

Pick Joe E. Brown's Next

HOLLYWOOD, Feb. 26.—Joe E. Brown will appear in "Earthworm Tractors" as his next picture for Warners, with production scheduled to start late in March. June Travis and Carrol Hughes have also been cast, and Ray Enright will direct under the supervision of Sam Bischoff.

Koenig on Serials

HOLLYWOOD, Feb. 26.—Ben Koenig, former Film Board secretary in Milwaukee, and one time attorney for the M.P.T.O. of Wisconsin, is now head of the serial department at Universal where his brother, William, is studio general manager.

ITOA Men to Study Diesel Generators

Following unsuccessful efforts to secure reductions in theatre rates from the New York Edison Co., the board of directors of the I. T. O. A. yesterday authorized David Weinstock to make a survey of local theatres for the installation of Diesel engines in a number of houses.

An official of the exhibitor organization stated that theatre men installing Diesel engines will be guaranteed the cost of light and power will not exceed one cent a kilowatt hour. This compares with five and six cents a kilowatt which now prevails. The Edison company, it was said, promised a new schedule of rates for theatres which would effect savings, but when the plan was announced exhibitors found bills increasing.

Maurice Fleischman, chairman of the board, presided. Leo Brecher, who is in Florida, and Ben Roman were the only board members absent from the meeting.

Boston Arrests Made

BOSTON, Feb. 26.—The arrest today of Edward Leland, James Stunkel, Ritch Stunkel and George Stockman is believed to have cleared up the robbery last week-end of the RKO Boston, when $12,500 was taken by armed bandits.

Charter Kentucky Firm

LOUISVILLE, Ky., Feb. 26.—Ritz Theatre, Hickman, Ky., capitalized at $1,000; has been incorporated by J. Dee Henry, E. B. Wiley and Joe Wiley.

K.C. Indies Take Zoning Row to Court

(Continued from page 1)

buying in an open market. Independents in practically all zones must play behind the circuit's houses with the same admission, it is charged. The complaint details specific instances of the alleged unfair zoning schedule. It is charged also that prior to the time the zoning was set the distributors informed the independents that they would not be able to furnish them with product except under the terms of the schedule. The independents as a result were forced to agree to the plan, complaint states.

The plaintiffs and their theatres are: Emanuel Rolsky, St. John and National; Edwin S. Young, Roanoke and Central; Charles Esterly, State and Prospect; Frank T. Mountjoy, Circle; H. F. Pautz and H. C. Rhode, Sun; Abe and Rosa Baier, Lindbergh; Saline Theatre Corp.; C. H. Potter, Baltis and Admiral, and Murray and H. H. Barrett, Ritz.

Set Play in Portland

PORTLAND, ORE., Feb. 26.—J. J. Parker Theatres on Feb. 29 will open a 12-scene stage play, "Life Begins at Sixty," at the Mayfair here, dropping pictures temporarily. The play, written by Will Maylon and George Stone, and based on the Townsend Plan, will be presented by the Maylon and Stone Road Co.



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Proponents of Block Booking Bill Have Say

Raise Cry of "Big Eight" Domination at Hearing

By BERTRAM F. LINZ

WASHINGTON, Feb. 27.—Raising again the cry of "Big Eight" domination, representatives of social organizations and independent exhibitors today launched a concerted attack at block booking and blind selling before the Neely sub-committee of the Senate Interstate Commerce Committee.

Because of block booking, it was asserted, bad pictures are being launched upon communities which do not want them, exhibitors are receiving no assistance from distributors in meeting the demands for better pictures, the number of features produced annually has been cut, and the number of producers has been reduced, it was stated.

Today's hearing, running until late in the afternoon, practically disposed of the testimony of the advocates of the Neely-Pettengill Bill, and tomorrow, after hearing two or three women's organization representatives, the committee will call upon opponents, headed by Charles C. Petti-

(*Continued on page 6*)

Fairbanks, Jr., Not To Produce "Table"

Douglas Fairbanks, Jr., has indefinitely postponed production plans for "Knights of the Round Table," he stated yesterday, because M-G-M has claimed prior rights on all the King Arthur stories. He is now negotiating for another story which he expects to announce prior to his sailing for England in three weeks.

Douglas Fairbanks, Sr., who sailed Wednesday for London to attend the Grand National races at Aintree, is slated to return immediately after the big event.

"Fleet" at $105,000 For Its First Week

"Follow the Fleet" chalked up a swell take of $105,000 for the first week at the Music Hall. Preliminary estimates indicated the Astaire-Rogers musical would garner from $100,000 to $110,000.

The second week of "Prisoner of Shark Island" at the Center ended with about $9,000. "Bohemian Girl" at the Rialto was good for around $7,500.

Ascap Pleads For Retention Of $250 Fine

Finishes Arguments In Copyright Hearing

WASHINGTON, Feb. 27.—Representatives of Ascap today concluded their arguments before the House Patents Committee with a fervent plea for retention of the $250 minimum damage provision of the present copyright act as the only barrier to "millions of piracies" which Gene Buck, Ascap president, declared would occur if this bar were lifted.

Alleged double collections from the film industry were injected into the hearing today by Congressman O'Malley of Wisconsin, who has harassed witnesses throughout the hearings with sharp questions as to their demands on tavern keepers in his district. For the first time, Buck today admitted that infringement suits have been brought against barrooms with radios to entertain patrons, as O'Malley repeatedly asserted had been done, and Buck and Nathan Burkan, attorney for Ascap had strenuously denied.

His first objective reached when the Ascap head admitted that tavern keepers had been threatened with suits, O'Malley moved into the exhibition field with a charge that double taxation exists and that the society discriminated between neighborhood

(*Continued on page 6*)

St. Louis Theatres Await Game Ruling

ST. LOUIS, Feb. 27.—Local theatre men are awaiting with interest the outcome of the proceedings brought in the Missouri Supreme Court at Jefferson City by G. E. McKean, state representative for Bank Night. He seeks release from charges that he violated the lottery laws in operating Bank Night in a Fredericktown, Mo., theatre. Arrested Dec. 24, 1935, he has since been under the technical custody of the sheriff of Madison County.

Attorney General Roy McKittrick and McKean's counsel have agreed to

(*Continued on page 5*)

Anti-Trust Suit in K. C. to Judge Otis

KANSAS CITY, Feb. 27.—The restraint of trade suit filed by 13 independent theatre owners here Tuesday against Fox Midwest and major distributors is in Judge Merrill E. Otis's division of the U. S. District Court.

To Bring Back Hits

Indianapolis, Feb. 27.—First run managers have one means of outwitting the weather. They'll bring back several attractions which played during the recent record-cracking cold wave and look to mild weather to insure more generous takings than were possible during the storm. Included will be "Rose Marie," "Ceiling Zero," "Captain Blood" and "Anything Goes."

Advance Sales Get Approval In New Pacts

The sale in advance of motion picture and stage production rights to plays, when consummated simultaneously, is permitted in the new basic agreement between playwrights and producing managers, which was approved unanimously by the Dramatists' Guild at a membership meeting at the Shelton Hotel yesterday. The agreement will be effective March 1 and will run for two years.

The guild has forbidden the sale in advance, heretofore, but under the new agreement, if the film and stage rights to an unfinished play are disposed of simultaneously, and with the knowledge of the producing manager, it now becomes an approved practice. If both play and picture rights are sold by the author to a film company, it must be in accordance with a new form of standard contract to be devised which, however, would give the author a percentage of the earnings of both the play and picture.

The new agreement revises the manager's participation in the sale of

(*Continued on page 11*)

Merian Cooper Back; Will Supervise Four

Returning with his wife, Dorothy Jordan, from a four-month trip abroad, Merian C. Cooper, executive vice-president in charge of production for Pioneer Pictures, yesterday stated he will supervise the four all-Technicolor films the company will produce for United Artists' release next season. He also added he might make one in England, but this was indefinite.

Cooper said he could not tell what would be his first upon his return to the coast until he had conferred with

(*Continued on page 5*)

Thalberg to Get New Term M-G-M Pact

Will Produce Virtually On His Own

By RED KANN

HOLLYWOOD, Feb. 27.—Irving Thalberg is about to sign a new long term contract with M-G-M which virtually will set him up in business on his own, but with finances and distribution supplied by the organization with which he has so long been prominently identified.

With three years to go on his current contract, it is understood the new agreement will run for 10 years. It will not be a renewal of the partnership arrangement with J. Robert Rubin and Louis B. Mayer under which Thalberg now functions and under which the three have been splitting profits for a number of years, but a direct contract with M-G-M.

It is expected to provide that Thalberg will produce with his own unit on the M-G-M lot, but with the studio's personnel, manpower and technical facilities available at all times. Attorneys are now going over the context and phraseology of the contract. The deal is declared to be so close to completion that signatures are expected to be affixed momentarily.

This is the chief piece of business which brought Nicholas M. Schenck west three weeks ago. The fact that he plans to leave for New York next week seems to indicate the deal will be closed before then. Joseph M. Schenck probably will accompany his brother east.

Legion's New List Passes 128 Films

The National Legion of Decency, in its second nationwide list of classified pictures, notes as unobjectionable for general patronage 128 of 225 films listed. Fifty-seven are called "unobjectionable for adults," 37 as "objectionable in part" and three are condemned. The list is prepared under the direction of the New York Archdiocesan Council of the Legion of Decency, with the cooperation of the M. P. Bureau of the International Federation of Catholic Alumnae.

Additions to the first complete list, published in MOTION PICTURE DAILY on Feb. 5, and divided into classifications, follow:

Class A, Section 1, Unobjectionable for General Patronage—"The Crime

(*Continued on page 5*)

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JAMES A. CRON, *Advertising Manager*

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Jersey's Governor Will Address Ampa

Governor Hoffman of New Jersey will be the principal speaker at a joint meeting of Ampa and the Cheese Club which will be held at the Astor next Thursday, Gordon White, Ampa president, said yesterday.

R. M. Brinkerhoff, cartoonist, entertained Ampa members yesterday with his illustrated lecture on the decrease in the birth rate of Antarctic penquins. Others on the guest list included William Wyler, director; Douglas Fairbanks, Jr., who is en route to London, where he will produce four pictures for United Artists; Jock Connery, actor, and the Keller Sisters and Lynch, radio entertainers.

Delay Trans-Lux Meet

The regular board meeting of Trans-Lux, scheduled for yesterday, was postponed until the early part of April, when it is expected Percy N. Furber will return from Boca Raton, Fla. Leslie E. Thompson, president of Trans-Lux Movies Corp., is in Miami recuperating from a recent operation.

Postpone Para. Meeting

The regular meeting of the board of Paramount Pictures, scheduled for yesterday, was postponed to today for the convenience of a month-end action on the proposal to simplify the company's corporate structure by merging five subsidiary companies with Parager Corp.

Insiders' Outlook

By RED KANN

Hollywood, Feb. 27.

SAM GOLDWYN gets his finances from "Doc" Giannini; Dave Selznick from Jock Whitney, Brother Myron and the Bank of America; Pioneer from Whitney who, in case you didn't know it, has more than he knows what to do with, notwithstanding Technicolor, "Jumbo" and horse racing; Mary Pickford and Jesse Lasky from the Goelets; Charlie Chaplin out of his own sock; Alex Korda from Prudential Life Assurance of London; Doug Fairbanks, if and when he makes another, has the means available. . . .

▼

Now Walter Wanger has joined up. This producer has done well in his first year as an independent distributing through Paramount as the film colony has been quick to recognize. Financing under his United Artists deal would have been easy to arrange from several sources, as we get it, but it's coming from within. It is understood the surplus rolled up by the United Artists Distributing Corp. is being converted into a financing fund and that the one to debut under this new development will be Wanger. . . .

Even in those years when U. A. faltered with a hit-and-miss releasing schedule, sales operations were handled so well and so economically that profits were the rule. With pictures coming through with far more regularity in the last couple of years, that profit has grown into a handsome surplus, part of which now will go to Wanger for production. Chaplin, Pickford, Fairbanks and Goldwyn are on the financial side of the deal personally, to boot, as is Nathan Burkan, a very active personality in U. A. since Joe Schenck and Al Lichtman stepped out. That makes Burkan one of Wanger's partners as well as his attorney. . . .

▼

Arthur W. Kelly, former vice-president in charge of foreign sales, and since Lichtman's withdrawal, the general factotum in all sales, no matter where, stands aces high with the owner-members. Where once consideration was seriously turned toward a new sales manager, today Kelly is the tops largely because of the record he is rolling up on "Modern Times." Yet the value of added manpower in the selling machine is an important something which the U. A. group is not overlooking. This may lead to something or nothing. If it should prove something, you might have time to recall it was mentioned here today. . . .

▼ ▼

Although the direction is charged to Frank Borzage, the oft-mentioned Lubitsch touches and that director's influence are markedly evident in "Desire," the new Marlene Dietrich attraction on which Paramount spent $1,400,000, including production trouble. Highly sophisticated and with sex implications always delicately handled, the film is completely charming in its mood, its performances, its story and its backgrounds. International jewel robbery is its idea with Marlene as the beauteous criminal, who reforms, quite naturally—Gary Cooper—he's immense—as the heart throb, and Jack Halliday, as the gentlemanly menace who tries to keep Dietrich on the crooked path, but loses out to love. "Desire" is typically Lubitsch and that, of course, stamps it as fun and fare for the more intelligent among audiences. . . .

▼ ▼

The scene: The Beverly-Wilshire.

The time: Breakfast.

The cast: Lep Friedman, Howard Dietz and ye scribe.

A truck passes along Wilshire Boulevard and the coffee thermos quivers ever so gently.

"What's that?" asks Lep. "An earthquake?"

From the divan where Howard is pulling himself together: "Don't mind it. The place is just naturally restless." . . .

▼ ▼

Mox Shobbus spoke to Eddie Alperson over the telephone the other night. Details later. . . .

"Doctor" in 350 March 6

"The Country Doctor" will open in 350 theatres on Mar. 6. This is said to be a record for premiere bookings. The film will have simultaneous premieres at the Music Hall here and in Toronto on March 5.

Col. Declares Dividend

The board of Columbia Pictures has declared a quarterly dividend of 25 cents per share on the common stock, payable April 1 to stockholders of record on March 18.

Selznick Buys "Allah"

HOLLYWOOD, Feb. 27.—"The Garden of Allah," Robert Hichens' famous novel, will again be filmed, this time by David O. Selznick, in Technicolor. Merle Oberon will be featured.

Asks New Tax on Films

ALBANY, Feb. 27.—Bernard J. Moran, Brooklyn Democrat, has introduced a bill in the Assembly imposing a tax of one mill per foot on negative films or prints.

Haines, Dembow Get Trust Case Papers

Roy H. Haines, metropolitan branch manager for Warners, and Sam Dembow, Jr., National Screen executive, yesterday were served with copies of the Government's complaint against Warners, Paramount and RKO, alleging a conspiracy in restraint of trade in St. Louis. The two men are among the 30 individual defendants named.

Mimeographed copies of the 24-page application for a temporary and permanent injunction have been sent to a number of marshals out of town to be served on defendants residing in those towns. Included in the list were: Maurice Silver, Warner Albany district theatre head; Nat H. Brower, coast district sales head for Warners; Robert Hicks, manager of the Orpheum, St. Louis; Byron F. Moore, in charge of the Orpheum, Shubert Rialto and Hi-Point, St. Louis; Ralph LiBeau, Paramount midwest district manager, with headquarters in Kansas City; Maurice Schweitzer, Paramount St. Louis branch manager; Carroll Peacock, Los Angeles branch manager for Paramount; Myke Lewis, coast district sales manager for Paramount; Ralph Kohn, who is associated with B. P. Schulberg in production; Bernard J. McCarthy, St. Louis manager for RKO, and Louis Ellman, former St. Louis exchange head and now stationed at Des Moines.

Eastman Head Hits New York Tax Rate

ALBANY, Feb. 27.—Eastman Kodak Co. has been increasing employment more rapidly outside New York state than within the state, partly because comparative tax rates have favored locating new developments elsewhere, Frank J. Lovejoy, Eastman president, told the Assembly's Public Relief and Welfare Committee. The statement was presented by Thomas J. Hargrave, vice-president and secretary of the company, and was on the Brownell bill to create a temporary state commission to analyze unemplyoment and its relief.

Lovejoy declared the tax burden in this state is higher than in other industrial states, and suggested that the committee study the subject to see whether the higher taxes in New York had had an adverse effect on the trend of employment in the state, as compared with others.

Ohio's Tax Figures Show General Rise

COLUMBUS, Feb. 27.—Some figures on the state's revenue from the industry, as compiled from the records of the State Treasurer, are presented by P. J. Wood, secretary of the Ohio I. T. O.

During 1934, when the 10 per cent admission tax was in effect, the state collected $3,366,705.15, the records show, whereas during 1935, when the admission impost was suspended and exhibitors paid three per cent. on grosses, the state derived $1,278,940.19.

Conversely, the state collected on the basis of $48,000 per year when charging $1 per 1,000-foot reel for censorship fees, while now the returns are at the rate of $185,000 a year with the fee advanced to $3, including newsreels, heretofore excluded.

WHAT A LINE-UP!

The posters tell the story





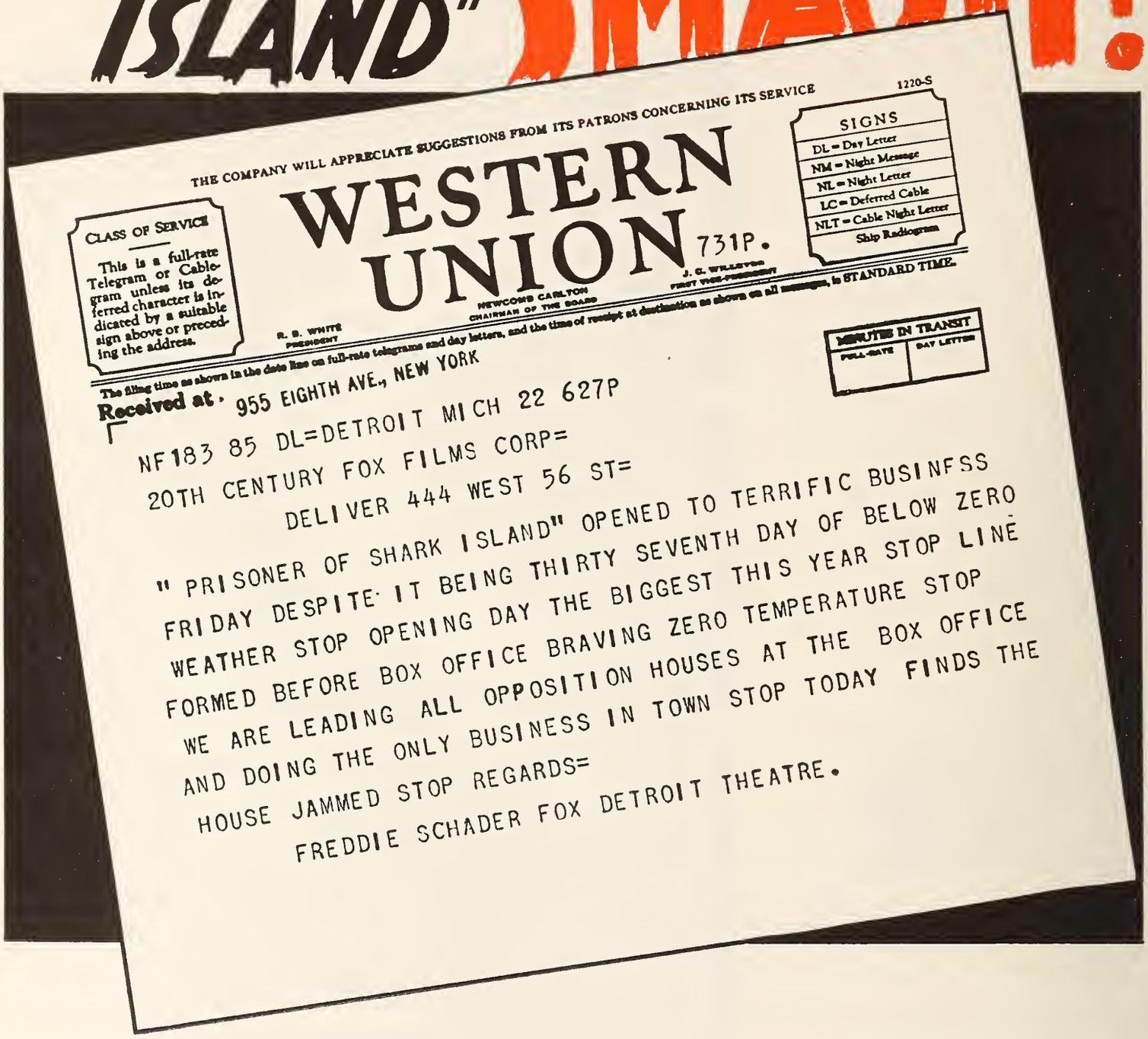




20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

"SHARK ISLAND" SMASH!



THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE 1220-S

CLASS OF SERVICE

This is a full-rate Telegram or Cable-gram unless its deferred character is indicated by a suitable sign above or preceding the address.

WESTERN UNION 731P.

NEWCOMB CARLTON, CHAIRMAN OF THE BOARD — J. C. WILLEVER, FIRST VICE-PRESIDENT — R. B. WHITE, PRESIDENT

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DL = Day Letter
NM = Night Message
NL = Night Letter
LC = Deferred Cable
NLT = Cable Night Letter
Ship Radiogram

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FULL-RATE | DAY LETTER

Received at · 955 EIGHTH AVE., NEW YORK

NF183 85 DL=DETROIT MICH 22 627P
20TH CENTURY FOX FILMS CORP=
DELIVER 444 WEST 56 ST=

" PRISONER OF SHARK ISLAND" OPENED TO TERRIFIC BUSINESS FRIDAY DESPITE IT BEING THIRTY SEVENTH DAY OF BELOW ZERO WEATHER STOP OPENING DAY THE BIGGEST THIS YEAR STOP LINE FORMED BEFORE BOX OFFICE BRAVING ZERO TEMPERATURE STOP WE ARE LEADING ALL OPPOSITION HOUSES AT THE BOX OFFICE AND DOING THE ONLY BUSINESS IN TOWN STOP TODAY FINDS THE HOUSE JAMMED STOP REGARDS=
FREDDIE SCHADER FOX DETROIT THEATRE.

• And every other opening brings new box-office glory to "The Prisoner of Shark Island" . . . the Fox, Philadelphia, with the first two days equal to a full week's business . . . New Theatre, Baltimore, with the year's biggest opening out-grossing even "Littlest Rebel". . . and we could go on, and on! 20th Century-Fox sure makes the big ones BIG!

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Purely Personal

NATE BLUMBERG yesterday left for a tour of RKO theatres in Chicago, Milwaukee, Cincinnati, Cleveland and Kansas City. Accompanying him as far as Chicago will be MRS. BLUMBERG.

•

LOIS RAVEL, radio find now on the NBC network, will make her stage debut at the Paramount following the successful run of "The Trail of the Lonesome Pine."

•

ALFRED BATSON, author of "African Intrigue," recently purchased by WALTER WANGER, will leave shortly for a South American jaunt in search of book and screen material.

•

JOSEPH S. HUMMEL, general foreign sales manager for Warners, left Rio de Janeiro yesterday and is scheduled to arrive in New York March 12.

•

LESLIE HOWARD, who has been detained on the coast for retakes, is slated to arrive about March 15. He may do "Hamlet" on the stage here.

•

M. L. MARKSTEIN, president of Screeno, has been in town for the last few days and left yesterday for Atlantic City.

•

I. BLUMER has been engaged by George Orth for the 16mm. department of the J. H. Hoffberg Co. and leaves today on a sales tour.

•

MARGARET SULLAVAN, Universal player, is due to arrive from the coast in 10 days.

•

FREDDIE BARTHOLOMEW was ill yesterday and couldn't attend the Ampa luncheon, as scheduled.

•

FRANK HENRY of the Hildinger circuit in Trenton spent a few days in town this week.

•

RUBE JACKTER is back from Miami with a complexion like chamber of commerce propaganda.

•

GEORGE BROWNE, I. A. T. S. E. president, is expected here from the coast within the next few days.

•

GREGOR RABINOWITSCH, Universal foreign producer, leaves today on the Century en route to the coast.

•

J. R. GRAINGER returned yesterday from New Orleans.

•

FRANKLYN UNDERWOOD will return from Miami on Monday.

•

. . . Lincoln

CARL ROSE, city manager of RALPH BLANK'S York, Neb. houses, is in the hospital recovering from an operation.

T. B. NOBLE, Westland Theatres general manager, in from Denver conferring with CAL BARD, BOB LIVINGSTON, and his city manager, MILT OVERMAN.

G. A. RUTH, manager of the Military, Omaha, got stuck in a snowdrift near here with a carload of chorus girls. Along with 40 others they took refuge in a roadside cafe, and had the girls dance for the unfortunates.

Twin "Doctor" Runs

Des Moines, Feb. 27.—Two downtown spots are going to play "The Country Doctor" day and date here—the Des Moines and Roosevelt—both Tri-States houses.

One of the promotion stunts includes prizes for the best scrapbooks on the Dionne quintuplets.

St. Louis Theatres Await Game Ruling

(*Continued from page* 1)

submit the test case on briefs. McKittrick has not yet issued a definitive opinion on the legality of Bank Night. Locally Circuit Attorney Franklin Miller has threatened to proceed against any house using giveaways. Temporarily local theatres have dropped the games, but it is expected there will be a rush to revive them if the Supreme Court rules they are not in violation of the lottery laws.

Asks More Particulars

NEW HAVEN, Feb. 27.—Motion for more particulars has been filed in Federal court here by defendants in the Bank Night infringement cases. The defense has asked for the filing by Bank Night, or Affiliated Enterprises, Inc., of copies of certificates and other alleged copyright material in connection with the plan, including form of license agreement, advertising trailers, registration book.

The complaint is against A. Fishman, J. B. Fishman, Dixwell Theatre Co., Lawrence Theatre Co., Howard Operating Co., Jadams Amusement Corp., Michael Tomasino, New Haven Amusement Corp., Whalley Theatre Co., Inc., and B. S. Mysliviec. The plaintiff asks that the defendants be required to render a full account of all profits derived from cash nights, that a temporary restraining order be issued against the theatres, and that damages be paid by them.

To Investigate Beano

BOSTON, Feb. 27.—The City Council, moving against Beano, has ordered its public welfare committee to launch a sweeping investigation of the game, which has been termed a lottery by the Massachusetts Supreme Court.

Merian Cooper Back; Will Supervise Four

(*Continued from page* 1)

John Hay Whitney, president of Pioneer. The Coopers leave today for Hollywood.

While abroad, Cooper spent two months at St. Moritz. During the other two months he said he looked over a number of plays and players.

Among the cities visited were London, Paris, Vienna and a number of other European capitals. He returned on the *Conte di Savoia*.

Horwitz Troupe Touring

HOUSTON, Feb. 27.—Will Horwitz has a troupe of radio amateurs on tour in much the same way the Major Bowes units have been making the rounds. They're all winners in his broadcasting contests and will make most of the east Texas towns.

Legion's New List Passes 128 Films

(*Continued from page* 1)

Patrol," "Don't Get Personal," "Der Vetter Aus Dingfda," "The Face in the Fog," "Fast Bullets," "Follow the Fleet," "Garden Murder Case," "Kid Ranger," "Love on a Bet," "Mysteries of Notre Dame," "Modern Times," "Mysterious Avenger," "The Music Goes Round," "The Preview Murder Case," "The Prisoner of Shark Island," "Pasteur" (French), "The Return of Jimmy Valentine," "Rhodes," "The Valley of the Lawless," "Woman Trap," "Yellow Dust."

Class A, Section 2, Unobjectionable for Adults—"The Bridge of Sighs," "Die Fraunen vom Tanvrof" (German), "I'll Name the Murderer," "Jaws of the Jungle," "Leichte Kavallerie," "Three Women" (Russian).

Class B, Objectionable in Part—"Mr. Cohen Takes a Walk," "It Had to Happen," "Itto" (French), "Klondike Annie," "Living Dead," "Song of the Saddle," "Walking Death."

No additions were made to Class C, Condemned, which includes "Guilty Parents," "High School Girl" and "Java Head."

Vidor on "Grand Jury"

HOLLYWOOD, Feb. 27. — Charles Vidor has been assigned to direct "Grand Jury" at Radio. The story is an original by Tom Lennon, and the screen play is by Lennon and James Edward Grant. No cast assignments have been made as yet.

Television Cable Is Approved by F. C. C.

WASHINGTON, Feb. 27.—The Federal Communications Commission yesterday authorized the A. T. & T. and the New York Bell Telephone Co. to construct a coaxial cable between New York and Philadelphia for use in experiments in radio television. Actual construction must start before July 1, under the permit. It is stipulated that the cable should be open to those radio companies interested in experimenting.

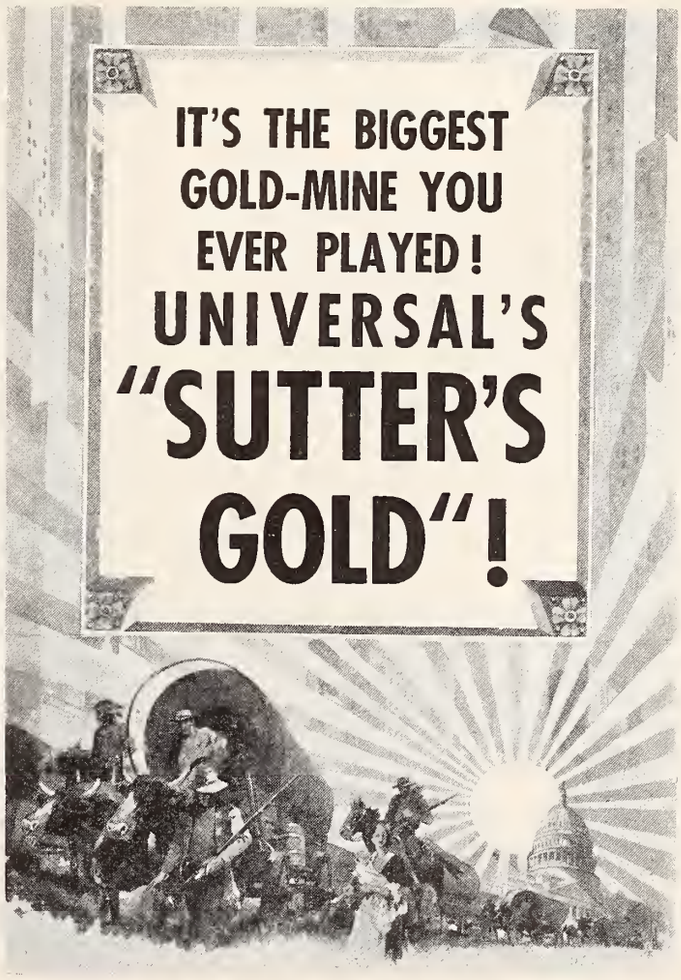
It is not certain that the two companies will accept the terms, but the F. C. C. in the new permit removed many of the restrictions to which the companies objected in a previous order from the commission on the cable. The petitioners are required to file with the commission in writing within 30 days, acceptance of the conditions imposed.

Pickford-Lasky in Lull

HOLLYWOOD, Feb. 27.—The Pickford-Lasky studios will undergo a virtual shut down for the next few weeks, with staff reduced to skeleton until the untitled Nino Martini picture is started before the cameras. "One Rainy Afternoon," now finished will be some weeks in the editing, and preparations of the Martini film will occupy part of the staff in the intervening weeks.

Shapiro to Coshocton

COSHOCTON, O., Feb. 27. — Allen Shapiro of Warners' poster department, Cleveland, has been named manager of the Pastime here.



Proponents of Block Booking Bill Have Say

(Continued from page 1)

john, general counsel for the Hays' office, whose witnesses will include George J. Schaefer, Robert H. Cochrane, Ed Kuykendall, Mrs. E. M. Barsham, M. A. Lightman, Stanley Summer, Edward G. Levy, O. C. Lam, John H. Harris, Mrs. S. A. Ellsworth and Julian Brylawski

With the completion of the Senate hearings, the two sides will have a breathing spell, but will meet again in Washington on March 9 to appear before the Pettengill sub-committee on the House side.

A feature of today's hearing was the failure of Canon William Sheafe Chase, for years the spearpoint of the attack on block booking, to make his usual plea for adoption of the legislation. Although present, the Canon remained quietly in the background for the first time in eight years during which the matter has been before Congress.

The subject before the sub-committee was introduced by Stephen P. Cabot, representing the M. P. Research Council, but the bulk of the attack on block booking was carried by Abram F. Myers, general counsel for Allied, and his associates.

Code Adoption Called Futile

Repeatedly referring to statements and letters of various officials, both American and foreign, regarding the effect of the present day pictures on the youth of the world, Cabot told Senator Neely's group that the industry has repeatedly adopted "codes" of great promise, but has failed to live up to them.

Declaring that as a result of block booking an exhibitor has no room for meritorious pictures which may not be among those bought, he declared "if all the time is filled up there is no way of encouraging independent producers to make pictures." The bill, he said, "would open the field to independent and experimental production."

"We believe this bill will restore free competition and in the long run it will remove the constantly threatening danger of this powerful industry in Hollywood dictating its will as to what communities 3,000 miles away shall see. Under the present trade practices it is practically a dictatorship," he said.

Questioned by Senator Neely as to the situation now as compared with 1927, Cabot admitted there has been "tremendous" improvement and "there are some very beautiful pictures and fewer harmful pictures being shown today." But, he added, "there is no guarantee that this situation will continue."

Pointing out that the bill deals only with the relationship between producer or distributor and the exhibitor, Senator Barkley of Kentucky asked the witness where the public comes in, Cabot replying that it would permit the "cooperation" of the community in aiding the exhibitor to select his programs.

"Would it not be a rule that the exhibitors more usually select pictures that they thought would produce the biggest house and the community would not have any more to say about it than it does now?" Barkley asked.

"If two theatres are located in a community and one refuses to show a picture how can you prevent the other house from exhibiting it?" Cabot was asked by Senator Davis of Pennsylvania.

"There would be no way to prevent it under this bill," the former admitted.

Bill Drawn at Columbia

The Neely bill was drawn up by the Legislative drafting office of Columbia University, and the block booking clause was lifted from the cease and desist order of the Federal Trade Commission in the Paramount case, it was divulged by Thomas E. Ervin, associate on the Universal legal staff, who explained the various provisions of the measure and said his office was prepared to submit a brief should the constitutionality of such legislation be questioned.

Senator Neely introduced for the record amendments offered by the Federal M. P. Council of America, but the witness refused to give any opinion as to their desirability. Briefly, the council demanded the inclu-

(Continued on page 11)

On the Sidelines

By JAMES P. CUNNINGHAM

Picture a crowded chamber in the Senate Office Building with five senators and 100 legislators, producers, distributors and representatives of the public listening intently to a witness extolling the virtues of a film business without block booking.

"The supply of product has been cut down from 800 features yearly in 1921 to 500 in 1936," the witness said in substantiation of a charge he had made that compulsory block booking created monopolies. "And the number of national distributors has been reduced by the practice from 22 to eight," he added.

"But how much have box-office receipts been cut as a result?" queried Senator Davis.

That stumped witness SIDNEY SAMUELSON.

* * *

ABRAM MYERS advised the senators that the bill would compel distributors to furnish a synopsis in advance, which he said was a practice of labeling products much the same as the law requires of other industries. This caused JOSEPH UNGER, EDMUND GRAINGER, JACK CONNOLLY, P. A. POWERS, GEORGE SCHAEFER, ROBERT MOCHRIE, WILLIAM KUPPER, WILLIAM SUSSMAN and other distributor representatives to squirm in their seats.

* * *

The hearing started at 10:39 o'clock with all the earmarks of a Hollywood premiere. Flash lights and reporters were as thick as ED FAY'S hair.

* * *

The day was unseasonably muggy, which explains why Senator NEELY, chairman, fell asleep while MYERS explained the intricate machinery of the business.

* * *

Two hearts—belonging to ED KUYKENDALL and M. A. LIGHTMAN—beat in waltz time when NEELY proposed that the hearing be continued next week. Both envisioned compulsory abandonment of their scheduled trip to Miami and the M.P.T.O.A. directors' meeting. DAVE PALFREYMAN felt none too well at that moment.

* * *

CHARLES C. PETTIJOHN led a Hays brigade consisting of TONY MUTO, BURT NEW, TOM PETTY, PELFREYMAN and GABRIEL HESS who found the hearing more to his liking than the copyright bill hearing not far away.

* * *

ED LEVY, M.P.T.O.A. general counsel, tried hard to bring as an exhibit of prosperity IRVING JACOCKS, new president of the Connecticut M.P.T.O., who weighs 388 pounds, and runs a 400-seat house in Branford, Conn.

* * *

The hearing room resembled a Quaker meeting place, what with all the women on one side and all the men on the other. Glimpsed among the men were FRANK JACK, Warner Theatres division manager; OSCAR LAM, Georgia exhibitor; SIDNEY LUST and JULIAN BRYLAWSKI, both on their home grounds; GEORGE AARONS, Philadelphia exhibitor leader; WILLIAM HISSNER, Lebanon, Pa., exhibitor, and JOSEPH BRENNAN of Boston.

* * *

Statistical experts were put to shame by the manner in which PETTIJOHN, MYERS, KUYKENDALL, SAMUELSON and others quoted figures on attendance, receipts, feature production, the number made by each producer, the number of theatres and their seating capacity.

Raft and Paramount Settle Grievances

HOLLYWOOD, Feb. 27.—George Raft and Paramount have settled the dispute which arose when Raft walked out during the filming of "Princess Come Across" with Carole Lombard.

The actor was today put back on the payroll and assigned to "The Duchess," which Louis Gensler will produce. Filming will start March 23.

Plan Film on John Law

HOLLYWOOD, Feb. 27. — Warners will produce a film based on the life of John Law, Scotch economist, responsible for the "Mississippi Bubble," a financial system which caused a monetary crisis in the 18th century. Errol Flynn will have the title role.

Mary Pickford Coming

LOS ANGELES, Feb. 27.—Mary Pickford plans to leave here for New York next Tuesday for home office conferences at United Artists regarding the release of "One Rainy Afternoon."

Free WPA Films Shown

BRIDGEPORT, Feb. 27.—Free films under WPA supervision are now being held one night a week in the three recreation centers at Fairfield.

Ascap Pleads For Retention Of $250 Fine

(Continued from page 1)

and downtown houses by demanding equal fees from both.

Buck sought to defend the seat charge, declaring producers acquire the right to use musical compositions through direct negotiation with writers, while the exhibitor tax is for performance for profit and does not constitute a double levy.

Declaring that if $250 is a good penalty for infringement the same sum might be adopted as the statutory penalty for automobile collisions, Representative Deen recalled Buck's assertion that Ascap has collected little from infringement suits and asked Burkan why, if the provision brings in no money, the organization is so concerned about it.

The statute discourages piracy, Burkan asserted, protesting that an automobile that will last one year should not be considered in the same breath with one that will last a century. Urging that the committee scrap the Duffy Bill, Buck and Burkan asserted that if the courts were left to determine the damages, infringement suits would bring awards as low as four cents.

"Tried to Destroy Ascap"

"Thousands of infringements are going on now," Burkan told Representative Deen of Georgia. "They will keep on pirating first and pay later. The man who is not a pirate has nothing to fear."

Charging that the broadcasters sought to wreck Ascap by trying to buy the Warner library to set up an opposition pool and force royalties down, Buck explained that Warners' music firms pulled out because the association refused to increase license fees.

"Warners wanted more money and we told them we are not out for all the traffic would bear," he said. "These gentlemen thought that this society could be utilized and they could move in on the writers with all the influence they possess. They felt they should be getting millions and millions of dollars. This society has tried to be decent with the broadcasters of this nation and is furnishing them with service they cannot buy. Then they tried to form their own society, but couldn't do it with a million dollars. When Warners found they couldn't exert pressure they withdrew."

With the conclusion of Ascap's presentation the hearings were suspended until March 3, when the writing crafts will present their views.

Swarthout, Boles Meet

DALLAS, Feb. 27.—This town got itself worked into a state of excitement the other day with Gladys Swarthout and John Boles both here at the same time. Boles paid a visit to the opera singer at her hotel, accompanied by a flock of photographers.

He came here to attend the funeral of his mother, accompanied by Mrs. Boles and left later for New York. Miss Swarthout is on a concert tour.

It's Another 'STORY' At The N.Y. Strand!

Matching "The STORY of Louis Pasteur" Almost Dollar for Dollar . . . . . .

"ROAD GANG"

Shows Sensational Strength in Ace House Pre-Release Premiere . . . .

PROVES REAL MONEY PICTURE IN SPECIAL TRYOUT RUN TO TEST EXTRA-PROFIT POSSIBILITIES . . . .

Steps Into Line with "Captain Blood" and "Ceiling Zero" In N.Y. Strand's 1936 Hit Parade . . . .

The Winning Campaign Is At Your Service

The complete ad lineup and other special promotion that turned the trick in New York will be available to you in the press-sheet—out soon!

Get "ROAD GANG" For April Release Set Back So You Can Set It Up For EXTRA PROFITS from WARNER BROS.



FIRST 2 DAYS ACTUALLY TOPPED SUCH SHOWS AS 'Shipmates Forever'...'Page Miss Glory'...'The Irish In Us' 'Bright Lights'...'In Caliente'...'Broadway Gondolier'...'Oil For the Lamps of China'

FIRST REVIEWS SAY "More shivers than the cold spell . . . graphic, melodramatic shocker . . . gripping!" (*N. Y. American*)—"Raw meat, red-blooded, rousing. Pulls no punches!" (*Mirror*)—"Striking...effective indictment!" (*Herald-Tribune*)

Goldwyn Purchases "Dead End" Rights

Samuel Goldwyn has purchased the screen rights to the current Broadway stage success, "Dead End," by Sidney Kingsley, for production on next season's program. This will increase Goldwyn's contribution to the United Artists schedule for next year to nine. It is reported Goldwyn paid $165,000 for the play. No cast assignments have been set as yet.

Goldwyn recently bought the screen rights to "Dodsworth," which will star Walter Huston and Ruth Chatterton. William Wyler, who will direct "Dodsworth," is in New York for conferences on the film with Sidney Howard, who will adapt the play for the screen. Wyler will be here for three weeks, then will return to the coast.

His "Goldwyn Follies" will be an international revue featuring talent of both the American and foreign stage and screen, Goldwyn said yesterday at a luncheon given in his honor by the Ass'n of Foreign Press Correspondents at the Hotel Lombardy.

Goldwyn stated that he would visit France, Vienna and Russia and that "whenever I see interesting personalities or beautiful girls, I will sign them." His contention is that such a picture will have added interest value in every country from which the members of the cast have been drawn.

Goldwyn will sail March 4 on the *Berengaria,* accompanied by Mrs. Goldwyn and Samuel Jr.

C. E. Williams to Miami

OMAHA, Feb. 27.—Charles E. Williams, president of M. P. T. O. and N. I. D. E. A., was ill at his home throughout the four weeks of the extra sub-zero weather that plagued this territory. He has left for Miami where the board of directors of the M. P. T. O. A. will hold its session.

Wall Street

Substantial Gains Revive Board

	High	Low	Close	Net Change
Columbia, vtc	37¾	32½	36½	—1
Columbia, pfd	47¼	47¼	47¼	.....
Consolidated	6½	6¼	6¼	+ ¼
Consolidated, pfd.	18⅞	18⅞	18⅞	+ ⅜
Eastman Kodak	160½	160½	160½	+ ¼
K.-A.-O., pfd	90	90	90	+5
Loew's, Inc.	49⅞	48⅜	49¾	+1½
Loew's, Inc., pfd.	106	106	106	+ ½
Paramount	10¼	10	10¼	+ ¼
Paramount 1 pfd	77⅜	76¼	77⅜	+ ⅝
Paramount 2 pfd.	10⅞	10½	10⅞	+ ¼
Pathe Film	8⅜	8	8⅜	+ ⅝
RKO	8¾	7⅞	8¼	+ ¼
20th Century-Fox.	30½	27¾	30⅛	+2¾
20th Century, pfd.	38⅝	37	38⅜	+2⅛
Universal, pfd	78	67	76	+9⅞
Warner Bros.	13	12⅝	13	+ ½

Most on Curb Up

	High	Low	Close	Net Change
Sentry Safety	1	1	1	.....
Sonotone	3⅛	2⅞	3	— ⅛
Technicolor	25¾	25	25¾	+ ¾
Trans-Lux	4½	4¼	4¼	+ ¼
Universal	9⅛	8	9⅛	+1⅛

General Theatre Bonds Rise

	High	Low	Close	Net Change
General Theatre 6s '40	25½	22¾	25	+2¼
General Theatre 6s '40, ctf.	25¼	22¾	25¼	+2¼
Keith B. F. 6s '46	96	96	96	.....
Loew's 6s '41 ww deb rights	102¾	102¾	102¾	— ⅛
Paramount Pict. 6s '55	92¾	92	92½	.....
Warner Bros. 6s '39 wd	95	94¼	95	.....

(Quotations at close of Feb. 27)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Give Us This Night"

(*Paramount*)

HOLLYWOOD, Feb. 27.—Topheavy with music, this picture is apt to have an appeal only to class audiences.

The story is constructed on the backstage opera formula with Jan Kiepura cast as a singing fisherman who is released from jail through the efforts of Gladys Swarthout, a diva, and Philip Merivale, a composer, to replace Alan Mowbray as the tenor with the opera company. Kiepura leaves the troupe upon learning that Merivale is his rival for Miss Swarthout but returns melodramatically to his job after learning that he is the object of her affection.

Alexander Hall, who directed, strived to inject comedy relief but succeeded only rarely. Benny Baker, a first rate comedian, is practically lost in the shuffle and the laughs are drawn only by the antics of Mowbray. The musical score by Erich Wolfgang Korngold with lyrics by Oscar Hammerstein is good but offers no tune to capture the popular fancy.

Edwin Justus Mayer and Lynn Starling wrote the screen play from a story by Jacques Bachrach. The film has pictorial appeal and the Italian settings have been well conceived by Hans Drier and Roland Anderson, the art directors, and ably photographed by Victor Milner. The production of William LeBaron indicates the picture is intended as a class offering.

Production Code Seal No. 1,896. Running time, 68 minutes. "G."

"The House of a Thousand Candles"

(*Republic*)

HOLLYWOOD, Feb. 27.—A drama of international espionage, this offers everything new but the title. Well produced, with romantic love interest and comedy balancing the suspense of the motivating plot, the film has that quality which should interest general audiences.

The story concerns the efforts of an arch conspirator, Irving Pichel, to intercept a secret message carried by a courier, Phillips Holmes. Using modern methods, sending code messages by radio to his agents, Pichel causes Holmes to fall into the hands of beautiful Rosita Moreno. Holmes and his sweetheart, Mae Clarke, who has followed him in a chase across Europe, are trapped in Pichel's "house of a thousand candles." With death staring them in the face, Miss Clarke gets a message to Holmes' valet, Fred Walton, who, with Michael Fitzmaurice, orchestra leader, frees Holmes. An exciting auto chase across the mountains follows, ending in Pichel's death and Holmes' recovery of the message in time to avert a new world war.

The character of the story plus the names gives the exhibitor a fair opportunity to develop an interest-creating campaign emphasizing the novelty of the adaptation. Based on the novel by Meredith Nicholson, the modern screen play by H. W. Hanemann and Endre Bohem is an intelligent departure from the original. Arthur Lubin's direction is good.

Production Code Seal No. 1,982. Running time, 70 minutes. "G."

"The Walking Dead," opening tomorrow morning at the Strand, was reviewed by wire from Hollywood on Feb. 25.

"Rhodes," previewed last night at the Roxy, was reviewed on Feb. 20.

"Wife vs. Secretary," previewed by wire from Hollywood on Feb. 14, opens tomorrow morning at the Capitol.

"The Garden Murder Case," this evening's preview at the Rialto, was reviewed from Hollywood by wire on Jan. 30.

"The Voice of Bugle Ann," now current at the Center, was reviewed by wire from Hollywood on Feb. 3.

Buys 7 Beach Stories

HOLLYWOOD, Feb. 27.—Harry Sherman has concluded a deal with Rex Beach for seven stories, which he will release through a major studio. These pictures will be produced outside of his current Paramount contract. First probably will be "The Barrier" and "The Ne'er-Do-Well." Sherman is now negotiating with two majors, he said, one of which is said to be Paramount. According to present plans, Sherman will do "The Barrier" in color.

Seek New Premium Laws

NEW ORLEANS, Feb. 27.—Both sides to the controversy as to whether premiums and cash awards will be allowed in the state are making preparations for a movement in the Legislature to allow or to prohibit.

Takes French Film

Guaranteed Pictures has acquired the distribution rights in this country and Canada on "Jeanne," French film, which will be released shortly with English titles.

Short Subjects

"Ants in the Pantry"

(*Columbia*)

A sure fire comedy containing the ingredients that makes for the Three Stooges suitable material, this one should certainly be found enjoyable. The boys are employed by an exterminator and on the verge of being fired suddenly become ambitious and set forth to drum up some business. They pick out a likely looking house and break into it setting various vermin all over the place. They go around and are welcomed for their timely arrival and instructed to clean up the place. From this point on the sky, as usual, is the limit and their novel brand of slapstick is responsible for whatever humor comes out of the piece. It ends on a smelly note with the capture of a skunk while they are on a fox hunt. Clara Kimball Young is seen again as she plays the foil for their humorous sallies. Excellent entertainment. Production Code Seal, No. 1846. Running time, 18½ mins. "G."

"Just Speeding"

(*Columbia*)

Monte Collins and Tom Kennedy play a couple of goofs who run amuck with a doctor's car, and, meeting the police, continue their harum-scarum flight from the law through a hospital where the usual slapstick antics prevail. After eluding the operating table and the dissecting knife Collins and Kennedy escape, only to be confronted again by John Law, and, rather than go through it all again, which Kennedy is in favor of, Collins raps him on the head with a wrench and prefers jail. The comedy is of the standard grade and should entertain. Production Code Seal, No. 1802. Running time, 18 mins. "G."

"A Clean Shaven Man"

(*Paramount*)

Popeye and his man mountain friend, Bluto, hear Oliveoyl singing about how she could go for a clean shaven man and promptly set about cleaning up to win her favor. Bluto is well fixed by Popeye and he slices up Popeye's countenance so that he is totally unpresentable. As Popeye is being dragged out for the comparison the spinach comes into action. With the usual roughhouse, the tables are turned and they both meet Oliveoyl walking arm-in-arm with a very hairy and bearded fellow, whereupon they fall to kicking each other. If the audience likes Popeye, it will go for this one. Production Code Seal No. 0645. Running time, 8 mins. "G."

"The Collie"

(*Paramount*)

This is a good number that will find favorable reaction from audiences that like dogs—and who doesn't?—and there is interwoven a bit of sporting life in the demonstration of the field trials of a sheep dog. It begins with a boy who is seeking a canine companion and his selection of a dog from a kennel. It goes on with some fine camera portraits of thoroughbred collies and the evolution of the species from shepherd dogs. The latter part is given over to the roundup of a flock of sheep by a finely trained beast and is something that must be seen. Production Code Seal No. 0757. Running time, 10 mins. "G."

Proponents of Block Booking Bill Have Say

(*Continued from page 6*)

sion of a minimum penalty for a violation, the appointment by the President of a Federal M. P. Commission to make rules and regulations to carry out the provisions of the act, the proposed commission to be charged with the duty of instituting equity proceedings to prevent violations of the Act, and that finally, unless the bill is so amended, it be scrapped and the Culking Bill, providing for the creation of a commission, substituted.

None of the persons engaged in the drafting of the measure ever had any experience as a producer or director of pictures or as a distributor, Ervin admitted in response to questions by Pettijohn. He also admitted newsreels had been left out because, as Pettijohn phrased it, "you cannot tell the exhibitors a year in advance what the news will be." Pettijohn also secured from the witness an admission that the block booking provision of the Federal Trade Commission, which he had incorporated in the bill, had not been upheld by the courts.

The economic side of pictures is the one that interests exhibitors, Myers told the sub-committee in opening his presentation.

"These practices are the proper subjects of regulatory legislation because —first, they permit monopoly; second, they are a cloak for dishonest business practices; and third, they compel the showing of undesirable pictures and prevent the showing of desirable films," he said.

Law Violation Charged

"There is no industry in the United States that has more persistently and flagrantly disregarded the anti-trust laws than the motion picture producers and distributors."

Asserting that the present form of contract shows nothing which can be used to identify the pictures covered, Myers declared it thus was impossible for distributors to classify features as they wished, switch them from straight to percentage basis and vice versa and withhold for later distribution under a new contract pictures which showed extraordinary box-office potentialities.

It is impossible for an exhibitor to book a picture singly, he asserted, citing a letter from F. J. McWilliams of the Porthea, Portage, Wis., in which it was explained McWilliams made an offer of $75 for "Magnificent Obsession," which had been offered to him in block for $20, but was refused.

Myers held that if block booking is abolished blind selling also must be eliminated if there is to be any improvement. But, he stressed, the bill is in no sense an attempt at censorship; on the contrary, he told the subcommittee, "I think the draftsmen of the bill must studiously have tried to arrive at the very minimum of Government control."

Attempting to forestall arguments which might be offered by the distributors, Meyers declared there could be no truth to the contention that if the producers cannot secure a market for their poor pictures they will go broke. On the contrary, he asserted, they will in the end make more money because the better pictures will have longer runs. The independents are not trying to put the producers out of business, he added; on the contrary, "the theatres we represent are absolutely dependent upon the producers for pictures, it would be foolish to imagine us coming here to advocate something that is going to put the distributors out of business."

No exhibitor would be required to book singly if he desired to secure blocks, he said.

Nathan Yamins Testifies

Myers was followed by Nathan Yamins, president of Allied, who declared "the universal opinion of the independent exhibitors is in favor of this bill."

"We are opposed to block booking because it forces us to buy bad. The annual feature production has been reduced from 800 to about 500." Also he declared, his theatre is playing to fewer patrons than in 1919 although the take is greater because of the higher admission prices. "I am convinced that the elimination of this monopolistic practice will restore to this industry a great era of prosperity and a great opportunity for public service," he said.

"Play or pay," is the rule in the middle west when exhibitors attempt to reject pictures because of local opposition," H. M. Richey of Detroit asserted. Adoption of individual selling, he contended, would not increase the cost of production, but would enable the exhibitor to meet the demands of his patrons for good pictures.

Block booking is compulsory in the Maryland area and is bitterly opposed by the independent exhibitors, it was declared by J. L. Whittle of Baltimore.

Approval of the legislation was voiced by Mrs. Mary T. Bannerman, acting chairman of the committee on legislation to abolish compulsory block booking of the M. P. Research Council; Mrs. E. G. Nourse, of the American Society of University Women, and Mrs. Paul Howell of the American Home Economics Ass'n.

Out Hollywood Way

HOLLYWOOD, Feb. 27.—ALIDA DEPINET, here with her husband, NED, picked Top Row to win at that big race about which they're still talking here. She wants New York to know about it, WILLARD MCKAY in particular. . . . JOE BERNHARD expects to start east the end of the week. . . . JOHN D. CLARK, who traveled from Hollywood to New York to Chicago to New York to Hollywood again in a week and held a Twentieth Century-Fox sales powwow in the Windy City in between, says he's here to stay until plans for the new season are set. . . .

✚

The Beverly-Wilshire groaning under the flock of New Yorkers residing there. . . . "Doc" GIANNINI over his cold. Was out for about a week. . . . JOE REDDY looks very well and continues to remember what PAUL BRUNET said 15 years ago when he transferred REDDY here from New York. . . . ABE MEYER hasn't been East in five years and says he does not miss it. . . . WALTER WANGER plotting a trip to Europe when he finishes his Paramount contract. That's four pictures away. . . . HERMAN WOBBER in from San Francisco again now that CLARK has returned. . . . SOL WURTZEL, the HENRY GINSBERGS, RAOUL WALSH, ABE MEYER and DELPHINE MEYER, seen at the Clover Club. . . .

✚

Warners to release "Anthony Adverse" in 12,500 feet for roadshowing. . . . MARY ASTOR, recovered from influenza, back in cast of "Bless Their Hearts," Columbia. . . . WILLIAM KOENIG burned by matchbox flareup. . . . HENRY BLANKE applies for U. S. citizenship. . . . Born in Germany.

MERVIN ASH back from Palm Springs. . . . JESSE L. LASKY, JR., returns from London and a six-month writing job for Gaumont British. . . . S. W. B. COHN resigns as publicity head for HAL ROACH. . . . To be succeeded by FRED PURNER, who has been handling publicity at the Santa Anita track for two years.

NEVILLE REAY joins publicity department at Selznick International. . . . Personal appearance tour of BETTY GRABLE and JACKIE COOGAN extended five weeks by F. & M. . . . BEN FISH, district manager for U. A., back from a five-week trip through northwest. . . . ELEANOR WHITNEY, Paramount tap dancing expert, rehearsing new routines for "Three Cheers for Love." . . . ALEXIS ARCHANGELSKY signed by Twentieth Century-Fox to do music for "Job."

✚

Casting—GRACE GOODALL, ROSINA LAWRENCE and JACK CLIFFORD signed for next KELLY-KELTON short by HAL ROACH. . . . BRUCE CABOT added to cast of "Mob Rule," M-G-M. . . . RUSS POWELL to have role of grand opera singer in WALTER WANGER'S "Brazen."

✚

Directors—E. A. DUPONT, who will direct "Something to Live For" for Paramount, is working on the script.

✚

Title Change—Warners change title of "Angel of Mercy" to "Florence Nightingale."

Levine Signs Miss Royer

HOLLYWOOD, Feb. 27.—Nat Levine has signed Fanchon Royer as production assistant. Miss Royer recently completed production of a series of Spanish pictures for the Mexican Government, and prior to that had produced pictures of her own.

Taylor Leaves Radio

ST. LOUIS, Feb. 27.—Robert Taylor, for five years office manager and booker for Radio here, has reentered the independent field, taking over the management of the local Majestic Pictures Corp. office.

John Felloney Married

BOSTON, Feb. 27.—John Felloney, salesman at the Twentieth Century-Fox exchange has been married to Mildred Shell of the M. & P. home office here.

Advance Sales Get Approval In New Pacts

(*Continued from page 1*)

film rights to stage plays so that open, competitive bidding for these rights is reestablished, according to Sidney Howard, guild president. The appearance of film companies as producing managers of stage plays in recent years curtailed the competitive bidding for film rights and was one of the principal reasons for drafting the new agreement, the guild says.

Under the new minimum basis pact manager and author continue to receive 50 per cent each of the proceeds of sales of film rights up to $15,000; the participation of the author is increased by one-third on the second $15,000, and on a graduated scale on amounts above $30,000, so that if the film rights to a play sold for $50,000 the author would receive 65 per cent., or $32,500, and the manager 35 per cent, or $17,500, and if sold for $100,000 the author would receive 70 per cent and the manager 30 per cent.

Bidding for film rights will be through the guild-appointed arbiter, Joseph Bickerton, and the guild itself. Bids will be kept secret unless voluntarily disclosed to interested parties by the author. The guild hopes that these provisions will correct the lessening of competetive bidding for plays produced by film companies.

Modifications Provided

In the case of productions of any type costing the manager a minimum of $60,000, modifications of the participation percentage in film rights may be granted by the guild's council upon the intercession of the author.

A flat fee of $100 per month was also included in the agreement for six months' options taken by producers on any play. If renewed for a second six months the option fee is $150 per month. The option is cancellable at the end of any month.

The terms of the pact as approved yesterday were declared to be final despite some dissatisfaction on the part of managers. Guild officials stated that they believed a majority of managers approved the new pact.

McConnell Rejoins Col.

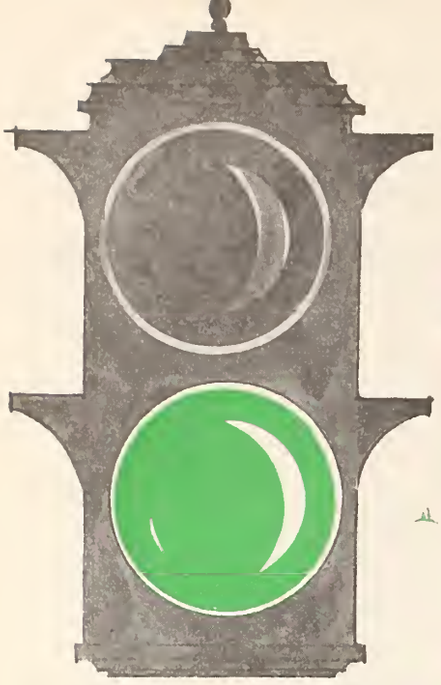
Fred McConnell has returned to Columbia's short subject sales department, which he left some time ago to become associated with The March of Time. McConnell was also in charge of short subject sales for Universal at one time.

To Open in Hollywood

HOLLYWOOD, Feb. 27.—George Shafer, former theatre operator in Pittsburgh, will open the Hollywood Playhouse tomorrow, with a combined stage and screen show. Shafer will use independent film product.

C. H. Badger Injured

KANSAS CITY, Feb. 27.—C. H. Badger, head of the Stebbins Theatre Supply Co., is getting about on crutches. He slipped while getting out of his car and has a fractured ankle.



Green MEANS "GO" TO TOWN WITH

"LAUGHING IRISH EYES"



WITH A SONG IN HIS HEART... A TWINKLE IN HIS EYE..!

Lilting Songs
THE WORLD WILL BE HUMMING



A REPUBLIC PICTURE

WITH PHIL REGAN
WALTER C. KELLY
EVALYN KNAPP

Directed by JOSEPH SANTLEY
Supervised by Colbert Clark
Screen play by Olive Cooper-Ben Ryan-Stanley Rauh
Original story by Sidney Sutherland-Wallace Sullivan



The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 50 NEW YORK, SATURDAY, FEBRUARY 29, 1936 TEN CENTS

Industry Men Defend Block Booking Use

Kent, Pettijohn Attack Senate Measure

By BERTRAM F. LINZ

WASHINGTON, Feb. 28.—Resorting to a night session to clean up the hearings on block booking, the Neely Senate sub-committee today heard representatives of the industry defend block booking as the only economic method yet devised, dating back almost to the inception of the industry.

Members of the sub-committee showed little interest in the testimony, apparently planning to read the printed record of the hearings. Senator Davis of Pennsylvania, to whom Senator Neely handed over the hearing as he left for West Virginia last night, was in constant attendance; Senator Benson of Minnesota made a short stay; Senator Barkley of Kentucky did not appear.

Psychological studies of the effect of films upon youth in the Payne reports were discussed Dr. Henry James Forman, author of "Our Movie Made Children."

Denmark has outlawed block book-

(*Continued on page 3*)

Carolina Exhibitors Will Meet Tomorrow

PINEHURST, N. C., Feb. 28.—The Theatre Owners of North and South Carolina will hold their annual mid-winter convention at the Hotel Carolina here on Sunday and Monday, with C. W. Picquet, president, presiding.

The list of speakers to date includes Ed. Kuykendall, president of the M. P. T. O. A.; Dave Palfreyman, M. A. Lightman, H. F. Kincey, Robert Wilby and a number of distribution executives.

Following the business session on Monday, a banquet and dance will be held.

A number of M. P. T. O. A. direc-

(*Continued on page 4*)

Pizor Action Halts Segall's MPTO Use

PHILADELPHIA, Feb. 28.—It has been revealed here that Lewen Pizor, president of the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware, has acquired a Delaware charter for the Independent M. P. T. O. What at first appeared to be an incorporation by Charles Segall, president, of the new Indepen-

(*Continued on page 4*)

New Optimism Stirs Mexican Film Industry

End of Strike, Cuts in Import Tax Help

By JAMES LOCKHART

MEXICO CITY, Feb. 28.—There is more optimism along Film Row here now than there has been in many months, following the settlement of the four-month strike against eight major American distributors, the reduction of 45 per cent in import duties and the fixing of a non-progressive tax of five per cent on distributors' gross incomes.

Distribution is moving much more smoothly; exhibitors are buying more pictures, and five new houses are being rushed to completion, following building delays. All will open within a few weeks. Mexican producers have received a new incentive with the exemption of their revenues from income taxes. Six features are in work, and companies are attempting to draw the best stage and radio names for their productions.

* * *

Cine Alliance, a German enterprise,

(*Continued on page 4*)

Studio Men Define Cameramen Status

HOLLYWOOD, Feb. 28.—A group of studio managers met here yesterday with Pat Casey for the final clarification of first cameramen's status under the I. A. T. S. E. closed shop.

In defining the clause stating that all cameramen other than the firsts shall be members of the I. A. T. S. E., the statement clarified first cameramen as those who operate cameras either in process or production more than 25 per cent of the working period in

(*Continued on page 4*)

Action Delayed on Arbitration Cases

Two cases, scheduled for arbitration at the New York Film Board of Trade yesterday, were defaulted when the respondents failed to put in an appearance. Both were for breach of contract.

The first complaint was that of Paramount against Nick Paley of the Bronxville, Bronxville, N. Y. The second was filed by RKO against the Adams Brothers and involved the Leonia, Leonia, which they recently took over from Julius Charnow.

Daily on Hand

Washington, Feb. 28.—*Motion Picture Daily* was the only trade paper circulated here today at the hearing on block booking legislation in one of the large committee rooms of the Senate Office Building.

Para. Board Hears Report on Studio

A report on Paramount studio plans and operations was presented to the company's board at its regular monthly meeting yesterday by John E. Otterson, president, who returned early in the week from a lengthy studio stay.

The board approved the merger of Paramount Pictures Distributing Corp., Paramount International Corp., Penates Trading Corp. and Parager Corp. with Paramount Pictures, Inc., the parent company. The move was taken to simplify the company's corporate setup and to effect tax economies through the elimination of non-essential subsidiaries.

No action was taken on the company's new contract with Winfield Sheehan, recently signed as an independent producer. It is understood that this matter is to await a later meeting of the full board. Floyd B. Odlum, H. A. Fortington and other members of the board are away from the city at this time.

"Pine" Injunction Is Denied by Court

An application for an injunction to prevent exhibition of "The Trail of the Lonesome Pine" was denied The Trail Co., which claims ownership of certain dramatic rights to the production, by Justice Collins in N. Y. Supreme Court yesterday. The injunction was sought by the plaintiff pending trial of its action against Paramount for an accounting.

In denying the application Justice Collins said, "Although the plaintiff's claim to the exclusive dramatic and dramatization rights to John Fox,

(*Continued on page 4*)

M-G-M Set to Build Two in South Africa

JOHANNESBURG, Feb. 28.—M-G-M is definitely set to build two theatres in South Africa in line with recently announced expansion plans. Neither of the new houses will be erected in this city where the company operates the Metro.

Arthur Loew, head of M-G-M foreign activities, is conducting negotia-

(*Continued on page 4*)

RKO Has Net Of $665,297 For the Year

Goes into Black in '35 First Time Since '30

The consolidated net profit of RKO for the year 1935 was $665,297, it was disclosed in a preliminary statement completed yesterday by Irving Trust Co., as trustee of RKO, in its report to the U. S. District court on results of operations for the year.

While the consolidated statement is subject to an audit now being conducted by Price, Waterhouse & Co., the results of this audit are not expected to alter the preliminary statement in any material respect. The year's earnings return RKO's consolidated operations to the black for the first time since 1930. The company's consolidated loss for 1932 was $10,695,503; for 1933 it was $4,384,064, and for 1934 a net loss of $310,574 was incurred.

Consolidated income for 1935 amounted to $44,879,837, of which $42,708,193 was from film rentals and admissions. Additional income from dividends received on investments, interest earned and other sources amounted to $529,315. Operating expenses aggregated $39,807,263, of which film sales and service costs of $17,355,582 comprised the largest

(*Continued on page 4*)

K-A-O Profit of $700,000 Is Seen

An indicated profit of more than $700,000, before taxes and deductions for non-recurring expenses, is anticipated for Keith-Albee-Orpheum Corp. for 1935, directors of the company were informed yesterday at a regular meeting of the board. A net profit of approximately $500,000, after all charges, is predicted, subject to an audit now under way.

The earnings report compares with

(*Continued on page 4*)

"Follow the Fleet" May Move to Center

"Follow the Fleet" may be switched to the Center after a two-week run at the Music Hall, it was learned yesterday. The Astaire-Rogers musical garnered $105,000 in the first week and held up well in the first two days of the second.

The Roxy with "Don't Get Personal" and Major Bowes' Amateurs

(*Continued on page 4*)

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Percy Kent, Hoffeld Coming East for FWC

LOS ANGELES, Feb. 28.—Percy Kent, brother of Sidney R. Kent and Milton Hoffeld, both of F. W. C. leave soon for New York to assume new posts with National Theatres.

Kent will head the F. W. C. realty department through National Theatres, which is the same post he occupied here, and Hoffeld will supervise the fulfillment of booking dates. Hoffeld was head booker under J. J. Sullivan in the local office of F. W. C. The announcement of the shift was made here yesterday at a division managers' meeting by Spyros Skouras. The meetings are expected to extend into next week.

Open at Warm Springs

"Little Lord Fauntleroy" will have its world premiere next Wednesday at Warm Springs, Ga., in a small theatre prepared for the showing. The guests will be the children at the Warm Springs Foundation. Freddie Bartholomew, the star, now in New York, will attend if he recovers from a severe cold in time. Dolores Costello Barrymore, featured in the film, will be present.

Accepts Cable Terms

WASHINGTON, Feb. 28.—The A. T. & T. has accepted the conditions set by the Federal Communications Commission, clearing the way for the installation of a coaxial cable between New York and Philadelphia for television experiments.

Insiders' Outlook

By RED KANN

Hollywood, Feb. 28.

NO Hollywood exploration trip could be complete without a visit with Ben Schulberg. It was impromptu today, however, and Sunset Boulevard was the scene. His ideas are definite about things now and to come, and after twenty-six years of it in this business Schulberg's opinions are always interesting.

The chance meeting for some reason or other livened our memory. In mentally reviewing his years it was a surprise to check into the number he has spent with Paramount. It all began in 1912 as publicity manager and scenario editor combined. Four years later he became general manager of Paramount Distributing Corp. under Hiram Abrams. . . .

▼

Preferred was born in 1918 with Al Lichtman and Jack Bachmann as partners, if you remember that far back. It was an independent venture, followed in 1925 by an invitation for Schulberg to head Paramount production here. For seven significant years, including 1928, when the company returned an $18,000,000 profit, or the biggest rolled up by any one company in any one year, he held the post, resigning in 1932 to form his own company but again with a Paramount hookup in distribution.

Three years later found that arrangement washed out and Schulberg at Columbia, where he now is completing the last four of a series of eight. This carries him to May 1. Then what? Nobody knows, but his knowledge of the Paramount lot and what makes it go suggest a resumption of the old association might not be amiss or too screwy to contemplate. . . .

▼ ▼

Well down front on the Metro lot is a large hole in the ground. Sam Katz can hear the noise of construction from his office, which rises a couple of stories above it in a nearby building.

"What's it for?" asked Howard Dietz.

"For rejected scripts," replied Larry Weingarten.

"Rejected scripts? You mean only those on 'Good Earth,' don't you?" commented a third. . . .

▼ ▼

Louis Sobol, columnist, of the *New York Evening Journal*, is here to do the studios. It's a two-month jaunt.

The other day the sun peeked from out of the hills for a minute. "Look at that," he remarked.

"Pay no attention," he was urged. "Merely a production touch." . . .

▼ ▼

One of the studio secretariat was presented with a copy of "Boy Meets Girl" the other day.

"Did you think it funny?" she was asked.

The answer was in the negative.

"And why not?"

"Because it's too much like what we get around here every day in the week." . . .

▼ ▼

Studio shifts create excitement in these parts. Thus, when Gabe Yorke succeeds Bill Pine at Paramount, the legend goes, the next day brought a letter reading:

"If you can find jobs for these fellows in the next week or so, a lot of your friends would be happy."

Attached was half dozen pages torn from the Los Angeles telephone directory. . . .

▼ ▼

"How are you?" Yorke was inquiring.

"Not so good. Chills, bad back and a couple of grippe symptoms thrown in."

"What picture did you see last night?" asked Gabe. . . .

▼ ▼

Max Gordon, whose New York season has been a wow, what with "Pride and Prejudice," "Jumbo," et al, is here working on the Metro lot.

"They keep on sending me clippings from New York, telling me what a genius I am. But a couple of flops will set them straight," he remarked. . . .

▼ ▼

Up from nothing plus, a small producer here now uses an English valet. Every night he loads his man with scripts and these instructions:

"Read them and tell me whether the language is correct." . . .

▼ ▼

In which, cheerfully and sans request, an error is made aright. This space's comment on the color results in "Trail of the Lonesome Pine" criticized Technicolor on the blue of its blues. It did not seem natural. Yet it is in this part of the world, at any rate. We've seen with our own optics. . . .

M-G-M, Loew Heads On Move Everywhere

M-G-M and Loew executives are keeping the various transportation lines quite active these days, what with a number of them either on, returning or planning trips.

David Bernstein leaves tomorrow for Miami on an extended vacation. Judge Isadore Frey will get away for the same resort some time next week and Louis K. Sidney has plans of leaving about March 15. Oscar Doob returned earlier in the week and E. M. Saunders will be back in about 10 days.

Fred Quimby returned yesterday from a six weeks' coast trip and Al Lichtman is scheduled to return next week. The latter arrived in New Orleans yesterday and from there proceeds to Atlanta and a few other points before hitting New York. Felix Feist is due from Hot Springs, Ark., in another 10 days. William F. Rodgers will return Monday from Cleveland.

Laudy Lawrence, who will sail from Paris shortly, will time his arrival with that of Arthur Loew, who will sail Monday from Rio de Janeiro and is due here on March 12.

Nicholas M. Schenck and Howard Dietz are scheduled to leave the coast next week. J. Robert Rubin and Leopold Friedman returned from there a few days ago.

Fabian Takes Over Two at Middletown

Si Fabian, who operates the Paramount, Strand and Fox in Brooklyn, as well as a number of upstate New York theatres, tomorrow will take over the State and Stratton in Middletown, N. Y., from the Hathaway Brothers.

Joseph Shure, manager of Proctor's, Schenectady, has been transferred to Middletown to handle both houses under the Fabian management. George Walsh of Paramount has made several efforts to pool the two Hathaway houses with the Paramount in the same town, but never got further than the preliminary stages of negotiation.

Arrest 11 Pickets

Eleven men, arrested in front of Loew's State on Broadway, where they had been picketing against "Riffraff," were held in total bail of $20 yesterday. They will be given a hearing in West Side Court on March 3.

"Melody" Is Berlin Hit

BERLIN, Feb. 28.—"The Broadway Melody of 1936," which opened at the Marmorhaus the other night, received a tremendous ovation from both the critics and public. German titles are superimposed.

RCA Declares Dividend

The RCA Corp. of America has declared its regular quarterly dividend on the "A" preferred stock. The dividend amounts to 87½ cents a share payable to stockholders of record Mar. 11.

Kent Opens at Clinton

M. Kent, former husband of Bland Johaneson, film critic of the *Mirror*, has opened the Clinton Point, Clinton, N. J., with C. E. Smith acting as general manager.

Industry Men Defend Block Booking Use

(*Continued from page* 1)

ing and has prohibited producers from having an interest in theatres, the committee was told by Catherine Van Etten Lyford, Boston, who, with Mrs. Frederick P. Bagley, also of Boston, submitted a plea for passage of the bill from the Massachusetts Civic League.

Charges that block booking gives effective control over exhibition and programs were read into the record on behalf of Dr. Russel J. Clinchy, Washington minister. Enactment of the bill also was advocated by Mrs. B. E. Danley for the Y. W. C. A.; Izor A. Scott for the W. C. T. U.; Mrs. Sina N. Stanton for the Council of Women for Home Missions; Mrs. Louis Ottenburg of the National Women's Trade Union League; Mary Quest for the Girls' Friendly Society, and Mary T. Bannerman for the National Congress of Parents and Teachers.

Charging that much of the support of the Neely-Pettengill bill was coming from professional agitators, "most of whom haven't a nickel invested in this business," Charles C. Pettijohn, general counsel for the Hays organization, led the attack on the measure.

"It is my belief that 50 or 60 per cent of theatre owners and managers in this country do not belong to any exhibitors' organization," he said.

Opening an attack upon Allied which, he charged, a few years ago offered a five-year block booking, blind selling Tiffany contract, Pettijohn paid his respects to Nathan Yamins, who, he said, cried that a monopoly was being raised, and who had a monopoly in Fall River, and distributors had to deal with him on his terms.

Mae West in Demand

Pettijohn submitted data on cancellations which showed that Paramount had not had a single cancellation on Mae West, while "Alice in Wonderland" was cancelled "all over the lot." The same was true with other companies, Warners having had few cancellations on "Little Caesar" and many on "Alexander Hamilton."

Instead of the screen being a deleterious influence, he said, Edgar Hoover, chief of the Justice Department's Bureau of Investgation, had credited films with being of great service to his department.

The purpose of the bill is to improve the morals of pictures, but, he warned the committee, its enactment would merely transfer responsibility from the producers, where it properly rests, to the exhibitors.

Enactment of the bill would increase costs of distribution, Pettijohn contended, and would mean an increase in admission prices. At the present time the House in the smallest town can get for from $6 to $10 the same fine features that the metropolitan de luxe theatre pays as many thousands for. There are about 16,000 houses in the country and 12,800 are independent.

Referring to the low prices at which Pettijohn said films were given the smaller towns, Senator Davis asked: "And 13,000 of the houses are independent?"

"Nearly that many," Pettijohn agreed.

To save time of witnesses who had come from long distances, Pettijhon read but briefly from a detailed brief which he filed with the committee.

"Ostensibly written to alter the trade practices of the industry, the real effect of the present bill would be to strike a blow at the freedom of the screen, at the progress of an art and at the great popular service of motion picture entertainment," the committee was told.

"The red herring that has been drawn across the trail of this measure is that its provisions would meet an allegedly 'moral issue.'

"That issue is rank hypocrisy."

Based on Brookhart Bill

Pointing out that block booking hearings have been conducted from time to time over a period of eight years, Pettijohn declared that court decisions have affirmed the producers' contention that block booking is merely wholesale selling and a fair and lawful practice. The block booking prohibition of the Neely bill, he said, is practically the same as that in the original Brookhart bill, introduced in 1928, which in turn was copied from the cease and desist order of the Federal Trade Commission in the Paramount case.

Provisions in the bill making the measure applicable to foreign as well as interstate commerce, he asserted, would put American distributors at a serious competitive disadvantage in foreign markets.

Although the pictures themselves are beyond reproach, the witness charged, "there are still those who to harass, improve or dictate to the industry are now attacking its distribution system."

"It is an utterly false supposition that the exhibitor buys 'blindly' because he does not always see the finished picture in advance of his contract. The fact is that he is given all the details in possession of the distributor about the character of each film production at the time such contracts are made. Even in cases where the full story of the plot cannot be made available, the exhibitor is given data to judge amply of the entertainment offered.

"If it is 'blind buying' for the exhibitor to pay $25, $50 or $100 for the rental of a film which will feature stated stars, directors and artists, what is to be said for the producer who invests $100,000 or $1,000,000 in advance to produce a spectacle, the success of which can not be determined even when the picture is completed, but only when it is actually shown?"

Contract Data Introduced

The figures prove that an exhibitor's judgment does not rest on moral considerations, Pettijohn continued, submitting figures to show that pictures to which objection had been raised were taken by more exhibitors than films of less drawing power but of possibly higher moral quality. A list showing the contracts played by a long line of pictures during the 1933-34 season was topped by "I'm No Angel" with 11,558, followed by "Little Miss Marker," 9,630; "Too Much Harmony," 9,494; "We're Not Dressing," 9,267, and "Belle of the Nineties," 9,100. At the other end of the list were "Heart Song" with 1,136 contracts and "Constant Nymph" with 993.

"To assert that block booking is a public and moral problem is to reveal a total misconception of the issue," he declared.

Making way briefly for Mrs. John B. Sullivan of the International Federation of Catholic Alumnae to read the statement issued Feb. 26 by the Legion of Decency, Pettijohn paid high tribute to the work which has been accomplished by that organization in improving the morality of pictures.

Pettijohn stressed that the problem of the industry is distribution, it being necessary to circulate 30,000 miles of film a day, and referred to the efforts that must be made to keep the product moving to all houses.

As an evidence that the industry is not entirely hard boiled he called attention to the free shows for the inmates of 855 institutions throughout the country.

A striking explanation of the difficulties of the industry was given by Sidney R. Kent, president of Twentieth Century-Fox. Far from forcing blocking 100 per cent, he said, 40 per cent of his company's contracts are for less than all.

The disagreement among the exhibitors themselves on the question of block booking was evidenced by the appearance in opposition to the bill of Ed Kuykendall, president of the M.P.T.O.A. Kuykendall assailed compulsory booking and asserted there are other trade practices which the theatre men don't like, but which the average exhibitor feels are questions to be ironed out in the industry and not in public.

Several women leaders spoke in opposition to the bill.

"Film Morals High," says Cochrane

Characterizing the bill as old fashioned, Robert H. Cochrane, vice-president of Universal, said that if the need for the legislation ever existed it no longer does from the standpoint of morals.

Nathan Yamins, who charged he was forced to pay for "The Devil Is a Woman" and "Four Hours to Kill" after unsuccessfully attempting to cancel, and who was criticized for monopolistic practices by Pettijohn and made a heated rejoinder, found himself again in the limelight when George J. Schaefer, formerly of Paramount, produced contracts and records to show his side of that controversy.

Yamins, he said, sought to cancel the pictures on the ground they were put in Class C by the Legion of Decency, whereas, in fact, one of them was in Class B and both had been passed by Massachusetts authorities for Sunday showing. He played and paid for one, but did not play or pay for the other, which was withdrawn from circulation.

Schaefer also went into Yamins' operations, winding up by saying that Yamins demanded a selective contract at prices less than the average he paid for full blocks and Paramount refused to sell him. He said Yamins had a contract under which Mae West was to play for four days; made a new contract giving him seven days, and then his general manager spoke on the evils of block booking at a New Bedford cleanup rally and said he "blushed when he saw" the picture.

The former Paramount executive, presented figures on cancellations during the code period. Many of these, he said, were because the pictures were on percentage.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Hellship Morgan"

(*Columbia*)

HOLLYWOOD, Feb. 28.—A better tale than this might have been contrived for George Bancroft's return to the screen after a long absence, for the good cast has little chance against the thin story of love in the tuna industry.

Bancroft plays "Hellship" Morgan, who pops sailors on the jaw because a woman two-timed him once. On shore he roisters in dance halls for the same reason. When Victor Jory, drunk, refuses to drink with him, Bancroft knocks him out, discovering meanwhile, by some psychic method, that Jory is hungry and also the embittered victim of woman's treachery. Bancroft takes Jory on as part of his crew after words of cheer in which they exchange all but the Boy Scout oath. "Hellship" Morgan's heart of gold is next touched by the plight of broke and hungry Ann Sothern. She is so grateful when he gets her a job in a cannery that she marries him, though she has already slapped Jory on the cheek, clearly indicating the dawn of a love for him. Once married, Miss Sothern cannot keep out of the pilot house where Jory is always standing watch and Bancroft. understanding the situation, drags himself over the side, seeking a watery grave.

The shots of tuna fishing and canning are interesting. Harold Shumate wrote the screenplay and original story. D. Ross Lederman directed. The photography by Henry Freulich and the special effects by A. Roy Davidson deserve special praise.

George Regas does well with a small part and so do Howard Hickman, Ralph Byrd, Rollo Lloyd and Snoflake. The three principals struggle valiantly with the difficult dialogue. Irving Briskin produced.

Production Code Seal, No. 1,838. Running time, 63 minutes. "A."

RKO Has Net Of $665,297 For the Year

(Continued from page 1)

single charge. Artists' salaries amounted to $1,253,418; other salaries and wages totaled $4,513,748; film service and production expenses were $5,077,996; film selling and general expenses, $3,968,680, and other operating and general expenses, $7,637,835. Other charges aggregating $4,619,430 are listed, including interest and discount of $2,199,895, and depreciation of capital assets and amortization of leaseholds, amounting to $1,470,864.

In addition, the trustee's individual account for the period from July 1, 1934, to Dec. 31, 1935, shows receipts of $509,167 and disbursements of $422,858. The report notes that during the same 18 months period the available cash of RKO and subsidiaries increased from $4,696,904 to $5,287,893, while the inventory value of films, accessories and supplies increased almost $2,000,000, fixed indebtedness was reduced by $2,362,472, and interest on indebtedness was paid in the amount of $2,259,055.

Theatre Operators Gain

The earnings of RKO Radio Pictures, Inc., and its film producing and distributing subsidiaries, had an indicated net profit after all charges, of $777,425, as compared with a net profit of $570,378 the preceding year. Theatre operating subsidiaries, exclusive of Orpheum Circuit, had an indicated profit of $69,348 in 1935, as compared with a loss of $741,718 the preceding year. The report notes that theatre admissions last year increased $1,124,844 over 1934, while operating expenses increased only $588,019. An improvement in ordinary operations of Orpheum Circuit of approximately $125,000 was shown last year over 1934, the report states.

RKO Pathe Pictures, Inc., and subsidiaries showed an unaudited net loss of $187,937, as compared with a loss of $270,477 in 1934. Pathe News, Inc., has an indicated profit of $3,921 for the year, against a net loss in 1934 of $48,646.

The trustee's report notes that the $55,104,721 in claims filed against RKO in its reorganization proceedings have been reduced to approximately $33,000,000, with further substantial reductions still probable. Of the remaining claims, the secured debt amounting to $13,768,500, and the Rockefeller Center claim of more than $9,000,000 account for the largest portion of the claims.

It was learned unofficially that little progress has been made in the preparation of a plan of reorganization, although the report notes that the trustee has conferred "from time to time" with representatives of RCA, Atlas Corp.-Lehman Bros. and RKO officers on data pertinent to a plan.

Youmans Is Bankrupt

DENVER, Feb. 28.—A voluntary petition in bankruptcy has been filed here in U. S. District Court for Vincent Youmans, orchestra leader and composer. The petition listed liabilities at $511,306 and assets, patents and trademarks with "value unknown."

Studio Men Define Cameramen Status

(Continued from page 1)

studios. It was also generally voted to continue N. R. A. time and wage scales.

The subject of costume fittings also brought out at the meeting resulted in a decision to pay one quarter of the daily wage to extras detained over an hour and a half for fittings and carfare to extras detained under that period.

Doubt Guilds Will Go Into the IATSE

Although reports persist that the Dramatists' Guild, the Screen Actors' Guild and Assistant Directors' Assn. are seeking to join the I. A. T. S. E., informed opinion is that the international union will not accept such organizations as members.

George Browne, head of the I. A. T. S. E., is scheduled to return from the coast in about a week or so to confer with executive board members on the membership applications.

"Pine" Injunction Is Denied by Court

(Continued from page 1)

Jr's. story appears to be impressive, it falls short of that clarity and persuasiveness which would warrant the drastic remedy of injunction in advance of trial. Especially is this true because the picture is now being exhibited. If the plaintiff's rights are upheld, the defendants will be accountable. No good can come from a temporary injunction halting the showing of the picture; on the other hand, considerable harm will be visited upon the defendants by such summary action. The serious doubt which the papers and the clashing claims create dictate that the motion be and it is denied."

The action was placed on the calendar for trial March 30.

"Follow the Fleet" May Move to Center

(Continued from page 1)

tallied $40,500, which means plenty of profit for the bondholders' committee. The Capitol dropped to $17,000 with "Music Goes 'Round and Around." "Yellow Dust" at the Rialto ended with approximately $8,000, while the Palace with "Ceiling Zero" and "The Chatterbox" chalked up about $8,000.

In the event "Follow the Fleet" is dated into the Center, the Albee, Brooklyn, will be held up a week.

Pizor Action Halts Segall's MPTO Use

(Continued from page 1)

dent M. P. T. O., composed of former Pizor organization members and members of the I. E. P. A., became an obvious move on Pizor's part to prevent the use by the Segall organization of any name similar to that of the M. P. T. O.

The result of the action by Pizor is not yet apparent, but film men here have hopes that eventually a single exhibitor organization will be evolved, to include all exhibitors, ending the long period of disagreement among various exhibitor groups.

K-A-O Profit of $700,000 Is Seen

(Continued from page 1)

a loss of $176,000 for K-A-O in 1934, and a loss of $650,000 in 1933.

David Sarnoff, RCA head and a member of the K-A-O board, commended Herbert B. Swope, chairman, and the K-A-O management on the improvement in operating results at the meeting. The directors voted a dividend of 1¾ per cent on the preferred stock, payable as of Dec., 1931, the quarter in which the dividend was first made payable. The dividend represents one-fourth of the regular seven per cent on the preferred and brings the past due dividends up to the first quarter of 1932.

The K-A-O managers' bonus, inaugurated a year ago by Swope shortly after he became chairman of the board, was extended for another year. The annual meeting of K-A-O stockholders will be held early in April.

Bernhard Sponsors Long Feature Films

HOLLYWOOD, Feb. 28.—A strong plea for the lengthening of pictures to 14,000 feet was expressed here today by Joseph Bernhard, general manager of the entire Warner circuit. He stated that pictures running to approximately two and a half hours would accomplish the double purpose of eliminating dual bills and increasing patronage. He has advised the Warner heads, he said, to release "Anthony Adverse" in its present length of 14,000 feet, basing this judgment on his belief that the public prefers one good full-length feature plus a program of shorts.

Bernhard leaves here tomorrow, having completed a tour of Warner coast houses as well as conferences on new product with Jack Warner and Hal Wallis.

Carolina Exhibitors Will Meet Tomorrow

(Continued from page 1)

tors from New England and the eastern states are expected to stop off for the meeting en route to Miami where the national organization's annual board meeting will be held, March 5 and 6. Among those expected are Walter Vincent, A. Julian Brylawski, Edward G. Levy, E. M. Fay, Lewen Pizor, Sidney Lust, J. H. Michael, William Benton and Samuel Pinanski.

Mrs. Vergesslich Dead

Jessie M. Vergesslich, 40, wife of Joe Vergesslich, who recently rejoined Warners in Atlanta, died early yesterday morning in the Park East Hospital after a protracted illness. Services will be held tomorrow morning at Vergesslich's home. Burial will be at Montefiore Cemetery, Springfield, L. I. In addition to her husband, Mrs. Vergesslich is survived by two daughters, Maxine and Lorraine; a father and brother, Charles and Harold Anderson.

Rites for Mrs. Pearson

Funeral services for Mrs. Emily B. Pearson, who died Wednesday after a short illness in Bellevue Hospital, were held yesterday in Campbell's Funeral Church. Mrs. Pearson was the wife of Elmer B. Pearson, who was prominently affiliated with the industry.

Wall Street

Trading Irregular on Board

	High	Low	Close	Net Change
Columbia, vtc	37⅜	36¾	37	+ ½
Consolidated	6½	6⅜	6⅜	.....
Consolidated, pfd.	18¾	18⅝	18¾	- ⅛
Eastman Kodak	160¼	160	160	- ½
Loew's, Inc.	49⅞	49⅜	49½	— ¼
Loew's, Inc., pfd.	105⅞	104½	104½	—1¼
Paramount	10⅜	10¼	10¼	.....
Paramount 1 pfd.	78	76¾	78	+ ⅝
Paramount 2 pfd.	11	10⅞	11	+ ⅛
Pathe Film	8½	7¾	8	— ⅜
RKO	8⅜	8⅛	8⅛	— ⅛
20th Century-Fox	31	30	30½	+ ⅛
20th Century, pfd	39½	38½	38½	+ ⅛
Universal, pfd	77	74	77	+1
Warner Bros.	13	12½	12⅝	— ⅜
Warner, pfd	55	55	55	+1

Technicolor Up on Curb

	High	Low	Close	Net Change
Sentry Safety	1	1	1	.....
Sonotone	3	2⅞	3	.....
Technicolor	26¾	26	26¾	+1
Trans-Lux	4½	4¼	4¼	.....
Universal Pict.	8¾	8¾	8¾	— ⅜

General Theatre Only Bond Gains

	High	Low	Close	Net Change
General Theatre 6s '40	26	25¼	25⅜	+ ⅜
General Theatre 6s '40, ctf	26	24¾	25¾	+ ½
Keith B. F. 6s '46	96	95¾	96	.....
Loew's 6s '41 ww deb rights	103	102¾	102¾	.....
Paramount B'way 3s '55	56½	56	56	.....
Paramount Pict. 6s '55	92¼	90	90	—2⅜
RKO 6s '41 pp	75½	75½	75½	—1
Warner Bros. 6s '39 wd	95	94	94	—1

(Quotations at close of Feb. 28)

Optimism Stirs Mexico Industry

(Continued from page 1)

has organized a Mexican subsidiary, to distribute a series of features made in Germany. Sixteen will be released in the spring, including one with Pola Negri and six with Martha Eggerth. Ufa's distribution service here was temporarily affected by sympathetic action in connection with a strike which closed several German stores, but the movement ended with the settlement of the strike.

* * *

Six radical students are awaiting trial in Cuernavaca for disrupting a showing of "The Wandering Jew" by throwing tear and stench bombs into the audience from the balcony. They face prison terms of five to 10 years.

M-G-M Set to Build Two in South Africa

(Continued from page 1)

tions with local builders via radiogram from the *Santos Maru*. He is due in Rio de Janeiro March 2 and in New York 10 days later.

PARIS, Feb. 28.—Laudy Lawrence, head of M-G-M European offices, sails next week for New York on his annual trip. His mother is now in Miami. Lawrence will remain in New York for several weeks.

Change "Fire Brigade"

BOSTON, Feb. 28.—That "Amateur Fire Brigade" film gotten out by the Sentinels of the Republic which has been encountering censorship trouble and public protest throughout the country has been changed to eliminate President Roosevelt and substitute a figure to represent the New Deal, according to Alexander Lincoln.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

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Free Lancing Seen Helping Japan's Films

Fanck Plan, Fewer Small Firms Also Factors

By TETSUYA MORI

TOKYO, Feb. 13.—Production in this country is expected to receive a definite impetus through three important recent developments: First the increased tendency to use free lance players; second, the plan of Dr. Arnold Fanck to produce films here, using Japanese players, and designed for world showing, and third, the reduction in the number of small companies.

Until recently only a few of the more progressive producers used free lance players, considering their contract talent too important a company asset. All producers today are coming to realize the importance of using in each film those players who are best suited to the roles. An increasing number of players are turning free lance at the expiration of existing contracts. P.C.L. is one of the important companies which has formed a definite policy of going afield for the most suitable players, and other companies are following the

(*Continued on page 4*)

Says 920 Theatres Are Using Screeno

Approximately 920 theatres throughout the country are now featuring Screeno, J. S. Markstein, president, stated prior to his departure yesterday for Detroit after spending a week here conferring with George West, eastern representative.

Chicago is the biggest territory for Screeno, Markstein said, and Greater New York is second with 110. The Windy City has had a high of 170 accounts at one time but because B. & K. has reinstated stage shows in a number of houses, games have been discontinued in about 25 units. In New

(*Continued on page 4*)

Bank Fees Approved In Paramount Case

An order approving the payment of compensation to New York Trust Co. and Commercial National Bank for services as depositaries in connection with the reorganization of Paramount Publix was signed on Saturday by Federal Judge Alfred C. Coxe.

The orders authorize compensation of $32,615 and expenses of $2,344 for N. Y. Trust and compensation of $24,582 for Commercial National.

Cold Continues to Depress Nation's Key City Grosses

Snowbound areas all across the northern part of the country and exceptional cold well into southern spots that are not accustomed to it continued to put a damper on the nation's key city box-office returns for the week ending Feb. 20-21. The total for the 30 cities reporting to MOTION PICTURE DAILY was $1,558,185.

The slump has been persistent in spite of some of the biggest pictures of the year. It began in mid-January when the first extreme cold became widespread, and reached a low point, $1,515,300, for the week ending Jan. 30-31. During the two succeeding weeks there was a pickup. For the week ending Feb. 6-7 the total rose to $1,591,350, and went up to $1,680,180 the following week, Feb. 13-14.

A general improvement is looked for now, however, in spite of Lent, because of better travel conditions.

Last week's decline was fairly uniform, except in Cleveland, Detroit, Los Angeles, Minneapolis, Montreal, Omaha, Philadelphia, Portland and Washington. [Comparative tabulation on page 14.]

(*Continued on page 14*)

Intermountain Adds Two; Plans Changes

SALT LAKE CITY, March 1.—Intermountain Theatres, Inc., has acquired two theatres, and plans improvements which will total $75,000. Several personnel changes have been made by Harry David, vice-president and general manager.

The Grand in Preston, Idaho, and the Grand in Brigham City, Utah, were leased from Michael Nielson, giving the circuit 18 houses in Utah and Idaho. Further acquisitions are contemplated.

Ray Hendry has been promoted from the management of the Capitol here to the post of assistant general manager of the circuit. Nevin McCord of the Orpheum in Twin Falls, Idaho, will replace Hendry at the Capitol. Earl H. Baughman has been named manager of the City and Or-

(*Continued on page 2*)

Denver Bank Night Insurance Illegal

DENVER, March 1.—The scheme to insure against loss to winners in Bank or Cash Night drawings at theatres has been declared illegal in an opinion by Assistant Attorney General J. Glenn Donaldson, and approved by Attorney General Paul P. Prosser. The plan was branded a lottery by them.

The Theatre Guarantee Corp. had conceived the idea, charging from 10 cents for $100 to 25 cents for $500 insurance, to be paid if the winner was not at the theatre. More than 40 agencies were established before the plan was ruled out.

The ruling first declared the plan was not insurance, the opinion holding that "the interest must be more than a mere hope; thus an expectation of a gift is not an insurable interest."

No "U" Move Seen Before March 10

Although satisfactory progress toward completion of Standard Capital Co.'s study of Universal operations and financial requirements is being made, there is little likelihood of any formal action being taken before March 10 on Standard's option to acquire a controlling interest in Universal, it was stated authoritatively on Saturday.

The option, which was renewed for six weeks from Feb. 1, expires March 14. There is no indication at this time, it was said, whether a new extension of the option will be required to complete the work now under way. Developments during the next 10 days are expected to determine this.

Hearst Scores West Film in Paper Here

Continuing the attacks of the Hearst newspapers throughout the country against Mae West's "Klondike Annie," the *New York York American* on Saturday published a lengthy editorial, under the title "Stop Lewd Films," in which Paramount and the Hays office were scored sharply. Previous attacks have been registered in San Francisco, Chicago and Baltimore, where the Hearst papers also refused all advertising on the film.

The editorial concludes: "It is to be hoped that the churches of the country are awake to the necessity of boycotting such a picture as 'Klondike Annie' and denouncing its producers. . . . The public should bring its influence to bear—by showing through non-patronage of such productions that pandering to the lewd elements of the community is not profitable."

The film is scheduled to open shortly in Chicago.

Booking Bill Called No Aid To Little Man

Lust Tells Senators It Would Help Big Spots

By BERTRAM F. LINZ

WASHINGTON, March 1.—The proposed block booking measure "would help the big theatres, not the little men," Sidney B. Lust, Washington exhibitor, told the Neely Senate subcommittee at a night session which concluded hearings on the bill here. Lust was one of a number of witnesses who testified in opposition to the abolition of block booking.

Lust denied that distributors demand big cuts on box-office attractions by classifying them as percentage pictures. He declared that none of his five houses runs any percentage pictures and that he does not book any company's entire output. The witness said exhibitors know well in advance what a picture is, submitting a copy of *Motion Picture Herald* as an example of how the trade papers carry criticisms long before films are in general distribution. "I go by the trade papers and plan my programs on the basis of their reports," he said.

Picturing himself as an exhibitor who bought 100 per cent blocks with-

(*Continued on page 4*)

Poster Ass'n. Meet Is Set for Chicago

Members of the National Poster Service Ass'n., Inc., will hold their annual convention in Chicago the latter part of April, it was decided at a meeting of the board late last week. The date and hotel will be set later. Attending the meeting were Louis Weinzimmer of Progressive Poster Service, E. Behrens of Behrens Supply, Harry Schlitz of Exhibitors Poster Service of New York; Simon Libros of National-Kline Poster, Philadelphia, president of the organization, and George Aarons of Philadelphia.

M. Levin of Exhibitors Poster, Omaha, did not attend, but was notified of the developments by long distance telephone.

J. A. Clark Resigns From 20th-Fox Post

James A. Clark, in charge of Twentieth Century-Fox accessories, has resigned. The post has been taken over by Lee Balsley, who had been at the head of the department prior to Clark,

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Insiders' Outlook

By RED KANN

Hollywood, March 1.

HOLLYWOOD'S spots have not changed. Somewhere, somehow, somebody dubbed production the life stream of the industry. Sufficient truth was in the assertion to make acceptance of the observation widespread. There is no gainsaying the fact that attractions are what make the industry, no matter how dizzily, revolve on its axis. All the rest of the paraphernalia—the mystery which surrounds the job, the social and caste systems, the political rivalry, the empiric complexes, the cock-eyed ideas which mix so freely with the good—are part of the warp and woof of the conglomerate mass which spells out Hollywood. . . .

▼

A truth of this tour of inspection is the indisputable fact that the studios are trying hard and are generally succeeding in improving product. Whether or not the money they are spending on the "A" stuff, which means sluffing the "B," is always in the cards is another story. This is the day in Hollywood where those pictures designed as big pictures run close to and over the million dollar mark. The procedure is getting to be quite a regular affair now. So much so that one of the better manufacturers of celluloid ironically talks about anything costing less as a trailer. . . .

▼

Hollywood at large agrees on at least two points of view. More may come to light later, but these are the two: (1) It insists and persists in its age-old opinion that New York continues to misunderstand what goes on here. Because it does and because, aside from the Mayers, the Thalbergs, the Zanucks, the De Milles, the Wangers, the Goldwyns, who keep a business eye well trained on their returns, it is a rare few who know or bother to learn what happens after the print goes East, Hollywood pays little attention to the world beyond its mountain and sea embroidered boundaries. . . .

▼

The other slant, widely concurred in, is that, as high as negatives have been, they are going higher. The reasons, as propounded here, are several. The astute makers of pictures maintain there is an alarming shortage of genuine personalities. This department agrees, but fails to recall the day when an identical situation had not prevailed. The handful or more of men and women who actually sell tickets are in constant demand. Thus, Freddie March is getting $125,000 flat for his role opposite Katharine Hepburn in "Mary of Scotland." Radio, having established that, nobody can foretell to what figure his next job will rise. . . .

▼

The drift now is to cluster big names in one picture. Thus, Darryl F. Zanuck has combined Claudette Colbert, Victor McLaglen, Ronald Colman and Rosalind Russell and a string of fifty name players in the support of "Under Two Flags" at a cast cost alone of about $500,000. Producers, certainly conscientious and honest enough in putting forward their best foot, often get a fixation, couple it with determination, and set out to nab the player they envision for a particular role and worry less about the price. At the same time, they are constantly establishing new price levels which fellow producers—and they as well will have to meet somewhere along the line. . . .

▼

There must be included in this discussion the situation which confronts the studio which is shy of name players and bids for them in the open market under heavy penalties. Universal is a case in point, but there are others — practically all others with the sole exception of M-G-M. Agents, clever and well-informed boys, know what's going on. They know how great the need and how pronounced the shortage and invariably do a very good job of it for their clients and for their own ten per cent. The result is only one. It couldn't be anything else. The current market on ticket-selling names is so bullish it roars and will reflect itself in percentage terms demanded for 1936-37 product. . . .

▼

The theatre operator will howl, of course. The buyer always does. Yet what to do is something not easily answered. One segment of substantial Hollywood opinion thinks it sees the answer in a general hike in admissions. This is a free and easy solution and the obvious suggestion. Whether or not exhibitors can is dependent upon local conditions. Business, taken in sum total, is much better, but has it recovered to a point where admissions can be booted up the line? The persistence with which double features hang on strikes as an indication that the public continues in a bargain-buying mood. For some time now it has been getting plenty for little money and patently finds the buy an attractive one. Will it, if the cost is hiked? If not, where do Hollywood and the business get off? . . .

Expect Over 500 at Dinner for Grainger

More than 500 are expected to turn out for the testimonial dinner to be tendered E. C. Grainger at the Astor on March 9. The committtee on arrangements totals 44, including the following:

Clayton Bond, Harry Brandt, Leo Brecher, Harry H. Buxbaum, Nat Cohn, Sam Cocalis, Harry Gold, Jack Hattem, Clarence Hill, William Kupper, Joe J. Lee, Abe Leff, Frank McCarthy, Ed McEvoy, Charles Moses, Leon Netter, Louis Nizer, J. J. O'Connor, Charles L. O'Reilly, Edward J. Peskay, Louis Phillips, Eugene Picker, Lou Preston, Walter Reade, Sam Rinzler, W. F. Rodgers, Leon Rosenblatt, Mike Rudin, Edward Rugoff, Sidney E. Samuelson, Morris Sanders, Edward M. Schnitzer, Joseph Seider, Benjamin Sherman, Harry Shiffman, Jack Skirball, A. W. Smith, Jr., David Snaper, Jack W. Springer, Al Suchman, William Sussman, Harry H. Thomas, George C. Walsh and George W. Weeks.

Most of the preliminary work is being handled by Buxbaum, Lee, Sanders, Kupper and Hill.

Delay Loew Bronx Case

The complaint against Loew's Paradise for allegedly violating the lottery laws by featuring Screeno has been postponed in Special Sessions, Bronx, until April 6. Previously, similar complaints against Loew's Grand and Elsmere had been continued until March 17.

Browne Leaves Coast For IA Confab Here

LOS ANGELES, March 1.—George Browne will leave here tomorrow by boat for New York where he will confer with Dan Tracy, I.B.E.W. head, on the arbitration of soundmen status. This matter is the last of the problems to be ironed out by the I.A.T.S.E.

Browne's trip by way of the Canal is considered as a vacation prior to the pending meetings.

Cecelia Parker Loaned

HOLLYWOOD, March 1.—Sol Lesser has borrowed Cecilia Parker from M-G-M for the leading role opposite Richard Arlen in "The Mine With the Iron Door," second in the series of Harold Bell Wright stories which Lesser is producing for Columbia release. David Howard is directing.

Intermountain Adds Two; Plans Changes

(*Continued from page 1*)

pheum in Twin Falls. Earl McClurg has been named manager of the Victory here, while Paul Hendry will manage the theatre in Preston, and Mark Nielson will manage the Grand at Brigham City. Chester Price will succeed Paul Hendry in the management of the Paramount here.

The improvement program includes $25,000 on the Paramount here, $25,000 on the Paramount in Provo, Utah, and the balance on the two houses just acquired.

Showing Foreign Films

BOSTON, March 1.—Tremont Temple, downtown theatre, has been reopened for the showing of foreign films.

Divide Schnitzer Job

Irving Wormser and Sol Trauner have taken over the sales duties formerly handled by Edward M. Schnitzer prior to his resignation from the local Columbia exchange. Wormser is in charge of sales for northern New Jersey, Long Island and Upstate New York, while Trauner has Manhattan and Brooklyn. Both are reporting to Nat Cohn, district manager.

Bernerd on Way to Coast

Jeffrey Bernerd, supervisor of all G. B. sales, left Saturday for the coast on a three-week trip. He plans to make several stopovers en route. Although he will look over production activities, Bernerd is not expected to sign any talent while in Hollywood.

Decide on "Fleet" Today

RKO executives today will decide whether to hold "Follow the Fleet" a third week at the Music Hall or move the Astaire-Rogers musical to the Center on Thursday.

GIVE THEM PLENTY OF PLAYING TIME*



20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

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*AND QUINTUPLY YOUR PROFITS

Purely Personal

NORMA GARE, secretary to HARRY EGERT of Progressive Poster Service and niece of LOUIS WEINZIMMER, EGERT's partner, will be married to DR. I. EDWARD COHEN of Brooklyn on April 3.

•

HENRY KING, the quintuplets' director, flew to Washington the other day to meet Mrs. KING returning from Florida. They came back here over the week-end.

•

DOUGLAS FAIRBANKS, JR., and DOROTHY BURGESS exhibiting the finer points of a rumba at El Morocco the other night.

•

GENE RAYMOND is en route to Palm Beach with his mother and brother for a week's sojourn before returning to the coast.

•

SAM MORRIS won't be able to make that anticipated Florida trip before sailing for Europe on March 18. Too busy.

•

J. J. McCARTHY has been confined to his bed for the past few days with a cold.

•

MARGOT HELLER, the German actress, left on the *Hansa* Saturday.

•

JACK and MRS. COHN left Saturday on the *Santa Elena* for a Central American cruise.

•

LILY PONS left Saturday on the *Conte di Savoia.*

•

WILLIAM S. HART is in town from the coast. He is at the Astor.

•

C. W. BUNN, Erpi general sales manager, has returned from the coast.

•

MILTON C. WEISMAN returns tomorrow from Miami.

•

. . . Denver

A. P. ARCHER's successor as president of Foto Films is CHARLES U. YAEGER, Bank Night owner. ARCHER remains with the company as vice-president. DAVE DAVIS is secretary and RALPH WHITAKER, treasurer.

CLAUDE GRAVES, who formerly managed the State at Boulder, but sold out to Fox, was on the row recently selling automobiles.

T. B. NOBLE of Westland was in Dallas a few days. Business and pleasure combined.

ABLE DAVIS is spending some time in Denver. He manages the Mercury Film Exchange in Salt Lake City.

PAUL HOPPIN is modernizing his Palace.

ROLAND LUTZ of the Denver Poster exchange has returned from Salt Lake City where he established a branch of his Denver office. He plans to return there soon.

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Booking Bill Called No Aid To Little Man

(Continued from page 1)

out cancellation privileges, Stanley Sumner of Cambridge, Mass., told the sub-committee he has never had any difficulty making changes under such contracts and that passage of the bill would be a hardship because he then might lose the advantages he now has as compared with the affiliated competitor directly opposite his house.

A similar situation was detailed by M. A. Lightman, Memphis, who pointed out that as he has 45 houses he has "probably 45 times as much interest in the matter as some of the exhibitors who have appeared. Lightman brought out a phase of the problem which had not been discussed previously, asking the sub-committee to consider what would become of the gangster and other undesirable pictures under a selective buying system. The result would be, he said, that such pictures would carry the lowest prices and would be bought by men who didn't care what their community wanted, but would be sure of an audience from that part of the population which would be attracted by what could be exploited as "banned." This, he added, would bring about a tremendous expansion of 10-cent houses catering to that type of people.

Enforcement Discussed

Dissatisfaction with the provisions of the bill was indicated by Senator Davis of Pennsylvania, who asked Lightman, "How many inspectors do you suppose would be necessary to enforce this bill if it was passed?" Lightman declared that he could give no estimate. Further, Lightman asked, who is going to decide which are the good pictures, pointing out that no exhibitor would permit a committee of women to tell him that a certain picture is good and that he must run it, maybe paying four times as much for it as for a picture which will draw better at the box-office.

It was emphasized to the sub-committee that distributors have always been willing to accede to reasonable requests of exhibitors and have co-operated heartily with the efforts of local organizations to select films which can be recommended for young people.

New Haven distributors are embarrassingly cooperative, it was declared by Alfred F. Mayhew, assistant superintendent of schools there, in explaining how a consolidated group representing schools, churches and civic groups screen and select pictures which can be recommended three weeks or a month in advance of their public showing. The school system furnishes the auditorium, the distributors the films and the theatre men the operators, he said. The distributors offer for screening more pictures than can be handled, there is no difficulty in selecting excellent features and although New Haven is a double bill town the theatre men make every effort to have the co-features of a type comparable to that of the recommended pictures, he declared.

Courses in photoplay appreciation which are to be adopted by school systems throughout the country in the near future will become a strong factor toward picture improvement, it was said by Paul D. Mann of the National Education Ass'n. Any method of distribution which discouraged the production of prestige films of doubtful box-office attraction would be deadly to the growth of what he termed one of the most important developments in modern education.

In an effort to save the time of the sub-committee, both sides agreed that any further arguments they might wish to offer would be put into the form of briefs to be filed later.

Says 920 Theatres Are Using Screeno

(Continued from page 1)

York, 46 Loew houses feature the game, Markstein said.

In certain cities where the legality of the games has been disputed, Screeno is not represented, according to the president of the company. He referred to Cleveland and Milwaukee. In Milwaukee all games have been stopped.

About 70 theatres in California are now on the Screeno books, it was stated, with Warners going in for the game in Los Angeles and Hollywood units. The company is also doing well in Kansas City and Texas, he said.

One problem confronting the game distributors is that exhibitors want to play them too many times a week, Markstein declared. The public tires of the game if it is played too frequently, he asserted.

The company recently opened an office in Buenos Aires with H. S. Wallack in charge. Negotiations are under way for representation in Continental Europe, Cuba and Mexico.

The New York office, now in the Film Center Bldg., will move to the RKO Bldg. on April 1.

Freed in Milwaukee On Gift Night Count

MILWAUKEE, March 1.—William Young, manager of the Roosevelt, local neighborhood house, was found not guilty of violation of a gambling ordinance by a District Court jury here. Young was charged with operating a Manufacturers' Gift Night.

It marked the second such verdict returned by a District Court jury here. Norman Haacke, manager of the Grace, was acquitted on a similar charge several months ago.

Withdraws One Suit

NEW HAVEN, March 1.—Affiliated Enterprises, Inc., owner of Bank Night, has withdrawn its alleged infringement suit against one of the 10 defendants named, B. S. Mysliviec, operator of the Strand, Wallingford. A settlement provides that the Strand shall start Bank Night within a few weeks, discontinuing the Cash Night which has been running in common with the other theatres sued in the case now pending in Federal Court here.

Cromwell Assigned

HOLLYWOOD, March 1.—Darryl F. Zanuck has assigned John Cromwell to direct "To Mary With Love," magazine story by Richard Sherman soon to go into production. Zanuck has also assigned Francis Ford, Anne Shoemaker and Gene Reynolds to the cast of "Turmoil."

Free Lancing Seen Helping Japan's Films

(Continued from page 1)

example, in order to add versatility to their product.

Recently there has been a marked tendency toward the elimination of numerous small independent producing companies, and their acquisition by the larger firms. This movement is seen in most quarters as eventually resulting in an improvement in the quality of the native product.

* * *

A total of 450,000 yen is expected to be gathered for the financing of Dr. Fanck's producing venture. The producer and his backers are expected to contribute two-thirds of the total and Japanese interests one-third. The Government stands ready to extend the fullest cooperation to Fanck. He is understood to be planning a stay of at least six months here. He will handle distribution of the product in European countries, while the Japanese interests will handle distribution to Oriental countries, the United States and South America.

* * *

Tokyo theatres are expected to enjoy a definite increase in attendance as a result of the anticipated removal of what has been virtually a ban on the attendance of high school students at film houses in the Tokyo Prefecture. The Guardian Society, composed of teachers, was formed last year to keep an eye on the out-of-school activities of children, and its work soon had the effect of establishing a practical ban on film attendance. Another factor of importance to exhibitors is the plan of the Education Department to produce films of an educational nature for students, to be shown at theatres throughout the country.

Wall Street

Twentieth Century-Fox Best Gain

	High	Low	Close	Net Change
Columbia, vtc.....	36½	36½	36½	— ½
Columbia, pfd.....	47	47	47	— ¼
Consolidated Film.	6⅜	6⅜	6⅜	.....
Consolidated, pfd..	18⅝	18½	18½	— ¼
Eastman Kodak..	160½	160½	160½	+ ½
Loew's Inc.....	49½	48⅛	48½	—1
Loew's, Inc., pfd..	105	105	105	+ ½
Paramount	10¼	9⅞	9⅞	— ⅜
Paramount 1 pfd..	77¾	75⅛	75⅛	—2⅞
Paramount 2 pfd..	10⅞	10⅝	10⅝	— ⅜
RKO	8¼	8⅛	8⅛	.....
20th Century-Fox.	31⅜	30	31	+ ¾
20th Century pfd..	39½	38¼	39½	+1
Warner Bros.....	12⅝	12½	12½	— ⅛

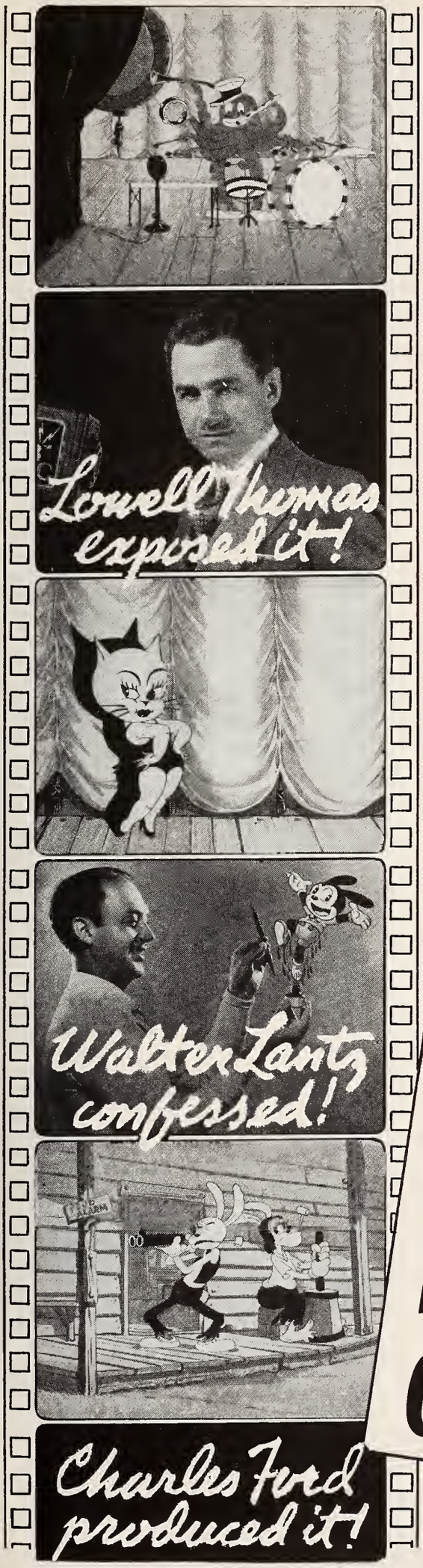
Technicolor Reaches New High

	High	Low	Close	Net Change
Sonotone	3	2⅞	2⅞	— ⅛
Technicolor	28¾	27¼	28⅜	+1⅝
Trans Lux.....	4¼	4¼	4¼	.....

Little Activity on Bonds

	High	Low	Close	Net Change
General Theatre Equip. 6s '40....	26	25½	26	+ ⅝
General Theatre Equip. 6s '40 ctf.	25⅞	25⅝	25⅝	— ⅛
Keith B. F. 6s '46.	96	96	96	.....
Loew's 6s 41.....	Dealt in 32nds			
Paramount Pictures 6s '55.....	89¾	89	89	—1
Warner Bros. 6s '39 wd.....	94	94	94	.....

(Quotations at close of Feb. 29.)



GRAB IT NOW AND ADVERTISE IT BIG!

A sensational short! Nothing like it ever on the screen before! Millions have asked for it! Millions will come to see it! Tell them you've got it! Cash in on its tremendous novelty!

MOTION PICTURE DAILY

Wednesday, January 29, 1936

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Unmasking the tricks and sounds that have mystified and amazed audiences for years!

Millions have asked "How?" What makes screen cartoons move, talk, run, jump? How many people does it take? Where is the orchestra? Who are the impersonators, singers? How are all those seemingly impossible effects obtained?

Now you can show them the whole works behind the scenes!

UNIVERSAL again scores a scoop on the industry!

SO 'PHONE, WIRE OR WRITE YOUR UNIVERSAL EXCHANGE AND ASK FOR

GOING PLACES No. 18

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Treachery Rides the Range"

(*Warners*)

HOLLYWOOD, March 1.—Offering a happy combination of good story, capable acting, excellent photography and skillful direction, this production ranks high among the current picture offerings. Dick Foran, as a scout with a cavalry regiment, gives a pleasing performance which should increase his following. His personality has definite appeal for men, women and children.

The story is laid in Kansas during the 70's, and deals with the efforts of Craig Reynolds, a buffalo hunter, to poach on Indian buffalo preserves and stir up trouble between the Indians and the cavalry. Battles between the whites and redskins are frequent and bloody until Foran learns that the uprisings have been inspired by Reynolds. He then takes the poachers into custody and peace is restored.

William Jacobs, author of both story and screen play, has furnished a well constructed, logical yarn which Frank McDonald has directed with intelligence. The cast includes Paula Stone, Monte Blue, Jim Thorpe, Don Barclay, Frank Bruno and Carlyle Moore, Jr., all of whom give good portrayals. Bryan Foy supervised production and the photography was handled by L. W. O'Connell. The story angle of the abuse visited upon the Indians by the white man should gain favor with parent-teacher associations.

Production Code Seal No. 1,870. Running time, 58 minutes. "G."

Looking 'Em Over

"Don't Gamble With Love"

(*Columbia*)

A marital drama with complications other than the usual triangular pattern, this should prove satisfactory entertainment. Bruce Cabot and Ann Sothern share the leading roles, supported in particular by Irving Pichel and Ian Keith.

Cabot and his wife, Miss Sothern, are deeply in love with one another, and concerned with the future of their infant son. They operate a swank gambling hall, on the square, and are successful. Miss Sothern concludes that a baby and a gambling career do not mix and persuades Cabot to give up the racket. His fling in the "legitimate" brokerage business ends when he is innocently involved in the firm's crooked dealings. Angry, he returns to gambling without his wife.

He turns to crooked operation in order to make money faster, and when she suddenly discovers it, stifles her inclination to return to him. Then, as he seeks to branch out, he runs into the opposition of other game operators. He is not disturbed by their threats, and Miss Sothern, tipped off to their intention, reveals his crooked operation to his clients, running him out of business before he can be hurt. She is shot by a heavy loser who attempts to kill Cabot, and that makes the reconciliation complete, as Cabot is cured of gambling as a career. Dudley Murphy directed.

Production Code Seal No. 1,902. Running time, 62 minutes. "G."

"The Lawless Nineties"

(*Republic*)

A western yarn built around the efforts of the lawless element to control the vote of Wyoming territory when it applied for admission to the United States in 1890, and the manner in which Government agents protected the voters, this picture is fast-moving and lively action fare, good for the week-end program or on a double bill.

John Wayne, hard rider and realistic scrapper, has the lead, with Ann Rutherford, Harry Woods, George Hayes and Al Bridge in principal supporting roles. Wayne, Government agent, is ordered to the territory to safeguard an orderly election. En route, he saves Miss Rutherford and Hayes, her father, southerner who has bought a paper.

The fast pace is maintained throughout as Wayne goes out after the gangs, despite the killing of Hayes and Wayne's fellow-officer. Eventually, of course, the gangs are cleaned out, the election makes the territory a state, and Wayne wins Miss Rutherford. Joseph Kane directed.

Previewed without production code seal. Running time, 57 minutes. "G."

Short Subjects

Screen Snapshots No. 7

(*Columbia*)

The Racquet Club in Palm Springs run by Charles Farrell and Ralph Bellamy opens this snapshot, and after the camera records the stars and film people who are there—there are many—it goes into awards with Walt Disney getting the French Legion of Honor cross and young George Breakston receiving an autographed photo of Mussolini for his performance in "No Greater Glory." Also seen are Mary Pickford starting her first production, how they name a polo pony in Hollywood and a scene on shipboard with Victor McLaglen and the Three Stooges cutting up aided by Wynne Gibson.

The last part presents one of the lackadaisical parties in which Anita Louise does a card trick while Dolores del Rio and Gene Raymond play ping pong and then Fred and Dorothy Stone dance a bit, but nobody seems to care. This is good fodder for the rabid film fan. Production Code Seal, No. 1968. Running time, 10½ mins. "G."

"The Voice of Experience No. 9"

(*Columbia*)

This issue has the Voice revealing how his advice, if taken, would avoid certain serious problems that arise in homes over trivial matters. He illustrates, before and after, and takes up the problem of balancing the budget with a young couple, how to bring up children and child psychology, and the ancient mother-in-law problem. If the audience goes to the theatre to see the silhouette that interests them on the radio rather than to forget their own problems for a brief spell, then this is their meat. Production Code Seal, No. 0827. Running time, 11 mins. "G."

"Movie Melodies on Parade"

(*Paramount*)

With an orchestra and a choral group this short revives some of the well known hits from pictures a few years old. The film editing is well done as the actual scene from the picture is played against the musical review. Mary Eastman is featured and she does a solo accompanied by an orchestra that is calisthenically led by Andre Kostelanetz. The music is well played and the singing is of a superior grade that should pleasantly entertain. Production Code Seal No. 0774. Running time, 11 mins. "G."

"Not Now"

(*Paramount*)

Betty Boop and her dog, Pudgy, are annoyed in this cartoon by a chorus of cats that keeps them awake. Betty "sics" Pudgy after them and there follows some swell cartoon adventures involving the dog with first one cat and then with the whole tribe that inhabits the alley. The sound effects are good for plenty of laughs and the action will more than satisfy. An entertaining bit for any program. Production Code Seal, No. 0606. Running time, 7 mins. "G."

Erber, Smith Dissolve

ST. LOUIS, March 1.—Joe Erber and Joe Smith, booking agents, have dissolved their partnership.

Comerford Managers In Another Shakeup

SCRANTON, March 1. — Additional changes have been made in managers and assistants by Comerford Theatres since the first changes were announced on Feb. 15 by Frank C. Walker, vice-president and general manager.

The following are involved in the changes: Eugene Lynch, former assistant manager of the Riviera, Scranton, transferred to the booking department; Frank Yerke, manager of the State and former artist, transferred to the art department; Willard Matthews, manager of the Bell, transferred to the State; Jack Mahon, assistant manager of the Granada, Olyphant, transferred to the Globe, South Scranton, as manager; J. Sittler, assistant manager of the Bell, promoted to manager; George Baldinger, manager of the Kingston, Kingston, transferred to the Capitol, Bloomsburg; Gregory Beck, manager of the Capitol, Bloomsburg, transferred to the Capitol, Williamsport; Byron Lynn, manager of the Capitol, Williamsport, transferred to the Kingston, where he also will be city manager; and Frank Kovaletz, assistant manager of the Granada, Olyphant, promoted to manager of that house.

Rockefeller Claim Hearing Again Off

The scheduled hearing tomorrow of the RKO trustee's exception to the allowance of the Rockefeller Center claim against RKO at $9,100,000 has been postponed again, this time to March 10, before Federal Judge William Bondy.

The claim is based on RKO's liability on its defaulted leases for the Radio City theatres and office space, the bulk of the claim being for the construction costs of the theatres. Special Master Thomas D. Thacher recommended that the claim be allowed at $9,100,000, after hearings held a year ago. Irving Trust Co., RKO trustee, opposed Thacher's report and has prepared exceptions to present to the Federal court. Meanwhile, however, negotiations for a compromise or settlement of the claim are being continued between Rockefeller Center on the one hand, and RCA, Atlas Corp. and Lehman Bros., on the other. The latter represent RKO through their controlling interest in the company.

McCullough Gets Back

HOLLYWOOD, March 1.—R. N. McCullough, technical expert of the F.W.C. real estate department, has returned from a week in Arizona where he made estimates for remodeling the Globe, at Globe, and looked into renovation requirements of theatres in Tucson and Phoenix. The Globe has been closed for some time, due to inactivity in the copper mines which supply the payrolls of that district.

Open F. D. Exchange

NEW HAVEN, March 1.—Exhibitors from all over the state and representatives of the exchanges attended the open house which marked the establishment of a First Division exchange here in the Kilfeather Bldg. Michael Thomas, brother of Harry Thomas, First Division president, and the new exchange manager, was host to the gathering.



Little Lord FAUNTLEROY

A DAVID O. SELZNICK PRODUCTION

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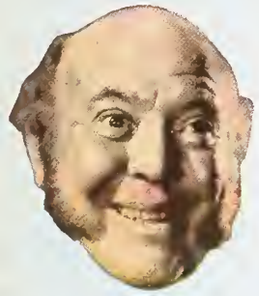
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FREDDIE BARTHOLOMEW
(of David Copperfield fame) as Ceddie (Little Lord Fauntleroy) the lovable boy who worshiped his mother with a fierce loyalty and who changed a tyrannous old man into a human being.



C. AUBREY SMITH
(gruff, grumpy and lovable) as the "Earl of Dorincourt," proud and tyrranical grandfather of Fauntleroy and sworn foe of the child's mother.



GUY KIBBEE
as the genial "Mr. Hobbs," grocer philosopher and confidante of Freddie before his departure to England.



JESSIE RALPH
as the "applewoman" whom Fauntleroy befriends when he learns of his fortune in England.

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Little LORD FAUNTLEROY

From the World Famous Story by Frances Hodgson Burnett

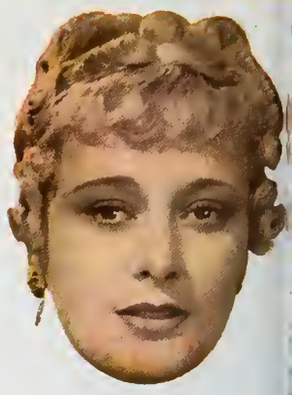
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DOLORES COSTELLO BARRYMORE
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MICKEY ROONEY
as "Dick" the American boot black and pal of the little Lord



HENRY STEPHENSON
as "Havisham" the kindly lawyer whose deep understanding of human nature brought a bitter family feud to an end.



JACKIE SEARL
who causes all the trouble, as the false "claimant" to the title of "Lord Fauntleroy."

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"Marie" Hits Big $24,500 In Washington

WASHINGTON, March 1.—During a lull in the Arctic weather, grosses shot upward all along the line. Loew's Palace took $24,500 for "Rose Marie," the biggest take since "David Copperfield." It was $8,600 over average. The picture was held over.

"The Petrified Forest," plus Ben Lyons and Bebe Daniels on the stage, sent the Earle to $20,300, or $1,900 over par.

The combination of a return engagement on "The Bride Comes Home" and a 36-minute version of "Little America" garnered $5,000 at Loew's Columbia, to top par by $1,400.

A return engagement of "Ceiling Zero" at the Metropolitan was good for $5,400, over average by $1,100. A reissue of "Disraeli" at the Belasco for eight days topped par by $200 for a take of $3,200.

Total first run business was $88,100. Average is $76,700.

Estimated takings, exclusive of tax:

Eight Days Ending Feb. 19:

"DISRAELI" (W. B.) (Re-issue)
BELASCO—(1,140), 25c-65c, 7 days. **Gross:** $3,200. (Average, $3,000)

Week Ending Feb. 20:

"THE PETRIFIED FOREST" (W. B.)
EARLE—(2,218), 25c-77c, 7 days. Stage: Ben Lyon & Bebe Daniels, DuFaye Dance Revue, James & Mildred Alvan, Radio Ramblers. **Gross:** $20,300. (Average, $18,400)

"THE BRIDE COMES HOME" (Para.) (Return engagement)
"LITTLE AMERICA" (Para.)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** $5,000. (Average, first run, $3,600)

"IT HAD TO HAPPEN' (20th-Fox)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: "Continental Varieties," with Dave Apollon, Johnny Woods, Sarah Ann McCabe, Ruth del Rio, Olive White, Melissa Mason, Harold Aloma, the Bounding Arabs. **Gross:** $19,500. (Average, $20,900)

"ROSE MARIE" (M-G-M)
LOEW'S PALACE—(2,370), 35c-55c, 7 days. **Gross:** $24,500. (Average, $15,900)

"CEILING ZERO" (F. N.)
METROPOLITAN—(1,591), 25c-40c, 7 days (return engagement). **Gross:** $5,400. (Average, first run, $4,300)

"THE LADY CONSENTS" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $10,200. (Average, $10,600)

Center Is Denver's Seventh First Run

DENVER, March 1.—For the first time, Denver will have seven first runs with the opening here of the Center, formerly the Empress. It also will mark the first time an independent company has had a regular first run outlet here. George A. Allan, formerly with the Playhouse in Salt Lake City, signed a franchise for five years with Republic Pictures. J. T. Sheffield made a trip here from Seattle to sign the contract. The opening picture is "$1,000 a Minute."

The house will have stage shows, with three or four acts of vaudeville each week. The shows will be produced by W. Rex Jewell. A new front, marquee and improvements inside have changed the appearance of the house. A top price of 35 cents has been set.

Starts Double Bills

SALT LAKE CITY, March 1.—The Capitol, Intermountain Theatres house here, starts double bills tomorrow.

"Modern Times" Is Montreal's Leader

MONTREAL, March 1.—A crackup of the long cold spell gave theatres a break. Outstanding was the first week of "Modern Times" on a double bill at the Princess for a take of $12,500 which set a season's record at this house.

Second week of "A Tale of Two Cities" at the Palace held up to $9,000 after a first week at $14,000. "King of Burlesque," heading the screen duet at the Capitol, was responsible for $11,000, well above average, while the same figure was found at Loew's on "Sylvia Scarlett" and a stage show. The principal opposition was the hockey with the two local teams in a battling mood going into the season's home stretch.

Total first run business was $46,500. Average is $41,500.

Estimated takings for the week ending Feb. 22:

"KING OF BURLESQUE" (20th-Fox)
"MY MARRIAGE" (20th-Fox)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $11,000. (Average, $9,500)

"ACHILLE" (French)
"FRISCO WATERFRONT" (Republic)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. **Gross:** $3,000. (Average, $3,500)

"SYLVIA SCARLETT" (Radio)
LOEW'S—(3,115), 30c-34c-40c-50c-60c, 7 days. Stage: "The Gay 90's Revue." **Gross:** $11,000. (Average, $10,500)

"A TALE OF TWO CITIES" (M-G-M)
PALACE—(2,600), 25c-35c-40c-50c-60c, 7 days, 2nd week. **Gross:** $9,000. First week, $14,000. (Average, $11,000)

"MODERN TIMES" (U. A.)
"GUARD THAT GIRL" (Col.)
PRINCESS—(2,272), 25c-30c-35c-50c-65c, 7 days. **Gross:** $12,500. (Average, $7,000.) Held over.

"Marie" Beats Out Indianapolis Cold

INDIANAPOLIS, March 1.—"Rose Marie" crashed through a return engagement of the zero wave here to pull a total of $14,000 at Loew's. It was the only one to make an outstanding showing in the teeth of the new cold wave, which chilled receipts of every other first run house in the city.

"The Petrified Forest" did but $4,000 at the Indiana, a marked drop from average. Observers say that Indianapolis has always seemed apathetic toward Leslie Howard, however.

Total first run business was $31,500. Average is $26,500.

Estimated takings for the week ending Feb. 21:

"IT HAD TO HAPPEN" (20th-Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)

"THE LADY CONSENTS" (Radio)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"THE PETRIFIED FOREST" (W. B.)
INDIANA—(3,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $7,000)

"ROSE MARIE" (M-G-M)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $14,000. (Average, $4,500)

"MY MARRIAGE" (20th-Fox)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $6,500. (Average, $7,000)

Aid Racing Opposition

BOSTON, March 1.—Bills for regulating and otherwise hitting parimutuel dog racing, legalized in Massachusetts last year, were strongly supported at a public hearing before the legislative committee on legal affairs. Theatre operators in the western part of the state reported their attendance dropped from 30 to 50 per cent during the dog racing season.

"Anything" Pulls $13,750 in Cincy

CINCINNATI, March 1.—Business for the most part continued on the up and up last week, especially considering the continuance of frigid blasts. "Anything Goes" went to the tune of $13,750 at the RKO Palace, where average is $10,000. It was transferred to the RKO Capitol.

The runner-up was "The Milky Way," playing its second downtown week at the RKO Capitol where it grossed $3,000 more than normal with a $9,500 take. It will probably be brought back. "Rose Marie" continued to spell box-office at the RKO Grand, grossing $4,000 in its third downtown week. Average for this spot is $2,750. The picture was held for the fourth week. "Freshman Love" was $1,000 plus at the RKO Shubert, registering $13,000 with the help of "Cocoanut Grove Revels," starring Red Hodgson on the stage.

"Dancing Feet" had a $1,700 week at the Strand, up $200. "Next Time We Love" was a disappointment at the RKO Albee with $6,500 compared with a $12,000 average, and the run was shortened by two days. Keith's, which has not used Warner product for two weeks, resumes this week.

Total first run business was $62,550. Average is $60,200.

Estimated takings:

Week Ending Feb. 18:

"DANCING FEET" (Republic)
STRAND—(1,500), 15c-25c, 7 days. Stage: Amateur show for one night. **Gross:** $1,700. (Average, $1,500)

Week Ending Feb. 20:

"NEXT TIME WE LOVE" (Univ.)
RKO ALBEE—(3,300), 35c-42c, 5 days. **Gross:** $6,500. (Average, 7 days, $12,000)

"ANYTHING GOES" (Para.)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $13,750. (Average, $10,000) Moved to RKO Capitol.

"FRESHMAN LOVE" (W. B.)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: "Cocoanut Grove Revels" with Red Hodgson. **Gross:** $13,000. (Average, $12,000)

"THE MILKY WAY" (Para.)
RKO CAPITOL—(2,000), 35c-42c, 7 days, 2nd downtown week. **Gross:** $9,500. (Average, $6,500)

"SYLVIA SCARLET" (Radio)
RKO LYRIC—(1,400), 35c-42c, 7 days. **Gross:** $6,200. (Average, $6,500)

"ROSE MARIE" (M-G-M)
RKO GRAND—(1,200), 25c-40c, 7 days, 3rd downtown week. **Gross:** $4,000. (Average, $2,750.) Held over for fourth week.

"OREGON TRAIL" (Republic)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,100. (Average, $1,250)

"MAN OF IRON" (F. N.)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,050. (Average, $1,200)

"EXCLUSIVE STORY" (M-G-M)
KEITH'S—(1,500), 30c-40c, 7 days. **Gross:** $5,750. (Average, $6,500)

Nebraska Thaws Out And Theatres Reopen

OMAHA, March 1.—Exhibitors began showing up on the row here this week and activity on Davenport St., where the exchanges are located, began to assume old time proportions.

Many theatres are reported relighted, though some in the smaller towns remain dark because with the snow melting in the side roads, the roads will be as impassable because of mud created by the thaw as they were when snow obliterated fences and other country markings.

Takes L. A. Theatre

LOS ANGELES, March 1.—J. B. Sloate has purchased the Gem here from the Harry Hicks estate, and will reopen it as the Maynard, after alterations.

"Marie" Again Leads Parade In Cleveland

CLEVELAND, March 1.—"Rose Marie," in its second week downtown, was the only picture of the week to make a showing because of the continued cold. It grossed $6,000 at Loew's Stillman, which is 50 per cent over average.

"Anything Goes," with $11,000, was $1,000 under par at Loew's State.

"Next Time We Love" took $7,000, which was $1,000 under average at Warners' Hippodrome and "The Widow From Monte Carlo," with a stage show headed by Joe Cook and his "Topsy Turvy Revue" failed by $2,000 to make the $15,000 house average.

"Navy Wife" and "Personal Maid's Secret" split the week at the Allen resulting in a little better than average.

Total first run business was $40,200. Average is $42,000.

Estimated takings for the week ending Feb. 21:

"NAVY WIFE" (20th-Fox)
ALLEN—(3,300), 30c-35c-42c, 4 days. **Gross:** $2,200. (Average for 7 days, $3,000)

"PERSONAL MAID'S SECRET" (W. B.)
ALLEN—(3,300), 30c-35c-42c, 3 days. **Gross:** $1,000. (Average for 7 days, $3,000)

"ANYTHING GOES" (Para.)
LOEW'S STATE—(3,400), 30c-35c-41c, 7 days. **Gross:** $11,000. (Average, $12,000)

"ROSE MARIE" (M-G-M)
LOEW'S STILLMAN—(1,900), 30c-35c-42c, 7 days, 2nd week. **Gross:** $6,000. (Average, $4,000)

"THE WIDOW FROM MONTE CARLO" (W. B.)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Joe Cook and "Topsy Turvy Revue." **Gross:** $13,000. (Average, $15,000)

"NEXT TIME WE LOVE" (Univ.)
WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $7,000. (Average, $8,000)

"Marie" Strong in 3d Portland Week

PORTLAND, March 1.—"Rose Marie" went into a third big week at the United Artists securing another $7,000, over average by $2,000.

"Ah, Wilderness" at the Broadway, as predicted, was held for a second week, annexing $6,000, over the line by $1,000.

"The Lady Consents" and "It Had to Happen" brought in $6,000 at the Paramount, over normal by $1,000.

Total first run business was $30,700. Average is $24,700.

Estimated takings for the week ending Feb. 22:

"AH, WILDERNESS" (M-G-M)
BROADWAY—(1,912), 30c-35c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $5,000)

"BIG BROADCAST OF 1936" (Para.)
"NO MORE LADIES" (M-G-M) (2nd Run)
BLUE MOUSE—(1,700), 20c-25c, 7 days. **Gross:** $1,700. (Average, $1,700)

"ESCAPE FROM DEVIL'S ISLAND" (Col.)
"THE PERFECT GENTLEMAN" (M-G-M)
MAYFAIR—(1,700), 30c-35c-40c, 7 days. **Gross:** $4,000. (Average, $3,000)

"PETRIFIED FOREST" (W.B.)
"HER MASTER'S VOICE" (Para.)
ORPHEUM—(1,700), 30c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"THE LADY CONSENTS" (Radio)
"IT HAD TO HAPPEN" (20th-Fox)
PARAMOUNT — (3,008), 30c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"ROSE MARIE" (M-G-M)
UNITED ARTISTS—(945), 30c-35c-40c, 7 days, 2nd week. **Gross:** $7,000. (Average, $5,000)

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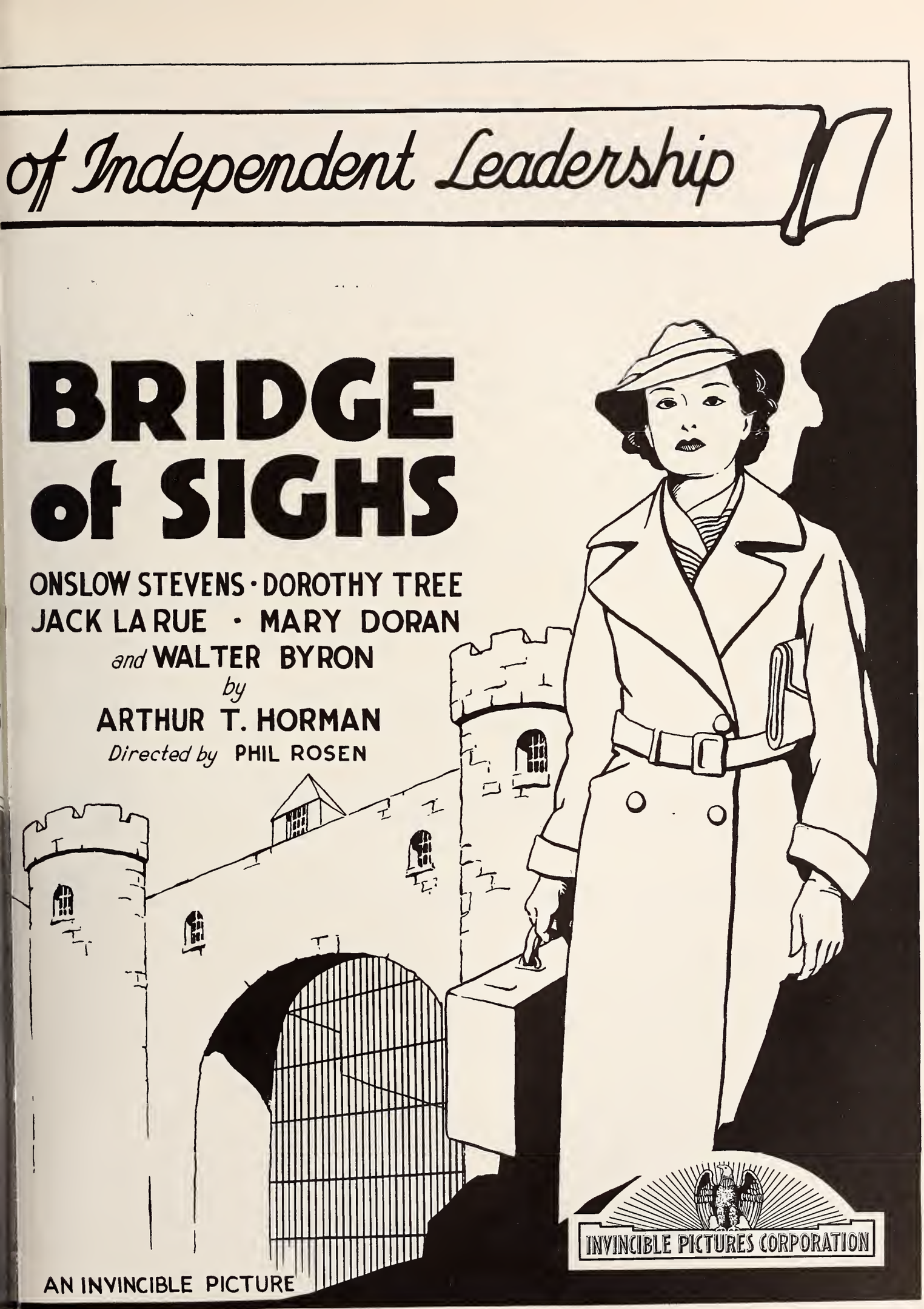
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AN INVINCIBLE PICTURE

"Rose Marie" Again Strong In Pittsburgh

PITTSBURGH, March 1.—The weather continued to plug holes in grosses all over town last week, only one house, the Warner, managing to come up with anything resembling par. There, "Rose Marie," after a sensational nine days at the Penn, claimed the best comparative take in the downtown sector, $5,900.

At the Stanley, "It Had to Happen" and the N.T.G. revue took $17,500. "The Petrified Forest" took $10,000. Bernie Armstrong's amateur revue gave "Lady of the Secrets" enough of a lift to keep the Alvin around the $6,250 mark, while the Casino, with "Escape From Devil's Island" and the "Bandbox Revue," fell off after a good opening week, getting only around $6,000.

Despite the fact that it has played practically everywhere in these parts, return engagements and otherwise, "The Informer" was chanced by the Fulton on a double bill with "Another Face" and did a fair week's business at $3,500.

Total first run grosses were $49,150. Average is $56,000.

Estimated takings for the week ending Feb. 20:

"LADY OF SECRETS" (Col.)
ALVIN—(2,000), 25c-55c, 7 days. Stage: Bernie Armstrong and his amateur unit. **Gross:** $6,250. (Average, $10,000)

"ESCAPE FROM DEVIL'S ISLAND" (Col.)
CASINO—(1,800), 25c-40c, 7 days. Stage: "Band Box Revue" with Jack Leonard and Al Belasco. **Gross:** $6,000. (Average, $6,500)

"THE INFORMER" (Radio)
"ANOTHER FACE" (Radio)
FULTON—(1,700), 25c-40c, 7 days. **Gross:** $3,500. (Average, $4,000)

"THE PETRIFIED FOREST" (W. B.)
PENN—(3,500), 25c-40c, 7 days. **Gross:** $10,000. (Average, $12,000)

"IT HAD TO HAPPEN" (20th-Fox)
STANLEY—(3,600), 25c-55c, 7 days. Stage: N. T. G., Slate Brothers, Rita Rio, Mickey Bratz, Taka Sisters, Fay Carroll, Nan Blair. **Gross:** $17,500. (Average, $18,500)

"ROSE MARIE" (M-G-M)
WARNER—(2,000), 25c-40c, 7 days, 2nd week. **Gross:** $5,900. (Average, $5,000)

"Consent," "Face" Get $4,900, Omaha

OMAHA, March 1.—"The Lady Consents" and "Another Face" at the Brandeis led the parade here with sub-zero weather continuing. The $4,900 take was $400 over normal and the bill was held.

"The Milky Way" and "Paddy O'Day" came in second best with $5,200 at the Omaha.

Total first run business was $17,900. Average is $17,500.

Estimated takings:

Week Ending Feb. 18:
"THE LADY CONSENTS" (Radio)
"ANOTHER FACE" (Radio)
BRANDEIS—(1,200), 25c-35c-40c, 8 days. **Gross:** $4,900. (Average, 8 days, $4,500)

Week Ending Feb. 19:
"THE MILKY WAY" (Para.)
"PADDY O'DAY" (20th-Fox)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $5,200. (Average, $5,000)

Week Ending Feb. 20:
"RIFFRAFF" (M-G-M)
"KIND LADY" (M-G-M)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $7,800. (Average, $8,000)

Chaplin Good In 2nd Week On the Coast

LOS ANGELES, March 1.—"Modern Times" held up fairly well in its second week at Grauman's Chinese and Loew's State, but was far from sensational. It reached $13,000, over par by $1,000, at the Chinese, and took a par $14,000 at the State.

"Love on a Bet" and "Muss 'Em Up" at the Pantages were $2,900 to the good on a take of $6,100. "Professional Soldier" was good for $5,000, up by $1,750, at the 4-Star. "The Music Goes 'Round" was strong at $19,500 at the Paramount with a stage show to help.

Total first run business was $87,800. Average is $86,150.

Estimated takings for the week ending Feb. 26:

"MODERN TIMES" (U.A.)
CHINESE—(2,500), 30c-55c, 7 days, 2nd week. **Gross:** $13,000. (Average, $12,500)

"THE INFORMER" (Radio)
FILMARTE—(800), 30c-40c, 7 days. **Gross:** $2,500.

"PROFESSIONAL SOLDIER" (20th-Fox)
4 STAR—(900), 30c-55c, 7 days. **Gross:** $5,000. (Average, $3,250)

"MARIA CHAPDELAINE" (Franco-America)
GRAND INTERNAT'L—(750), 35c-40c, 7 days. 2nd week. **Gross:** $900. (Average, $1,200)

"LOVE ON A BET" (Radio)
"MUSS 'EM UP" (Radio)
HILLSTREET—(2,700), 25c-40c, 7 days. **Gross:** $6,200. (Average, $8,000)

"MODERN TIMES" (U.A.)
LOEW'S STATE—(2,500), 30c-55c, 7 days. 2nd week. **Gross:** $14,000. (Average, $14,000)

"LOVE ON A BET" (Radio)
"MUSS 'EM UP" (Radio)
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $6,100. (Average, $3,200)

"THE MUSIC GOES ROUND" (Col.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, David Broekman and orchestra. **Gross:** $19,500. (Average, $18,000)

"PETRIFIED FOREST" (W.B.)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-40c, 7 days. 2nd week. **Gross:** $10,600. (Average, $14,000)

"PETRIFIED FOREST" (W.B.)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. 2nd week. **Gross:** $10,000. (Average, $12,000)

"Happen," $2,500, Is Top in Lincoln

LINCOLN, March 1.—"It Had to Happen" made the best showing in a dull week. The $2,500 take at the Lincoln was over normal by $300.

"Her Master's Voice" and "O'Shaughnessy's Boy" reached $2,400 at the Orpheum. This also was up by $300. Other first runs had a bad week.

Total first run business was $9,200. Average is $9,850.

Estimated takings:

Week Ending Feb. 19:
"BAR 20 RIDES AGAIN" (Para.)
"DANGEROUS WATERS" (Univ.)
COLONIAL—(550), 10c-15c, 7 days. **Gross:** $800. (Average, $850)

Week Ending Feb. 20:
"IT HAD TO HAPPEN" (20th-Fox)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,500. (Average, $2,200)

"HER MASTER'S VOICE" (Para.)
"O'SHAUGHNESSY'S BOY" (M-G-M)
ORPHEUM—(1,350), 10c-20c-25c-40c, 7 days. **Gross:** $2,400. (Average, $2,100)

"DANCE BAND" (First Div.)
VARSITY—(1,100), 10c-20c-25c, 7 days. **Gross:** $800. (Average, $1,300)

Week Ending Feb. 21:
"BARBARY COAST" (U. A.)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $2,800. (Average, $3,100)

"Milky" Is $8,800 Providence Leader

PROVIDENCE, March 1.—Zero weather and icy highways continued to interfere with grosses here with the suburbs literally "snowed-in." "The Milky Way" did the best business of the week with a take of $8,800 at the Strand. This is $2,300 over par.

"Rose Marie," in its second week at Loew's State, caught $8,200. "The Petrified Forest" and "The Widow From Monte Carlo" were good for an average $7,000 at the Majestic, and Fay's likewise did a par $7,000 with "The Invisible Ray" and a stage revue. The RKO Albee was $2,000 under its usual gross of $7,000, featuring "The Lady Consents" and "Yellow Dust."

Total first run business was $36,000. Average is $39,500.

Estimated takings for the week ending Feb. 20:

"THE LADY CONSENTS" (Radio)
"YELLOW DUST" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $5,000. (Average, $7,000)

"THE MILKY WAY" (Para.)
"NEVADA" (Para.)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $8,800. (Average, $6,500)

"THE INVISIBLE RAY" (Univ.)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "Night of Love,", revue. **Gross:** $7,000. (Average, $7,000)

"ROSE MARIE" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days, 3rd week. **Gross:** $8,200. (Average, $12,000)

"THE PETRIFIED FOREST" (W. B.)
"WIDOW FROM MONTE CARLO" (W. B.)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"Obsession" Hits $9,600, New Haven

NEW HAVEN, March 1.—"Magnificent Obsession," on a dual with "Tough Guy" at the Poli, turned them away over the week-end, and continued to attract good houses all week in spite of near-zero weather and icy streets. The gross was $9,600, or $2,600 over par.

The College held over "Rose Marie" at Poli prices and outdistanced the $2,800 average by $1,400. The Paramount and Roger Sherman dipped considerably under the line with duals featuring "Woman Trap" and "The Widow from Monte Carlo," respectively. "Henry VIII" was brought back to the Roger Sherman for three days as an added attraction.

Total first run business was $20,900. Average is $19,300.

Estimated takings for the week ending Feb. 21:

"ROSE MARIE" (M-G-M)
COLLEGE—(1,499), 35c-50c, 7 days, 2nd week. **Gross:** $4,200. (Average, $2,800)

"WOMAN TRAP" (Para.)
"EAST OF JAVA" (Univ.)
PARAMOUNT—(2,400), 35c-50c, 6 days. **Gross:** $3,800. (Average, $4,800)

"MAGNIFICENT OBSESSION" (Univ.)
"TOUGH GUY" (M-G-M)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $9,600. (Average, $7,000)

"THE WIDOW FROM MONTE CARLO" (W. B.)
"ANOTHER FACE" (Radio)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $3,300. (Average, $4,700)

Reinhardt Conferring

HOLLYWOOD, March 1.—Max Reinhardt, here from New York, has gone into conference with Warners about his next production. A definite selection has not been made as yet, though several stories are being considered.

"Pink" Leads San Francisco With $12,500

SAN FRANCISCO, March 1.—Persistent rain bumped all grosses except the United Artists where "Strike Me Pink" ran up to $12,500, thereby topping normal by $5,500.

"Lady of Secrets" managed to get slightly over the line on top of a dual bill with "Lone Wolf Returns" at the Orpheum. The take was $7,000 "Fang and Claw" and "Powdersmoke Range" were up by $200 on a total of $3,800 at the Embassy.

Total first run business was $73,000. Average is $77,400.

Estimated takings:

Week Ending Feb. 18:
"TWO IN THE DARK" (Radio)
GOLDEN GATE—(2,850), 25c-35c-40c, 7 days. Stage, band. **Gross:** $13,500. (Average, $14,500)

Week Ending Feb. 19:
"STRIKE ME PINK" (U. A.)
UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days. **Gross:** $12,500. (Average, $9,000)

"LADY OF SECRETS" (Col.)
"LONE WOLF RETURNS" (Col.)
ORPHEUM—(2,440), 15c-30c-35c-40c, 7 days. **Gross:** $7,000. (Average, $6,800)

"IT HAD TO HAPPEN" (20th-Fox)
"KING OF THE DAMNED" (G. B.)
PARAMOUNT—(2,740), 15c-30c-35c-40c, 7 days. **Gross:** $11,500. (Average, $11,500)

Week Ending Feb. 20:
"PETRIFIED FOREST" (W. B.)
"EVERY SATURDAY NIGHT" (20th-Fox)
WARFIELD—(2,680), 30c-35c, 7 days. **Gross:** $13,000. (Average, $18,000)

"MILKY WAY" (Para.)
ST. FRANCIS—(1,470), 15c-30c-40c, 7 days. **Gross:** $6,500. (Average, $7,000)

"SOAK THE RICH" (Para.)
"DANGEROUS INTRIGUE" (Col.)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $4,000. (Average, $6,000)

Week Ending Feb. 21:
"SWEDENHIELMS" (Scandivanian)
CLAY—(400), 35c, 7 days. **Gross:** $1,200 (Average, $1,000)

"FANG AND CLAW" (Radio)
"POWDERSMOKE RANGE" (Radio)
EMBASSY—(1,400), 15c-25c-35c, 7 days. **Gross:** $3,800. (Average, $3,600)

"Milky Way" Only Draw in Oklahoma

OKLAHOMA CITY, March 1.—"The Milky Way" was the only attraction to get over par last week. It was $200 up on a $4,200 take at the Midwest. The weather was cold, but fair, so there was no way to account for a general slump.

"The Petrified Forest" was fair at the Criterion with $3,800. "Red Salute" was weak at the Capitol on a gross of $1,500. "Murder of Dr. Harrigan," with a stage show at the Liberty for four days, managed to get $2,300.

Total first run business was $12,400. Average is $14,000.

Estimated takings for the week ending Feb. 22:

"THE PETRIFIED FOREST" (W.B.)
CRITERION—(1,700), 10c-20c-36c-55c, 7 days. **Gross:** $3,800. (Average, $5,900)

"THE MILKY WAY" (Para.)
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $4,200. (Average, $4,000)

"RED SALUTE" (U.A.)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 6 days. **Gross:** $1,500. (Average, $2,000)

"MURDER OF DR. HARRIGAN" (F.N.)
LIBERTY—(1,500), 10c-20c-26c-41c, 4 days. Stage: The Ritz-Carlton Blondes. **Gross:** $2,300. (Average for week, $3,000)

"THE THREE MUSKETEERS" (Radio)
LIBERTY—(1,500), 10c-20c-26c-36c, 3 days. **Gross:** $600.

WILLIAM A. SEITER

PRODUCTIONS

"THE MOON'S OUR HOME"

With MARGARET SULLAVAN—HENRY FONDA

and CHARLES BUTTERWORTH

IN PREPARATION

"THE CASE AGAINST MRS. AMES"

With MADELEINE CARROLL and GEORGE BRENT

FOR

WALTER WANGER

A PARAMOUNT RELEASE

Chaplin Tops Chicago Loop With $35,500

CHICAGO, March 1.—A crack in the warm spell hurt grosses, but "Modern Times" kept going to the tune of $35,500 at the United Artists. The latter part of the week wasn't as good as the first part, but the take was over par by $8,500, nevertheless, and that is something to get excited about.

"Ah, Wilderness," with Ricardo Cortez and a revue on the stage at the Chicago, went over the line $3,000 for a total of $35,000. "Charlie Chan's Secret" was in the money with a gross of $19,000, up by $4,000, at the Oriental. "Fang and Claw," with Frank Buck in person, pulled $14,200 at the State-Lake. This was $1,200 on the profit side of the line.

Total first run business was $141,700. Average is $117,000.

Estimated takings:

Week Ending Feb. 25:

"A TALE OF TWO CITIES" (M-G-M)
ROOSEVELT—(1,591), 30c-40c-60c, 7 days, 2nd week. **Gross:** $11,500. (Average, $11,000)

Week Ending Feb. 27:

"MUSS 'EM UP" (Radio)
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Joe Cook and revue. **Gross:** $15,500. (Average, $19,000)

"AH WILDERNESS" (M-G-M)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Ricardo Cortez and "Winter Cruise" revue. **Gross:** $35,000. (Average, $32,000)

"CHARLIE CHAN'S SECRET" (20th-Fox)
ORIENTAL — (3,490), 25c-40c, 7 days. Stage: "La Vie Paree" revue. **Gross:** $19,000. (Average, $15,000)

"CEILING ZERO" (W.B.)
GARRICK—(900), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $5,500)

Week Ending Feb. 28:

"BOHEMIAN GIRL" (M-G-M)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $5,000. (Average, $4,500)

"MODERN TIMES" (U.A.)
UNITED ARTISTS—(1,700), 35c-50c-68c, 7 days. **Gross:** $35,500. (Average, $17,000)

"FANG AND CLAW" (Radio)
STATE-LAKE — (2,776), 20c-30c-35c, 7 days. Stage: Frank Buck in person and revue. **Gross:** $14,200. (Average, $13,000)

U. S. Film Imports Show Rise in Greece

WASHINGTON, March 1.—During the last quarter of 1935 in Greece, a total of 92 films were given initial showing in that country, according to a report to the U. S. Department of Commerce from Acting Commercial Attache Don O. Bliss in Athens. By nationality these films were: American, 66; German, 12; French, seven; British, six; and Czechoslovak, one. The percentages were 71.7, American and 13, German. The percentages for the same period last year were 52 and 33⅓, respectively.

Removal of all import quota restrictions in January, 1935, has made it possible for American companies to compete in the Greek market on an equal basis.

Lurton Quits Fawcett

Douglas Lurton, supervising editor of all Fawcett magazines, has resigned after eight years with the company. No successor has been appointed as yet. William Kostka, editor of *Modern Mechanics and Inventions,* has been named eastern managing editor of the Fawcett magazines.

Cold Continues to Depress Nation's Key City Grosses

(Continued from page 1)

Comparative grosses for the latest available periods:

	Week Ending Feb. 20-21		Week Ending Feb. 13-14	
	No. Theatres	Gross	No. Theatres	Gross
Boston	7	$106,385	7	$109,000
Buffalo	6	43,250	6	43,600
Chicago	8	119,200	8	128,800
Cincinnati	9	62,550	9	63,800
Cleveland	5	40,200	5	58,000
Denver	6	25,200	6	23,250
Detroit	6	64,100	6	69,200
Houston	4	28,500	4	33,000
Indianapolis	5	31,500	5	34,300
Kansas City	5	36,100	5	43,700
Lincoln	5	9,200	5	12,200
Los Angeles	10	106,600	10	83,780
Louisville	6	26,600	7	32,800
Milwaukee	4	22,700	4	28,100
Minneapolis	5	29,500	5	28,500
Montreal	5	46,500	5	46,000
New Haven	4	20,900	4	26,600
New York	9	250,200	9	322,000
Oklahoma City	4	12,400	4	15,800
Omaha	3	17,900	3	17,150
Philadelphia	10	90,300	9	77,900
Pittsburgh	6	49,150	6	66,850
Portland	6	30,700	6	29,700
Providence	5	36,000	5	40,000
San Francisco	9	73,000	8	74,500
St. Louis	5	47,200	5	53,300
St. Paul	5	17,000	5	19,000
Seattle	6	27,250	6	35,950
Washington	7	88,100	7	63,400
	175	$1,558,185	174	$1,680,180

Key city grosses from September to late February:

	No. Theatres	Gross
Sept. 26-27	164	$1,655,050
Oct. 3-4	178	1,572,310
Oct. 10-11	178	1,452,499
Oct. 17-18	178	1,563,750
Oct. 24-25	180	1,534,575
Oct. 31-Nov. 1	186	1,544,724
Nov. 7-8	185	1,545,710
Nov. 14-15	183	1,722,305
Nov. 21-22	181	1,578,550
Nov. 28-29	181	1,593,860
Dec. 5-6	183	1,766,910
Dec. 12-13	180	1,434,785
Dec. 19-20	171	1,321,385
Dec. 26-27	175	1,228,199
Jan. 2-3	179	1,918,729
Jan. 9-10	179	1,901,455
Jan. 16-17	176	1,722,400
Jan. 23-24	173	1,539,065
Jan. 30-31	177	1,515,300
Feb. 6-7	168	1,591,350
Feb. 13-14	174	1,680,180
Feb. 20-21	175	1,558,185

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Orders Theatre Sold

BUCYRUS, O., March 1.—Common Pleas Judge Clarence U. Ahl has ordered the local Opera House sold within 30 days after proper notice. The building was partially destroyed by fire a few weeks ago, during which all the instruments of Major Bowes' Amateur Unit No. 10 were lost. The court has set a value of $21,000 on the property.

Consider Booth Bill

ST. LOUIS, March 1.—The Public Safety Committee of the Board of Aldermen has taken under advisement the proposed city ordinance to have one operator for each projection booth in theatres.

Acquires Three Houses

MILWAUKEE, March 1.—L. P. G. Amusement Co. has been organized here to take over the Layton Park, Pearl and Grace, neighborhood houses, from Charles Washicheck on March 15. Members of the firm are George L. Levine, president-treasurer; E. L. Weisner and B. J. Miller, vice-president and secretary, respectively.

U. A. Appoints Beckman

BOSTON, March 1.—Louis Beckman has been named assistant to Joseph Carroll, office manager for United Artists here. Beckman also will handle booking, replacing Abe Weiner, promoted to a sales post.

Another RCA First

A. C. OPERATION FIRST FROM RCA

The first permanently-installed sound projection equipment operated completely by A.C. came from RCA Photophone. This made installation much less expensive, reduced first cost and maintenance, made operation much simpler. The industry adopted A.C. operation with tremendous rapidity because it had real cash value.

This is but one of many RCA Photophone basic contributions to your profits. When equipping or modernizing your theatre, be sure to get the full RCA Photophone story.

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See this impressive list of RCA Photophone's great forward steps taken in your own interest: RCA Rotary Stabilizer...A.C. Operation ...Noiseless Recording... High Fidelity . . . 90-Day Guarantee...Liberal Maintenance and Service.

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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 51 NEW YORK, MONDAY, MARCH 2, 1936 TEN CENTS

Booking Bill Called No Aid To Little Man

Lust Tells Senators It Would Help Big Spots

By BERTRAM F. LINZ

WASHINGTON, March 1.—The proposed block booking measure "would help the big theatres, not the little men," Sidney B. Lust, Washington exhibitor, told the Neely Senate subcommittee at a night session which concluded hearings on the bill here. Lust was one of a number of witnesses who testified in opposition to the abolition of block booking.

Lust denied that distributors demand big cuts on box-office attractions by classifying them as percentage pictures. He declared that none of his five houses runs any percentage pictures and that he does not book any company's entire output. The witness said exhibitors know well in advance what a picture is, submitting a copy of *Motion Picture Herald* as an example of how the trade papers carry criticisms long before films are in general distribution. "I go by the trade papers and plan my programs on the basis of their reports," he said.

Picturing himself as an exhibitor who bought 100 per cent blocks with-

(*Continued on page 4*)

Says 920 Theatres Are Using Screeno

Approximately 920 theatres throughout the country are now featuring Screeno, J. S. Markstein, president, stated prior to his departure yesterday for Detroit after spending a week here conferring with George West, eastern representative.

Chicago is the biggest territory for Screeno, Markstein said, and Greater New York is second with 110. The Windy City has had a high of 170 accounts at one time but because B. & K. has reinstated stage shows in a number of houses, games have been discontinued in about 25 units. In New

(*Continued on page 4*)

Bank Fees Approved In Paramount Case

An order approving the payment of compensation to New York Trust Co. and Commercial National Bank for services as depositaries in connection with the reorganization of Paramount Publix was signed on Saturday by Federal Judge Alfred C. Coxe.

The orders authorize compensation of $32,615 and expenses of $2,344 for N. Y. Trust and compensation of $24,582 for Commercial National.

Intermountain Adds Two; Plans Changes

SALT LAKE CITY, March 1.—Intermountain Theatres, Inc., has acquired two theatres, and plans improvements which will total $75,000. Several personnel changes have been made by Harry David, vice-president and general manager.

The Grand in Preston, Idaho, and the Grand in Brigham City, Utah, were leased from Michael Nielson, giving the circuit 18 houses in Utah and Idaho. Further acquisitions are contemplated.

Ray Hendry has been promoted from the management of the Capitol here to the post of assistant general manager of the circuit. Nevin McCord of the Orpheum in Twin Falls, Idaho, will replace Hendry at the Capitol. Earl H. Baughman has been named manager of the City and Or-

(*Continued on page 2*)

Denver Bank Night Insurance Illegal

DENVER, March 1.—The scheme to insure against loss to winners in Bank or Cash Night drawings at theatres has been declared illegal in an opinion by Assistant Attorney General J. Glenn Donaldson, and approved by Attorney General Paul P. Prosser. The plan was branded a lottery by them.

The Theatre Guarantee Corp. had conceived the idea, charging from 10 cents for $100 to 25 cents for $500 insurance, to be paid if the winner was not at the theatre. More than 40 agencies were established before the plan was ruled out.

The ruling first declared the plan was not insurance, the opinion holding that "the interest must be more than a mere hope; thus an expectation of a gift is not an insurable interest."

SCHAEFER TO BE U. A. SALES HEAD

No "U" Move Seen Before March 10

Although satisfactory progress toward completion of Standard Capital Co.'s study of Universal operations and financial requirements is being made, there is little likelihood of any formal action being taken before March 10 on Standard's option to acquire a controlling interest in Universal, it was stated authoritatively on Saturday.

The option, which was renewed for six weeks from Feb. 1, expires March 14. There is no indication at this time, it was said, whether a new extension of the option will be required to complete the work now under way. Developments during the next 10 days are expected to determine this.

Poster Ass'n. Meet Is Set for Chicago

Members of the National Poster Service Ass'n., Inc., will hold their annual convention in Chicago the latter part of April, it was decided at a meeting of the board late last week. The date and hotel will be set later. Attending the meeting were Louis Weinzimmer of Progressive Poster Service, E. Behrens of Behrens Supply, Harry Schlitz of Exhibitors Poster Service of New York; Simon Libros of National-Kline Poster, Philadelphia, president of the organization, and George Aarons of Philadelphia.

M. Levin of Exhibitors Poster, Omaha, did not attend, but was notified of the developments by long distance telephone.

Deal with Goldwyn Set, Is Report; Will Be Announced Soon

Negotiations between George J. Schaefer, former vice-president of Paramount, and Samuel Goldwyn are understood to have resulted in agreement by which Schaefer will become vice-president and general manager of United Artists early this week.

It is known that Schaefer and Goldwyn have been in almost daily conference since Goldwyn's arrival here from the coast. Shortly after Goldwyn reached New York Schaefer flew north from Florida. Since that time Goldwyn has consulted other United Artists franchise holders, including Douglas Fairbanks, who stopped in New York on his way to Europe.

Negotiations between Schaefer and J. Cheever Cowdin aimed to put Schaefer in an executive sales post at Universal as soon as Cowdin had exercised his option for purchase of control of that company were definitely suspended several days ago.

Both Goldwyn and Schaefer refused to discuss the matter late last week.

Since Schaefer's resignation from Paramount several months ago and the shift of Al Lichtman from the presidency of United Artists to an executive position with M-G-M Schaefer's name has been mentioned repeatedly in connection with the United Artists position. Arthur W. Kelly, vice-president in charge of foreign distribution, has been handling domestic sales as well since the resignation of Lichtman.

Cold Continues to Depress Nation's Key City Grosses

Snowbound areas all across the northern part of the country and exceptional cold well into southern spots that are not accustomed to it continued to put a damper on the nation's key city box-office returns for the week ending Feb. 20-21. The total for the 30 cities reporting to MOTION PICTURE DAILY was $1,558,185.

The slump has been persistent in spite of some of the biggest pictures of the year. It began in mid-January when the first extreme cold became widespread, and reached a low point, $1,515,300, for the week ending Jan. 30-31. During the two succeeding weeks there was a pickup. For the week ending Feb. 6-7 the total rose to $1,591,350, and went up to $1,680,180 the following week, Feb. 13-14.

A general improvement is looked for now, however, in spite of Lent, because of better travel conditions.

Last week's decline was fairly uniform, except in Cleveland, Detroit, Los Angeles, Minneapolis, Montreal, Omaha, Philadelphia, Portland and Washington. [Comparative tabulation on page 14.]

(*Continued on page 14*)

Hearst Scores West Film in Paper Here

Continuing the attacks of the Hearst newspapers throughout the country against Mae West's "Klondike Annie," the *New York York American* on Saturday published a lengthy editorial, under the title "Stop Lewd Films," in which Paramount and the Hays office were scored sharply. Previous attacks have been registered in San Francisco, Chicago and Baltimore, where the Hearst papers also refused all advertising on the film.

The editorial concludes: "It is to be hoped that the churches of the country are awake to the necessity of boycotting such a picture as 'Klondike Annie' and denouncing its producers. . . . The public should bring its influence to bear—by showing through non-patronage of such productions that pandering to the lewd elements of the community is not profitable."

The film is scheduled to open shortly in Chicago.

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Expect Over 500 at Dinner for Grainger

More than 500 are expected to turn out for the testimonial dinner to be tendered E. C. Grainger at the Astor on March 9. The committtee on arrangements totals 44, including the following:

Clayton Bond, Harry Brandt, Leo Brecher, Harry H. Buxbaum, Nat Cohn, Sam Cocalis, Harry Gold, Jack Hattem, Clarence Hill, William Kupper, Joe J. Lee, Abe Leff, Frank McCarthy, Ed McEvoy, Charles Moses, Leon Netter, Louis Nizer, J. J. O'Connor, Charles L. O'Reilly, Edward J. Peskay, Louis Phillips, Eugene Picker, Lou Preston, Walter Reade, Sam Rinzler, W. F. Rodgers, Leon Rosenblatt, Mike Rudin, Edward Rugoff, Sidney E. Samuelson, Morris Sanders, Edward M. Schnitzer, Joseph Seider, Benjamin Sherman, Harry Shiffman, Jack Skirball, A. W. Smith, Jr., David Snaper, Jack W. Springer, Al Suchman, William Sussman, Harry H. Thomas, George C. Walsh and George W. Weeks.

Most of the preliminary work is being handled by Buxbaum, Lee, Sanders, Kupper and Hill.

Delay Loew Bronx Case

The complaint against Loew's Paradise for allegedly violating the lottery laws by featuring Screeno has been postponed in Special Sessions, Bronx, until April 6. Previously, similar complaints against Loew's Grand and Elsmere had been continued until March 17.

Insiders' Outlook

By RED KANN

Hollywood, March 1.

HOLLYWOOD'S spots have not changed. Somewhere, somehow, somebody dubbed production the life stream of the industry. Sufficient truth was in the assertion to make acceptance of the observation widespread. There is no gainsaying the fact that attractions are what make the industry, no matter how dizzily, revolve on its axis. All the rest of the paraphernalia—the mystery which surrounds the job, the social and caste systems, the political rivalry, the empiric complexes, the cock-eyed ideas which mix so freely with the good—are part of the warp and woof of the conglomerate mass which spells out Hollywood. . . .

▼

A truth of this tour of inspection is the indisputable fact that the studios are trying hard and are generally succeeding in improving product. Whether or not the money they are spending on the "A" stuff, which means sluffing the "B," is always in the cards is another story. This is the day in Hollywood where those pictures designed as big pictures run close to and over the million dollar mark. The procedure is getting to be quite a regular affair now. So much so that one of the better manufacturers of celluloid ironically talks about anything costing less as a trailer. . . .

▼

Hollywood at large agrees on at least two points of view. More may come to light later, but these are the two: (1) It insists and persists in its age-old opinion that New York continues to misunderstand what goes on here. Because it does and because, aside from the Mayers, the Thalbergs, the Zanucks, the De Milles, the Wangers, the Goldwyns, who keep a business eye well trained on their returns, it is a rare few who know or bother to learn what happens after the print goes East, Hollywood pays little attention to the world beyond its mountain and sea embroidered boundaries. . . .

▼

The other slant, widely concurred in, is that, as high as negatives have been, they are going higher. The reasons, as propounded here, are several. The astute makers of pictures maintain there is an alarming shortage of genuine personalities. This department agrees, but fails to recall the day when an identical situation had not prevailed. The handful or more of men and women who actually sell tickets are in constant demand. Thus, Freddie March is getting $125,000 flat for his role opposite Katharine Hepburn in "Mary of Scotland." Radio, having established that, nobody can foretell to what figure his next job will rise. . . .

▼

The drift now is to cluster big names in one picture. Thus, Darryl F. Zanuck has combined Claudette Colbert, Victor McLaglen, Ronald Colman and Rosalind Russell and a string of fifty name players in the support of "Under Two Flags" at a cast cost alone of about $500,000. Producers, certainly conscientious and honest enough in putting forward their best foot, often get a fixation, couple it with determination, and set out to nab the player they envision for a particular role and worry less about the price. At the same time, they are constantly establishing new price levels which fellow producers—and they as well will have to meet somewhere along the line. . . .

▼

There must be included in this discussion the situation which confronts the studio which is shy of name players and bids for them in the open market under heavy penalties. Universal is a case in point, but there are others — practically all others with the sole exception of M-G-M. Agents, clever and well-informed boys, know what's going on. They know how great the need and how pronounced the shortage and invariably do a very good job of it for their clients and for their own ten per cent. The result is only one. It couldn't be anything else. The current market on ticket-selling names is so bullish it roars and will reflect itself in percentage terms demanded for 1936-37 product. . . .

▼

The theatre operator will howl, of course. The buyer always does. Yet what to do is something not easily answered. One segment of substantial Hollywood opinion thinks it sees the answer in a general hike in admissions. This is a free and easy solution and the obvious suggestion. Whether or not exhibitors can is dependent upon local conditions. Business, taken in sum total, is much better, but has it recovered to a point where admissions can be booted up the line? The persistence with which double features hang on strikes as an indication that the public continues in a bargain-buying mood. For some time now it has been getting plenty for little money and patently finds the buy an attractive one. Will it, if the cost is hiked? If not, where do Hollywood and the business get off? . . .

Browne Leaves Coast For IA Confab Here

LOS ANGELES, March 1.—George Browne will leave here tomorrow by boat for New York where he will confer with Dan Tracy, I.B.E.W. head, on the arbitration of soundmen status. This matter is the last of the problems to be ironed out by the I.A.T.S.E.

Browne's trip by way of the Canal is considered as a vacation prior to the pending meetings.

Cecelia Parker Loaned

HOLLYWOOD, March 1.—Sol Lesser has borrowed Cecilia Parker from M-G-M for the leading role opposite Richard Arlen in "The Mine With the Iron Door," second in the series of Harold Bell Wright stories which Lesser is producing for Columbia release. David Howard is directing.

Intermountain Adds Two; Plans Changes

(*Continued from page* 1)

pheum in Twin Falls. Earl McClurg has been named manager of the Victory here, while Paul Hendry will manage the theatre in Preston, and Mark Nielson will manage the Grand at Brigham City. Chester Price will succeed Paul Hendry in the management of the Paramount here.

The improvement program includes $25,000 on the Paramount here, $25,000 on the Paramount in Provo, Utah, and the balance on the two houses just acquired.

Showing Foreign Films

BOSTON, March 1.—Tremont Temple, downtown theatre, has been reopened for the showing of foreign films.

Divide Schnitzer Job

Irving Wormser and Sol Trauner have taken over the sales duties formerly handled by Edward M. Schnitzer prior to his resignation from the local Columbia exchange. Wormser is in charge of sales for northern New Jersey, Long Island and Upstate New York, while Trauner has Manhattan and Brooklyn. Both are reporting to Nat Cohn, district manager.

Bernerd on Way to Coast

Jeffrey Bernerd, supervisor of all G. B. sales, left Saturday for the coast on a three-week trip. He plans to make several stopovers en route. Although he will look over production activities, Bernerd is not expected to sign any talent while in Hollywood.

Decide on "Fleet" Today

RKO executives today will decide whether to hold "Follow the Fleet" a third week at the Music Hall or move the Astaire-Rogers musical to the Center on Thursday.

GIVE THEM PLENTY OF PLAYING TIME*



20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

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*AND QUINTUPLY YOUR PROFITS

Purely Personal

NORMA GARE, secretary to HARRY EGERT of Progressive Poster Service and niece of LOUIS WEINZIMMER, EGERT's partner, will be married to DR. I. EDWARD COHEN of Brooklyn on April 3.

•

HENRY KING, the quintuplets' director, flew to Washington the other day to meet Mrs. KING returning from Florida. They came back here over the week-end.

•

DOUGLAS FAIRBANKS, JR., and DOROTHY BURGESS exhibiting the finer points of a rumba at El Morocco the other night.

•

GENE RAYMOND is en route to Palm Beach with his mother and brother for a week's sojourn before returning to the coast.

•

SAM MORRIS won't be able to make that anticipated Florida trip before sailing for Europe on March 18. Too busy.

•

J. J. MCCARTHY has been confined to his bed for the past few days with a cold.

•

MARGOT HELLER, the German actress, left on the *Hansa* Saturday.

•

JACK and MRS. COHN left Saturday on the *Santa Elena* for a Central American cruise.

•

LILY PONS left Saturday on the *Conte di Savoia.*

•

WILLIAM S. HART is in town from the coast. He is at the Astor.

•

C. W. BUNN, Erpi general sales manager, has returned from the coast.

•

MILTON C. WEISMAN returns tomorrow from Miami.

•

. . . Denver

A. P. ARCHER's successor as president of Foto Films is CHARLES U. YAEGER, Bank Night owner. ARCHER remains with the company as vice-president. DAVE DAVIS is secretary and RALPH WHITAKER, treasurer.

CLAUDE GRAVES, who formerly managed the State at Boulder, but sold out to Fox, was on the row recently selling automobiles.

T. B. NOBLE of Westland was in Dallas a few days. Business and pleasure combined.

ABLE DAVIS is spending some time in Denver. He manages the Mercury Film Exchange in Salt Lake City.

PAUL HOPPIN is modernizing his Palace.

ROLAND LUTZ of the Denver Poster exchange has returned from Salt Lake City where he established a branch of his Denver office. He plans to return there soon.

PRODUCTION RIGHTS AVAILABLE
EMERSON HOUGH'S
THE
MAGNIFICENT ADVENTURE
Best American Epic Story Ever Written
JAY PACKARD, Agt. 41 W. 52nd St.
Tel.: ELdorado 5-8668

Booking Bill Called No Aid To Little Man

(Continued from page 1)

out cancellation privileges, Stanley Sumner of Cambridge, Mass., told the sub-committee he has never had any difficulty making changes under such contracts and that passage of the bill would be a hardship because he then might lose the advantages he now has as compared with the affiliated competitor directly opposite his house.

A similar situation was detailed by M. A. Lightman, Memphis, who pointed out that as he has 45 houses he has "probably 45 times as much interest in the matter as some of the exhibitors who have appeared. Lightman brought out a phase of the problem which had not been discussed previously, asking the sub-committee to consider what would become of the gangster and other undesirable pictures under a selective buying system. The result would be, he said, that such pictures would carry the lowest prices and would be bought by men who didn't care what their community wanted, but would be sure of an audience from that part of the population which would be attracted by what could be exploited as "banned." This, he added, would bring about a tremendous expansion of 10-cent houses catering to that type of people.

Enforcement Discussed

Dissatisfaction with the provisions of the bill was indicated by Senator Davis of Pennsylvania, who asked Lightman, "How many inspectors do you suppose would be necessary to enforce this bill if it was passed?" Lightman declared that he could give no estimate. Further, Lightman asked, who is going to decide which are the good pictures, pointing out that no exhibitor would permit a committee of women to tell him that a certain picture is good and that he must run it, maybe paying four times as much for it as for a picture which will draw better at the box-office.

It was emphasized to the sub-committee that distributors have always been willing to accede to reasonable requests of exhibitors and have cooperated heartily with the efforts of local organizations to select films which can be recommended for young people.

New Haven distributors are embarrassingly cooperative, it was declared by Alfred F. Mayhew, assistant superintendent of schools there, in explaining how a consolidated group representing schools, churches and civic groups screen and select pictures which can be recommended three weeks or a month in advance of their public showing. The school system furnishes the auditorium, the distributors the films and the theatre men the operators, he said. The distributors offer for screening more pictures than can be handled, there is no difficulty in selecting excellent features and although New Haven is a double bill town the theatre men make every effort to have the co-features of a type comparable to that of the recommended pictures, he declared.

Courses in photoplay appreciation which are to be adopted by school systems throughout the country in the near future will become a strong factor toward picture improvement, it was said by Paul D. Mann of the National Education Ass'n. Any method of distribution which discouraged the production of prestige films of doubtful box-office attraction would be deadly to the growth of what he termed one of the most important developments in modern education.

In an effort to save the time of the sub-committee, both sides agreed that any further arguments they might wish to offer would be put into the form of briefs to be filed later.

Says 920 Theatres Are Using Screeno

(Continued from page 1)

York, 46 Loew houses feature the game, Markstein said.

In certain cities where the legality of the games has been disputed, Screeno is not represented, according to the president of the company. He referred to Cleveland and Milwaukee. In Milwaukee all games have been stopped.

About 70 theatres in California are now on the Screeno books, it was stated, with Warners going in for the game in Los Angeles and Hollywood units. The company is also doing well in Kansas City and Texas, he said.

One problem confronting the game distributors is that exhibitors want to play them too many times a week, Markstein declared. The public tires of the game if it is played too frequently, he asserted.

The company recently opened an office in Buenos Aires with H. S. Wallack in charge. Negotiations are under way for representation in Continental Europe, Cuba and Mexico.

The New York office, now in the Film Center Bldg., will move to the RKO Bldg. on April 1.

Freed in Milwaukee On Gift Night Count

MILWAUKEE, March 1.—William Young, manager of the Roosevelt, local neighborhood house, was found not guilty of violation of a gambling ordinance by a District Court jury here. Young was charged with operating a Manufacturers' Gift Night.

It marked the second such verdict returned by a District Court jury here. Norman Haacke, manager of the Grace, was acquitted on a similar charge several months ago.

Withdraws One Suit

NEW HAVEN, March 1.—Affiliated Enterprises, Inc., owner of Bank Night, has withdrawn its alleged infringement suit against one of the 10 defendants named, B. S. Mysliviec, operator of the Strand, Wallingford. A settlement provides that the Strand shall start Bank Night within a few weeks, discontinuing the Cash Night which has been running in common with the other theatres sued in the case now pending in Federal Court here.

Cromwell Assigned

HOLLYWOOD, March 1.—Darryl F. Zanuck has assigned John Cromwell to direct "To Mary With Love," magazine story by Richard Sherman soon to go into production. Zanuck has also assigned Francis Ford, Anne Shoemaker and Gene Reynolds to the cast of "Turmoil."

Free Lancing Seen Helping Japan's Films

(Continued from page 1)

example, in order to add versatility to their product.

Recently there has been a marked tendency toward the elimination of numerous small independent producing companies, and their acquisition by the larger firms. This movement is seen in most quarters as eventually resulting in an improvement in the quality of the native product.

* * *

A total of 450,000 yen is expected to be gathered for the financing of Dr. Fanck's producing venture. The producer and his backers are expected to contribute two-thirds of the total and Japanese interests one-third. The Government stands ready to extend the fullest cooperation to Fanck. He is understood to be planning a stay of at least six months here. He will handle distribution of the product in European countries, while the Japanese interests will handle distribution to Oriental countries, the United States and South America.

* * *

Tokyo theatres are expected to enjoy a definite increase in attendance as a result of the anticipated removal of what has been virtually a ban on the attendance of high school students at film houses in the Tokyo Prefecture. The Guardian Society, composed of teachers, was formed last year to keep an eye on the out-of-school activities of children, and its work soon had the effect of establishing a practical ban on film attendance. Another factor of importance to exhibitors is the plan of the Education Department to produce films of an educational nature for students, to be shown at theatres throughout the country.

Wall Street

Twentieth Century-Fox Best Gain

	High	Low	Close	Net Change
Columbia, vtc.....	36½	36½	36½	— ½
Columbia, pfd.....	47	47	47	— ¼
Consolidated Film.	6⅜	6⅜	6⅜	.....
Consolidated, pfd..	18⅝	18½	18½	— ¼
Eastman Kodak..	160½	160½	160½	+ ½
Loew's Inc.....	49½	48⅛	48½	—1
Loew's, Inc., pfd..	105	105	105	+ ½
Paramount	10¼	9⅞	9⅞	— ⅜
Paramount 1 pfd..	77¾	75⅛	75⅛	—2⅞
Paramount 2 pfd..	10⅞	10⅝	10⅝	— ⅜
RKO	8⅛	8⅛	8⅛	.....
20th Century-Fox.	31⅜	30	31	+ ¾
20th Century pfd..	39½	38¼	39½	+1
Warner Bros.....	12⅝	12½	12½	— ⅛

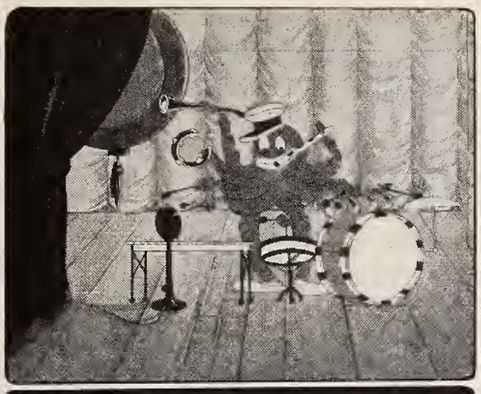
Technicolor Reaches New High

	High	Low	Close	Net Change
Sonotone	3	2⅞	2⅞	— ⅛
Technicolor	28¾	27½	28⅜	+1⅝
Trans Lux.....	4¼	4¼	4¼	.....

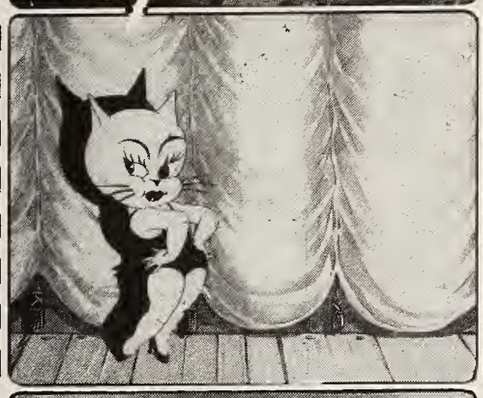
Little Activity on Bonds

	High	Low	Close	Net Change
General Theatre Equip. 6s '40....	26	25½	26	+ ⅝
General Theatre Equip. 6s '40 ctf.	25⅞	25⅝	25⅝	— ⅛
Keith B. F. 6s '46.	96	96	96	.....
Loew's 6s 41.....	Dealt in 32nds			
Paramount Pictures 6s '55.....	89¾	89	89	—1
Warner Bros. 6s '39 wd.....	94	94	94	.....

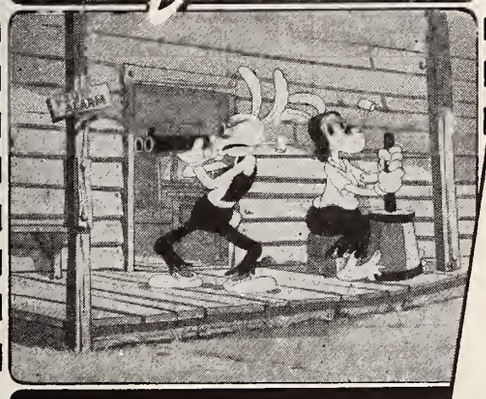
(Quotations at close of Feb. 29.)











Charles Ford
produced it!

GRAB IT NOW AND ADVERTISE IT BIG!

A sensational short! Nothing like it ever on the screen before! Millions have asked for it! Millions will come to see it! Tell them you've got it! Cash in on its tremendous novelty!

MOTION PICTURE DAILY

Wednesday, January 29, 1936

CARTOONIST TELLS ALL!

The secret's out!

LOWELL THOMAS gives famous screen cartoonist the third degree!

Unmasking the tricks and sounds that have mystified and amazed audiences for years!

Millions have asked "How?" What makes screen cartoons move, talk, run, jump? How many people does it take? Where is the orchestra? Who are the impersonators, singers? How are all those seemingly impossible effects obtained?

Now you can show them the whole works behind the scenes!

UNIVERSAL again scores a scoop on the industry!

SO 'PHONE, WIRE OR WRITE YOUR UNIVERSAL EXCHANGE AND ASK FOR

GOING PLACES No. 18

Short Subjects

Screen Snapshots No. 7
(*Columbia*)

The Racquet Club in Palm Springs run by Charles Farrell and Ralph Bellamy opens this snapshot, and after the camera records the stars and film people who are there—there are many—it goes into awards with Walt Disney getting the French Legion of Honor cross and young George Breakston receiving an autographed photo of Mussolini for his performance in "No Greater Glory." Also seen are Mary Pickford starting her first production, how they name a polo pony in Hollywood and a scene on shipboard with Victor McLaglen and the Three Stooges cutting up aided by Wynne Gibson.

The last part presents one of the lackadaisical parties in which Anita Louise does a card trick while Dolores del Rio and Gene Raymond play ping pong and then Fred and Dorothy Stone dance a bit, but nobody seems to care. This is good fodder for the rabid film fan. Production Code Seal, No. 1968. Running time, 10½ mins. "G."

"The Voice of Experience No. 9"
(*Columbia*)

This issue has the Voice revealing how his advice, if taken, would avoid certain serious problems that arise in homes over trivial matters. He illustrates, before and after, and takes up the problem of balancing the budget with a young couple, how to bring up children and child psychology, and the ancient mother-in-law problem. If the audience goes to the theatre to see the silhouette that interests them on the radio rather than to forget their own problems for a brief spell, then this is their meat. Production Code Seal, No. 0827. Running time, 11 mins. "G."

"Movie Melodies on Parade"
(*Paramount*)

With an orchestra and a choral group this short revives some of the well known hits from pictures a few years old. The film editing is well done as the actual scene from the picture is played against the musical review. Mary Eastman is featured and she does a solo accompanied by an orchestra that is calisthenically led by Andre Kostelanetz. The music is well played and the singing is of a superior grade that should pleasantly entertain. Production Code Seal No. 0774. Running time, 11 mins. "G."

"Not Now"
(*Paramount*)

Betty Boop and her dog, Pudgy, are annoyed in this cartoon by a chorus of cats that keeps them awake. Betty "sics" Pudgy after them and there follows some swell cartoon adventures involving the dog with first one cat and then with the whole tribe that inhabits the alley. The sound effects are good for plenty of laughs and the action will more than satisfy. An entertaining bit for any program. Production Code Seal, No. 0606. Running time, 7 mins. "G."

Erber, Smith Dissolve

St. Louis, March 1.—Joe Erber and Joe Smith, booking agents, have dissolved their partnership.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Treachery Rides the Range"
(*Warners*)

Hollywood, March 1.—Offering a happy combination of good story, capable acting, excellent photography and skillful direction, this production ranks high among the current picture offerings. Dick Foran, as a scout with a cavalry regiment, gives a pleasing performance which should increase his following. His personality has definite appeal for men, women and children.

The story is laid in Kansas during the 70's, and deals with the efforts of Craig Reynolds, a buffalo hunter, to poach on Indian buffalo preserves and stir up trouble between the Indians and the cavalry. Battles between the whites and redskins are frequent and bloody until Foran learns that the uprisings have been inspired by Reynolds. He then takes the poachers into custody and peace is restored.

William Jacobs, author of both story and screen play, has furnished a well constructed, logical yarn which Frank McDonald has directed with intelligence. The cast includes Paula Stone, Monte Blue, Jim Thorpe. Don Barclay, Frank Bruno and Carlyle Moore, Jr., all of whom give good portrayals. Bryan Foy supervised production and the photography was handled by L. W. O'Connell. The story angle of the abuse visited upon the Indians by the white man should gain favor with parent-teacher associations.

Production Code Seal No. 1,870. Running time, 58 minutes. "G."

Looking 'Em Over

"Don't Gamble With Love"
(*Columbia*)

A marital drama with complications other than the usual triangular pattern, this should prove satisfactory entertainment. Bruce Cabot and Ann Sothern share the leading roles, supported in particular by Irving Pichel and Ian Keith.

Cabot and his wife, Miss Sothern, are deeply in love with one another, and concerned with the future of their infant son. They operate a swank gambling hall, on the square, and are successful. Miss Sothern concludes that a baby and a gambling career do not mix and persuades Cabot to give up the racket. His fling in the "legitimate" brokerage business ends when he is innocently involved in the firm's crooked dealings. Angry, he returns to gambling without his wife.

He turns to crooked operation in order to make money faster, and when she suddenly discovers it, stifles her inclination to return to him. Then, as he seeks to branch out, he runs into the opposition of other game operators. He is not disturbed by their threats, and Miss Sothern, tipped off to their intention, reveals his crooked operation to his clients, running him out of business before he can be hurt. She is shot by a heavy loser who attempts to kill Cabot, and that makes the reconciliation complete, as Cabot is cured of gambling as a career. Dudley Murphy directed.

Production Code Seal No. 1,902. Running time, 62 minutes. "G."

"The Lawless Nineties"
(*Republic*)

A western yarn built around the efforts of the lawless element to control the vote of Wyoming territory when it applied for admission to the United States in 1890, and the manner in which Government agents protected the voters, this picture is fast-moving and lively action fare, good for the week-end program or on a double bill.

John Wayne, hard rider and realistic scrapper, has the lead, with Ann Rutherford, Harry Woods, George Hayes and Al Bridge in principal supporting roles. Wayne, Government agent, is ordered to the territory to safeguard an orderly election. En route, he saves Miss Rutherford and Hayes, her father, southerner who has bought a paper.

The fast pace is maintained throughout as Wayne goes out after the gangs, despite the killing of Hayes and Wayne's fellow-officer. Eventually, of course, the gangs are cleaned out, the election makes the territory a state, and Wayne wins Miss Rutherford. Joseph Kane directed.

Previewed without production code seal. Running time, 57 minutes. "G."

Comerford Managers In Another Shakeup

Scranton, March 1. — Additional changes have been made in managers and assistants by Comerford Theatres since the first changes were announced on Feb. 15 by Frank C. Walker, vice-president and general manager.

The following are involved in the changes: Eugene Lynch, former assistant manager of the Riviera, Scranton, transferred to the booking department; Frank Yerke, manager of the State and former artist, transferred to the art department; Willard Matthews, manager of the Bell, transferred to the State; Jack Mahon, assistant manager of the Granada, Olyphant, transferred to the Globe, South Scranton, as manager; J. Sittler, assistant manager of the Bell, promoted to manager; George Baldinger, manager of the Kingston, Kingston, transferred to the Capitol, Bloomsburg; Gregory Beck, manager of the Capitol, Bloomsburg, transferred to the Capitol, Williamsport; Byron Lynn, manager of the Capitol, Williamsport, transferred to the Kingston, where he also will be city manager; and Frank Kovaletz, assistant manager of the Granada, Olyphant, promoted to manager of that house.

Rockefeller Claim Hearing Again Off

The scheduled hearing tomorrow of the RKO trustee's exception to the allowance of the Rockefeller Center claim against RKO at $9,100,000 has been postponed again, this time to March 10, before Federal Judge William Bondy.

The claim is based on RKO's liability on its defaulted leases for the Radio City theatres and office space, the bulk of the claim being for the construction costs of the theatres. Special Master Thomas D. Thacher recommended that the claim be allowed at $9,100,000, after hearings held a year ago. Irving Trust Co., RKO trustee, opposed Thacher's report and has prepared exceptions to present to the Federal court. Meanwhile, however, negotiations for a compromise or settlement of the claim are being continued between Rockefeller Center on the one hand, and RCA, Atlas Corp. and Lehman Bros., on the other. The latter represent RKO through their controlling interest in the company.

McCullough Gets Back

Hollywood, March 1.—R. N. McCullough, technical expert of the F.W.C. real estate department, has returned from a week in Arizona where he made estimates for remodeling the Globe, at Globe, and looked into renovation requirements of theatres in Tucson and Phoenix. The Globe has been closed for some time, due to inactivity in the copper mines which supply the payrolls of that district.

Open F. D. Exchange

New Haven, March 1.—Exhibitors from all over the state and representatives of the exchanges attended the open house which marked the establishment of a First Division exchange here in the Kilfeather Bldg. Michael Thomas, brother of Harry Thomas, First Division president, and the new exchange manager, was host to the gathering.



Little Lord
FAUNTLEROY

A DAVID O. SELZNICK PRODUCTION

...with this magnificent cast!

ONE OF THE REALLY GREAT STORIES OF ALL TIME UNFOLDS UPON THE SCREEN!



FREDDIE BARTHOLOMEW
(of David Copperfield fame) as Ceddie (Little Lord Fauntleroy) the lovable boy who worshiped his mother with a fierce loyalty and who changed a tyrannous old man into a human being.



C. AUBREY SMITH
(gruff, grumpy and lovable) as the "Earl of Dorincourt," proud and tyrranical grandfather of Fauntleroy and sworn foe of the child's mother.



GUY KIBBEE
as the genial "Mr. Hobbs," grocer philosopher and confidante of Freddie before his departure to England.



JESSIE RALPH
as the "applewoman" whom Fauntleroy befriends when he learns of his fortune in England.

SELZNICK INTERNATIONAL *presents*

Little LORD FAUNTLEROY

From the World Famous Story by Frances Hodgson Burnett

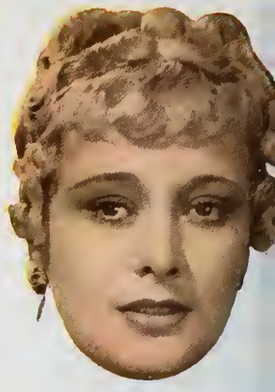
starring

FREDDIE BARTHOLOMEW
DOLORES COSTELLO BARRYMORE

As his first picture for United Artists release. David O. Selznick has selected one of the world's greatest stories. Every part in this picture has been cast with infinite attention . . . is portrayed by finished actors . . . each contributing to the whole pattern of a beautiful story, the kind of performances that achieve a real and lasting triumph.

Directed by JOHN CROMWELL · *Screenplay by* HUGH WALPOLE

Released thru
UNITED ARTISTS



DOLORES COSTELL BARRYMOR
(more enchanting than eve her return to the screen h been long awaited by millio of fans) as "Dearest," moth of Fauntleroy, who sacrific her own happiness for his.



MICKEY ROONE
as "Dick" the American boo black and pal of the little Lor



HENRY STEPHENSO
as "Havisham" the kindly la yer whose deep understandi of human nature brought a b ter family feud to an end.



JACKIE SEAR
who causes all the trouble, the false "claimant" to the ti of "Lord Fauntleroy."

with **IVAN SIMPSO E. E. CLIVE • UN O'CONNOR an hundreds of othe**

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"Marie" Hits Big $24,500 In Washington

WASHINGTON, March 1.—During a lull in the Arctic weather, grosses shot upward all along the line. Loew's Palace took $24,500 for "Rose Marie," the biggest take since "David Copperfield." It was $8,600 over average. The picture was held over.

"The Petrified Forest," plus Ben Lyons and Bebe Daniels on the stage, sent the Earle to $20,300, or $1,900 over par.

The combination of a return engagement on "The Bride Comes Home" and a 36-minute version of "Little America" garnered $5,000 at Loew's Columbia, to top par by $1,400.

A return engagement of "Ceiling Zero" at the Metropolitan was good for $5,400, over average by $1,100. A reissue of "Disraeli" at the Belasco for eight days topped par by $200 for a take of $3,200.

Total first run business was $88,100. Average is $76,700.

Estimated takings, exclusive of tax:

Eight Days Ending Feb. 19:

"DISRAELI" (W. B.) (Re-issue)
BELASCO—(1,140), 25c-65c, 7 days. **Gross:** $3,200. (Average, $3,000)

Week Ending Feb. 20:

"THE PETRIFIED FOREST" (W. B.)
EARLE—(2,218), 25c-77c, 7 days. Stage: Ben Lyon & Bebe Daniels, DuFaye Dance Revue, James & Mildred Alvan, Radio Ramblers. **Gross:** $20,300. (Average, $18,400)

"THE BRIDE COMES HOME" (Para.) (Return engagement)
"LITTLE AMERICA" (Para.)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** $5,000. (Average, first run, $3,600)

"IT HAD TO HAPPEN' (20th-Fox)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: "Continental Varieties," with Dave Apollon, Johnny Woods, Sarah Ann McCabe, Ruth del Rio, Olive White, Melissa Mason, Harold Aloma, the Bounding Arabs. **Gross:** $19,500. (Average, $20,900)

"ROSE MARIE" (M-G-M)
LOEW'S PALACE—(2,370), 35c-55c, 7 days. **Gross:** $24,500. (Average, $15,900)

"CEILING ZERO" (F. N.)
METROPOLITAN—(1,591), 25c-40c, 7 days (return engagement). **Gross:** $5,400. (Average, first run, $4,300)

"THE LADY CONSENTS" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $10,200. (Average, $10,600)

Center Is Denver's Seventh First Run

DENVER, March 1.—For the first time, Denver will have seven first runs with the opening here of the Center, formerly the Empress. It also will mark the first time an independent company has had a regular first run outlet here. George A. Allan, formerly with the Playhouse in Salt Lake City, signed a franchise for five years with Republic Pictures. J. T. Sheffield made a trip here from Seattle to sign the contract. The opening picture is "$1,000 a Minute."

The house will have stage shows, with three or four acts of vaudeville each week. The shows will be produced by W. Rex Jewell. A new front, marquee and improvements inside have changed the appearance of the house. A top price of 35 cents has been set.

Starts Double Bills

SALT LAKE CITY, March 1.—The Capitol, Intermountain Theatres house here, starts double bills tomorrow.

"Modern Times" Is Montreal's Leader

MONTREAL, March 1.—A crackup of the long cold spell gave theatres a break. Outstanding was the first week of "Modern Times" on a double bill at the Princess for a take of $12,500 which set a season's record at this house.

Second week of "A Tale of Two Cities" at the Palace held up to $9,000 after a first week at $14,000. "King of Burlesque," heading the screen duet at the Capitol, was responsible for $11,000, well above average, while the same figure was found at Loew's on "Sylvia Scarlett" and a stage show. The principal opposition was the hockey with the two local teams in a battling mood going into the season's home stretch.

Total first run business was $46,500. Average is $41,500.

Estimated takings for the week ending Feb. 22:

"KING OF BURLESQUE" (20th-Fox)
"MY MARRIAGE" (20th-Fox)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $11,000. (Average, $9,500)

"ACHILLE" (French)
"FRISCO WATERFRONT" (Republic)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. **Gross:** $3,000. (Average, $3,500)

"SYLVIA SCARLETT" (Radio)
LOEW'S—(3,115), 30c-34c-40c-50c-60c, 7 days, 2nd week. **Gross:** $9,000. First week, $14,000. (Average, $11,000)

"A TALE OF TWO CITIES" (M-G-M)
PALACE—(2,600), 25c-35c-40c-50c-60c, 7 days, 2nd week. **Gross:** $9,000. First week, $14,000. (Average, $11,000)

"MODERN TIMES" (U. A.)
"GUARD THAT GIRL" (Col.)
PRINCESS—(2,272), 25c-30c-35c-50c-65c, 7 days. **Gross:** $12,500. (Average, $7,000.) Held over.

"Marie" Beats Out Indianapolis Cold

INDIANAPOLIS, March 1.—"Rose Marie" crashed through a return engagement of the zero wave here to pull a total of $14,000 at Loew's. It was the only one to make an outstanding showing in the teeth of the new cold wave, which chilled receipts of every other first run house in the city.

"The Petrified Forest" did but $4,000 at the Indiana, a marked drop from average. Observers say that Indianapolis has always seemed apathetic toward Leslie Howard, however.

Total first run business was $31,500. Average is $26,500.

Estimated takings for the week ending Feb. 21:

"IT HAD TO HAPPEN" (20th-Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)

"THE LADY CONSENTS" (Radio)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"THE PETRIFIED FOREST" (W. B.)
INDIANA—(3,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $7,000)

"ROSE MARIE" (M-G-M)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $14,000. (Average, $4,500)

"MY MARRIAGE" (20th-Fox)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $6,500. (Average, $7,000)

Aid Racing Opposition

BOSTON, March 1.—Bills for regulating and otherwise hitting parimutuel dog racing, legalized in Massachusetts last year, were strongly supported at a public hearing before the legislative committee on legal affairs. Theatre operators in the western part of the state reported their attendance dropped from 30 to 50 per cent during the dog racing season.

"Anything" Pulls $13,750 in Cincy

CINCINNATI, March 1.—Business for the most part continued on the up and up last week, especially considering the continuance of frigid blasts. "Anything Goes" went to the tune of $13,750 at the RKO Palace, where average is $10,000. It was transferred to the RKO Capitol.

The runner-up was "The Milky Way," playing its second downtown week at the RKO Capitol where it grossed $3,000 more than normal with a $9,500 take. It will probably be brought back. "Rose Marie" continued to spell box-office at the RKO Grand, grossing $4,000 in its third downtown week. Average for this spot is $2,750. The picture was held for the fourth week. "Freshman Love" was $1,000 plus at the RKO Shubert, registering $13,000 with the help of "Cocoanut Grove Revels," starring Red Hodgson on the stage.

"Dancing Feet" had a $1,700 week at the Strand, up $200. "Next Time We Love" was a disappointment at the RKO Albee with $6,500 compared with a $12,000 average, and the run was shortened by two days. Keith's, which has not used Warner product for two weeks, resumes this week.

Total first run business was $62,550. Average is $60,200.

Estimated takings:

Week Ending Feb. 18:

"DANCING FEET" (Republic)
STRAND—(1,500), 15c-25c, 7 days. Stage: Amateur show for one night. **Gross:** $1,700. (Average, $1,500)

Week Ending Feb. 20:

"NEXT TIME WE LOVE" (Univ.)
RKO ALBEE—(3,300), 35c-42c, 5 days. **Gross:** $6,500. (Average, 7 days, $12,000)

"ANYTHING GOES" (Para.)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $13,750. (Average, $10,000) Moved to RKO Capitol.

"FRESHMAN LOVE" (W. B.)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: "Cocoanut Grove Revels" with Red Hodgson. **Gross:** $13,000. (Average, $12,000)

"THE MILKY WAY" (Para.)
RKO CAPITOL—(2,000), 35c-42c, 7 days, 2nd downtown week. **Gross:** $9,500. (Average, $6,500)

"SYLVIA SCARLET" (Radio)
RKO LYRIC—(1,400), 35c-42c, 7 days. **Gross:** $6,200. (Average, $6,500)

"ROSE MARIE" (M-G-M)
RKO GRAND—(1,200), 25c-40c, 7 days, 3rd downtown week. **Gross:** $4,000. (Average, $2,750.) Held over for fourth week.

"OREGON TRAIL" (Republic)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,100. (Average, $1,250)

"MAN OF IRON" (F. N.)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,050. (Average, $1,200)

"EXCLUSIVE STORY" (M-G-M)
KEITH'S—(1,500), 30c-40c, 7 days. **Gross:** $5,750. (Average, $6,500)

Nebraska Thaws Out And Theatres Reopen

OMAHA, March 1.—Exhibitors began showing up on the row here this week and activity on Davenport St., where the exchanges are located, began to assume old time proportions.

Many theatres are reported relighted, though some in the smaller towns remain dark because with the snow melting in the side roads, the roads will be as impassable because of mud created by the thaw as they were when snow obliterated fences and other country markings.

Takes L. A. Theatre

LOS ANGELES, March 1.—J. B. Sloate has purchased the Gem here from the Harry Hicks estate, and will reopen it as the Maynard, after alterations.

"Marie" Again Leads Parade In Cleveland

CLEVELAND, March 1.—"Rose Marie," in its second week downtown, was the only picture of the week to make a showing because of the continued cold. It grossed $6,000 at Loew's Stillman, which is 50 per cent over average.

"Anything Goes," with $11,000, was $1,000 under par at Loew's State.

"Next Time We Love" took $7,000, which was $1,000 under average at Warners' Hippodrome and "The Widow From Monte Carlo," with a stage show headed by Joe Cook and his "Topsy Turvy Revue" failed by $2,000 to make the $15,000 house average.

"Navy Wife" and "Personal Maid's Secret" split the week at the Allen resulting in a little better than average.

Total first run business was $40,200. Average is $42,000.

Estimated takings for the week ending Feb. 21:

"NAVY WIFE" (20th-Fox)
ALLEN—(3,300), 30c-35c-42c, 4 days. **Gross:** $2,200. (Average for 7 days, $3,000)

"PERSONAL MAID'S SECRET" (W. B.)
ALLEN—(3,300), 30c-35c-42c, 3 days. **Gross:** $1,000. (Average for 7 days, $3,000)

"ANYTHING GOES" (Para.)
LOEW'S STATE—(3,400), 30c-35c-41c, 7 days. **Gross:** $11,000. (Average, $12,000)

"ROSE MARIE" (M-G-M)
LOEW'S STILLMAN—(1,900), 30c-35c-42c, 7 days, 2nd week. **Gross:** $6,000. (Average, $4,000)

"THE WIDOW FROM MONTE CARLO" (W. B.)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Joe Cook and "Topsy Turvy Revue." **Gross:** $13,000. (Average, $15,000)

"NEXT TIME WE LOVE" (Univ.)
WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $7,000. (Average, $8,000)

"Marie" Strong in 3d Portland Week

PORTLAND, March 1.—"Rose Marie" went into a third big week at the United Artists securing another $7,000, over average by $2,000.

"Ah, Wilderness" at the Broadway, as predicted, was held for a second week, annexing $6,000, over the line by $1,000.

"The Lady Consents" and "It Had to Happen" brought in $6,000 at the Paramount, over normal by $1,000.

Total first run business was $30,700. Average is $24,700.

Estimated takings for the week ending Feb. 22:

"AH, WILDERNESS" (M-G-M)
BROADWAY—(1,912), 30c-35c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $5,000)

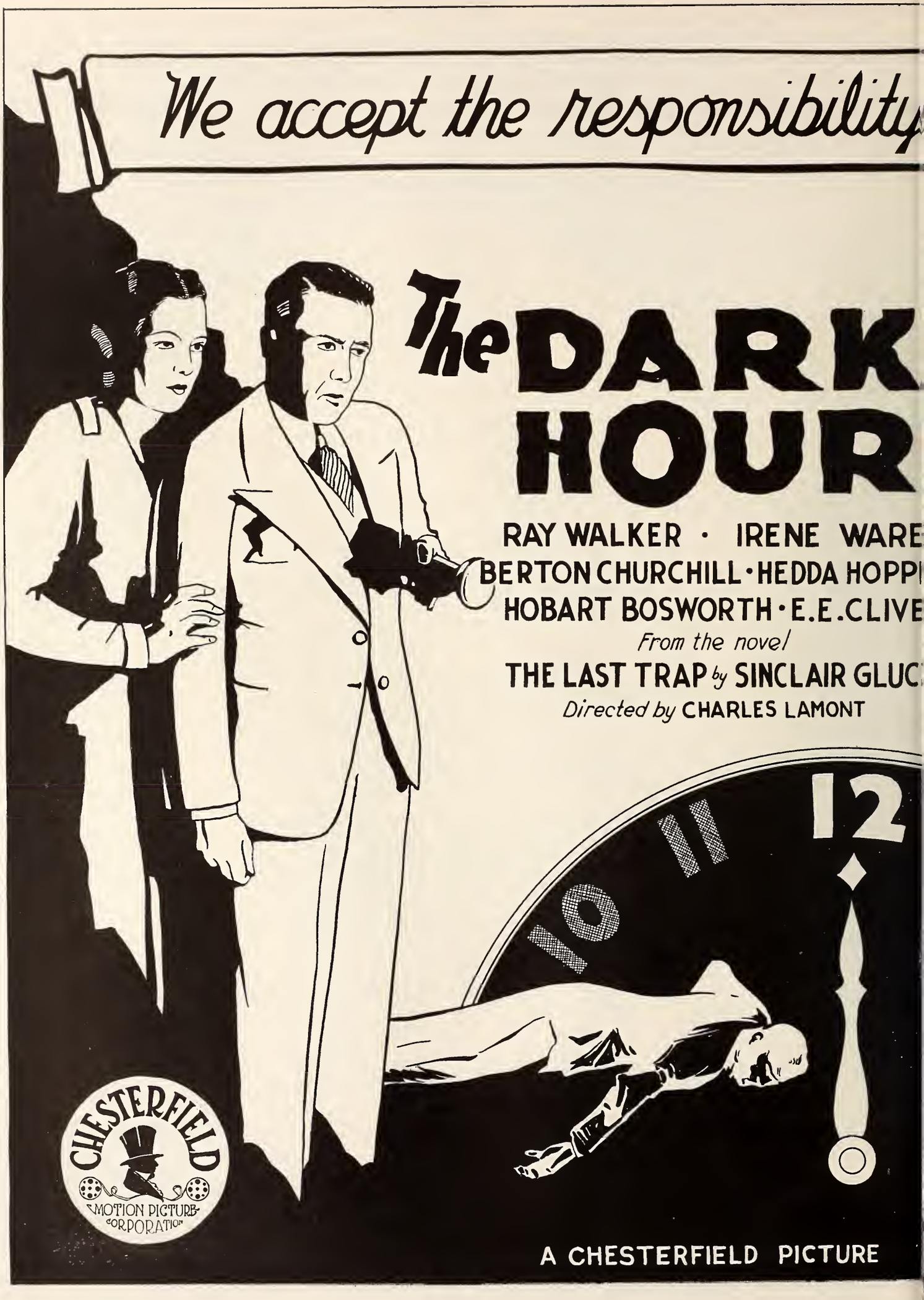
"BIG BROADCAST OF 1936" (Para.)
"NO MORE LADIES" (M-G-M) (2nd Run)
BLUE MOUSE—(1,700), 20c-25c, 7 days. **Gross:** $1,700. (Average, $1,700)

"ESCAPE FROM DEVIL'S ISLAND" (Col.)
"THE PERFECT GENTLEMAN" (M-G-M)
MAYFAIR—(1,700), 30c-35c-40c, 7 days. **Gross:** $4,000. (Average, $3,000)

"PETRIFIED FOREST" (W.B.)
"HER MASTER'S VOICE" (Para.)
ORPHEUM—(1,700), 30c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"THE LADY CONSENTS" (Radio)
"IT HAD TO HAPPEN" (20th-Fox)
PARAMOUNT — (3,008), 30c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"ROSE MARIE" (M-G-M)
UNITED ARTISTS—(945), 30c-35c-40c, 7 days, 2nd week. **Gross:** $7,000. (Average, $5,000)


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"Rose Marie" Again Strong In Pittsburgh

PITTSBURGH, March 1.—The weather continued to plug holes in grosses all over town last week, only one house, the Warner, managing to come up with anything resembling par. There, "Rose Marie," after a sensational nine days at the Penn, claimed the best comparative take in the downtown sector, $5,900.

At the Stanley, "It Had to Happen" and the N.T.G. revue took $17,500. "The Petrified Forest" took $10,000. Bernie Armstrong's amateur revue gave "Lady of the Secrets" enough of a lift to keep the Alvin around the $6,250 mark, while the Casino, with "Escape From Devil's Island" and the "Bandbox Revue," fell off after a good opening week, getting only around $6,000.

Despite the fact that it has played practically everywhere in these parts, return engagements and otherwise, "The Informer" was chanced by the Fulton on a double bill with "Another Face" and did a fair week's business at $3,500.

Total first run grosses were $49,150. Average is $56,000.

Estimated takings for the week ending Feb. 20:

"LADY OF SECRETS" (Col.)
ALVIN—(2,000), 25c-55c, 7 days. Stage: Bernie Armstrong and his amateur unit. **Gross:** $6,250. (Average, $10,000)

"ESCAPE FROM DEVIL'S ISLAND" (Col.)
CASINO—(1,800), 25c-40c, 7 days. Stage: "Band Box Revue" with Jack Leonard and Al Belasco. **Gross:** $6,000. (Average, $6,500)

"THE INFORMER" (Radio)
"ANOTHER FACE" (Radio)
FULTON—(1,700), 25c-40c, 7 days. **Gross:** $3,500. (Average, $4,000)

"THE PETRIFIED FOREST" (W. B.)
PENN—(3,500), 25c-40c, 7 days. **Gross:** $10,000. (Average, $12,000)

"IT HAD TO HAPPEN" (20th-Fox)
STANLEY—(3,600), 25c-55c, 7 days. Stage: N. T. G., Slate Brothers, Rita Rio, Mickey Bratz, Taka Sisters, Fay Carroll, Nan Blair. **Gross:** $17,500. (Average, $18,500)

"ROSE MARIE" (M-G-M)
WARNER—(2,000), 25c-40c, 7 days, 2nd week. **Gross:** $5,900. (Average, $5,000)

"Consent," "Face" Get $4,900, Omaha

OMAHA, March 1.—"The Lady Consents" and "Another Face" at the Brandeis led the parade here with subzero weather continuing. The $4,900 take was $400 over normal and the bill was held.

"The Milky Way" and "Paddy O'Day" came in second best with $5,200 at the Omaha.

Total first run business was $17,900. Average is $17,500.

Estimated takings:

Week Ending Feb. 18:

"THE LADY CONSENTS" (Radio)
"ANOTHER FACE" (Radio)
BRANDEIS—(1,200), 25c-35c-40c, 8 days. **Gross:** $4,900. (Average, 8 days, $4,500)

Week Ending Feb. 19:

"THE MILKY WAY" (Para.)
"PADDY O'DAY" (20th-Fox)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $5,200. (Average, $5,000)

Week Ending Feb. 20:

"RIFFRAFF" (M-G-M)
"KIND LADY" (M-G-M)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $7,800. (Average, $8,000)

Chaplin Good In 2nd Week On the Coast

LOS ANGELES, March 1.—"Modern Times" held up fairly well in its second week at Grauman's Chinese and Loew's State, but was far from sensational. It reached $13,000, over par by $1,000, at the Chinese, and took a par $14,000 at the State.

"Love on a Bet" and "Muss 'Em Up" at the Pantages were $2,900 to the good on a take of $6,100. "Professional Soldier" was good for $5,000, up by $1,750, at the 4-Star. "The Music Goes 'Round" was strong at $19,500 at the Paramount with a stage show to help.

Total first run business was $87,800. Average is $86,150.

Estimated takings for the week ending Feb. 26:

"MODERN TIMES" (U.A.)
CHINESE—(2,500), 30c-55c, 7 days, 2nd week. **Gross:** $13,000. (Average, $12,500)

"THE INFORMER" (Radio)
FILMARTE—(800), 30c-40c, 7 days. **Gross:** $2,500.

"PROFESSIONAL SOLDIER" (20th-Fox)
4 STAR—(900), 30c-55c, 7 days. **Gross:** $5,000. (Average, $3,250)

"MARIA CHAPDELAINE" (Franco-America)
GRAND INTERNAT'L—(750), 35c-40c, 7 days. 2nd week. **Gross:** $900. (Average, $1,200)

"LOVE ON A BET" (Radio)
"MUSS 'EM UP" (Radio)
HILLSTREET—(2,700), 25c-40c, 7 days. **Gross:** $6,200. (Average, $8,000)

"MODERN TIMES" (U.A.)
LOEW'S STATE—(2,500), 30c-55c, 7 days. 2nd week. **Gross:** $14,000. (Average, $14,000)

"LOVE ON A BET" (Radio)
"MUSS 'EM UP" (Radio)
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $6,100. (Average, $3,200)

"THE MUSIC GOES ROUND" (Col.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, David Broekman and orchestra. **Gross:** $19,500. (Average, $18,000)

"PETRIFIED FOREST" (W.B.)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-40c, 7 days. 2nd week. **Gross:** $10,600. (Average, $14,000)

"PETRIFIED FOREST" (W.B.)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. 2nd week. **Gross:** $10,000. (Average, $12,000)

"Happen," $2,500, Is Top in Lincoln

LINCOLN, March 1.—"It Had to Happen" made the best showing in a dull week. The $2,500 take at the Lincoln was over normal by $300.

"Her Master's Voice" and "O'Shaughnessy's Boy" reached $2,400 at the Orpheum. This also was up by $300. Other first runs had a bad week.

Total first run business was $9,200. Average is $9,850.

Estimated takings:

Week Ending Feb. 19:

"BAR 20 RIDES AGAIN" (Para.)
"DANGEROUS WATERS" (Univ.)
COLONIAL—(550), 10c-15c, 7 days. **Gross:** $800. (Average, $850)

Week Ending Feb. 20:

"IT HAD TO HAPPEN" (20th-Fox)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,500. (Average, $2,200)

"HER MASTER'S VOICE" (Para.)
"O'SHAUGHNESSY'S BOY" (M-G-M)
ORPHEUM—(1,350), 10c-20c-25c-40c, 7 days. **Gross:** $2,400. (Average, $2,100)

"DANCE BAND" (First Div.)
VARSITY—(1,100), 10c-20c-25c, 7 days. **Gross:** $800. (Average, $1,300)

Week Ending Feb. 21:

"BARBARY COAST" (U. A.)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $2,800. (Average, $3,100)

"Milky" Is $8,800 Providence Leader

PROVIDENCE, March 1.—Zero weather and icy highways continued to interfere with grosses here with the suburbs literally "snowed-in." "The Milky Way" did the best business of the week with a take of $8,800 at the Strand. This is $2,300 over par.

"Rose Marie," in its second week at Loew's State, caught $8,200. "The Petrified Forest" and "The Widow From Monte Carlo" were good for an average $7,000 at the Majestic, and Fay's likewise did a par $7,000 with "The Invisible Ray" and a stage revue. The RKO Albee was $2,000 under its usual gross of $7,000, featuring "The Lady Consents" and "Yellow Dust."

Total first run business was $36,000. Average is $39,500.

Estimated takings for the week ending Feb. 20:

"THE LADY CONSENTS" (Radio)
"YELLOW DUST" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $5,000. (Average, $7,000)

"THE MILKY WAY" (Para.)
"NEVADA" (Para.)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $8,800. (Average, $6,500)

"THE INVISIBLE RAY" (Univ.)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "Night of Love," revue. **Gross:** $7,000. (Average, $7,000)

"ROSE MARIE" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days, 3rd week. **Gross:** $8,200. (Average, $12,000)

"THE PETRIFIED FOREST" (W. B.)
"WIDOW FROM MONTE CARLO" (W. B.)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"Obsession" Hits $9,600, New Haven

NEW HAVEN, March 1.—"Magnificent Obsession," on a dual with "Tough Guy" at the Poli, turned them away over the week-end, and continued to attract good houses all week in spite of near-zero weather and icy streets. The gross was $9,600, or $2,600 over par.

The College held over "Rose Marie" at Poli prices and outdistanced the $2,800 average by $1,400. The Paramount and Roger Sherman dipped considerably under the line with duals featuring "Woman Trap" and "The Widow from Monte Carlo," respectively. "Henry VIII" was brought back to the Roger Sherman for three days as an added attraction.

Total first run business was $20,900. Average is $19,300.

Estimated takings for the week ending Feb. 21:

"ROSE MARIE" (M-G-M)
COLLEGE—(1,499), 35c-50c, 7 days, 2nd week. **Gross:** $4,200. (Average, $2,800)

"WOMAN TRAP" (Para.)
"EAST OF JAVA" (Univ.)
PARAMOUNT—(2,400), 35c-50c, 6 days. **Gross:** $3,800. (Average, $4,800)

"MAGNIFICENT OBSESSION" (Univ.)
"TOUGH GUY" (M-G-M)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $9,600. (Average, $7,000)

"THE WIDOW FROM MONTE CARLO" (W. B.)
"ANOTHER FACE" (Radio)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $3,300. (Average, $4,700)

Reinhardt Conferring

HOLLYWOOD, March 1.—Max Reinhardt, here from New York, has gone into conference with Warners about his next production. A definite selection has not been made as yet, though several stories are being considered.

"Pink" Leads San Francisco With $12,500

SAN FRANCISCO, March 1.—Persistent rain bumped all grosses except the United Artists where "Strike Me Pink" ran up to $12,500, thereby topping normal by $5,500.

"Lady of Secrets" managed to get slightly over the line on top of a dual bill with "Lone Wolf Returns" at the Orpheum. The take was $7,000 "Fang and Claw" and "Powdersmoke Range" were up by $200 on a total of $3,800 at the Embassy.

Total first run business was $73,000. Average is $77,400.

Estimated takings:

Week Ending Feb. 18:

"TWO IN THE DARK" (Radio)
GOLDEN GATE—(2,850), 25c-35c-40c, 7 days. Stage, band. **Gross:** $13,500. (Average, $14,500)

Week Ending Feb. 19:

"STRIKE ME PINK" (U. A.)
UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days. **Gross:** $12,500. (Average, $9,000)

"LADY OF SECRETS" (Col.)
"LONE WOLF RETURNS" (Col.)
ORPHEUM—(2,440), 15c-30c-35c-40c, 7 days. **Gross:** $7,000. (Average, $6,800)

"IT HAD TO HAPPEN" (20th-Fox)
"KING OF THE DAMNED" (G. B.)
PARAMOUNT—(2,740), 15c-30c-35c-40c, 7 days. **Gross:** $11,500. (Average, $11,500)

Week Ending Feb. 20:

"PETRIFIED FOREST" (W. B.)
"EVERY SATURDAY NIGHT" (20th-Fox)
WARFIELD—(2,680), 30c-35c, 7 days. **Gross:** $13,000. (Average, $18,000)

"MILKY WAY" (Para.)
ST. FRANCIS—(1,470), 15c-30c-40c, 7 days. **Gross:** $6,500. (Average, $7,000)

"SOAK THE RICH" (Para.)
"DANGEROUS INTRIGUE" (Col.)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $4,000. (Average, $6,000)

Week Ending Feb. 21:

"SWEDENHIELMS" (Scandivanian)
CLAY—(400), 35c, 7 days. **Gross:** $1,200 (Average, $1,000)

"FANG AND CLAW" (Radio)
"POWDERSMOKE RANGE" (Radio)
EMBASSY—(1,400), 15c-25c-35c, 7 days. **Gross:** $3,800. (Average, $3,600)

"Milky Way" Only Draw in Oklahoma

OKLAHOMA CITY, March 1.—"The Milky Way" was the only attraction to get over par last week. It was $200 up on a $4,200 take at the Midwest. The weather was cold, but fair, so there was no way to account for a general slump.

"The Petrified Forest" was fair at the Criterion with $3,800. "Red Salute" was weak at the Capitol on a gross of $1,500. "Murder of Dr. Harrigan," with a stage show at the Liberty for four days, managed to get $2,300.

Total first run business was $12,400. Average is $14,000.

Estimated takings for the week ending Feb. 22:

"THE PETRIFIED FOREST" (W.B.)
CRITERION—(1,700), 10c-20c-36c-55c, 7 days. **Gross:** $3,800. (Average, $5,000)

"THE MILKY WAY" (Para.)
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $4,200. (Average, $4,000)

"RED SALUTE" (U.A.)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 6 days. **Gross:** $1,500. (Average, $2,000)

"MURDER OF DR. HARRIGAN" (F.N.)
LIBERTY—(1,500), 10c-20c-26c-41c, 4 days. Stage: The Ritz-Carlton Blondes. **Gross:** $2,300. (Average for week, $3,000)

"THE THREE MUSKETEERS" (Radio)
LIBERTY—(1,500), 10c-20c-26c-36c, 3 days. **Gross:** $600.

WILLIAM A. SEITER

PRODUCTIONS

"THE MOON'S OUR HOME"

With MARGARET SULLAVAN—HENRY FONDA

and CHARLES BUTTERWORTH

IN PREPARATION

"THE CASE AGAINST MRS. AMES"

With MADELEINE CARROLL and GEORGE BRENT

FOR

WALTER WANGER

A PARAMOUNT RELEASE

Chaplin Tops Chicago Loop With $35,500

CHICAGO, March 1.—A crack in the warm spell hurt grosses, but "Modern Times" kept going to the tune of $35,500 at the United Artists. The latter part of the week wasn't as good as the first part, but the take was over par by $8,500, nevertheless, and that is something to get excited about.

"Ah, Wilderness," with Ricardo Cortez and a revue on the stage at the Chicago, went over the line $3,000 for a total of $35,000. "Charlie Chan's Secret" was in the money with a gross of $19,000, up by $4,000, at the Oriental. "Fang and Claw," with Frank Buck in person, pulled $14,200 at the State-Lake. This was $1,200 on the profit side of the line.

Total first run business was $141,700. Average is $117,000.

Estimated takings:

Week Ending Feb. 25:

"A TALE OF TWO CITIES" (M-G-M)
ROOSEVELT—(1,591), 30c-40c-60c, 7 days, 2nd week. **Gross:** $11,500. (Average, $11,000)

Week Ending Feb. 27:

"MUSS 'EM UP" (Radio)
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Joe Cook and revue. **Gross:** $15,500. (Average, $19,000)

"AH WILDERNESS" (M-G-M)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Ricardo Cortez and "Winter Cruise" revue. **Gross:** $35,000. (Average, $32,000)

"CHARLIE CHAN'S SECRET" (20th-Fox)
ORIENTAL — (3,490), 25c-40c, 7 days. Stage: "La Vie Paree" revue. **Gross:** $19,000. (Average, $15,000)

"CEILING ZERO" (W.B.)
GARRICK—(900), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $5,500)

Week Ending Feb. 28:

"BOHEMIAN GIRL" (M-G-M)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $5,000. (Average, $4,500)

"MODERN TIMES" (U.A.)
UNITED ARTISTS—(1,700), 35c-50c-68c, 7 days. **Gross:** $35,500. (Average, $17,000)

"FANG AND CLAW" (Radio)
STATE-LAKE — (2,776), 20c-30c-35c, 7 days. Stage: Frank Buck in person and revue. **Gross:** $14,200. (Average, $13,000)

U. S. Film Imports Show Rise in Greece

WASHINGTON, March 1.—During the last quarter of 1935 in Greece, a total of 92 films were given initial showing in that country, according to a report to the U. S. Department of Commerce from Acting Commercial Attache Don O. Bliss in Athens. By nationality these films were: American, 66; German, 12; French, seven; British, six; and Czechoslovak, one. The percentages were 71.7, American and 13, German. The percentages for the same period last year were 52 and 33½, respectively.

Removal of all import quota restrictions in January, 1935, has made it possible for American companies to compete in the Greek market on an equal basis.

J. A. Clark Resigns From 20th-Fox Post

James A. Clark, in charge of Twentieth Century-Fox accessories, has resigned. The post has been taken over by Lee Balsley, who had been at the head of the department prior to Clark.

Cold Continues to Depress Nation's Key City Grosses

(Continued from page 1)

Comparative grosses for the latest available periods:

	Week Ending Feb. 20-21		Week Ending Feb. 13-14	
	No. Theatres	Gross	No. Theatres	Gross
Boston	7	$106,385	7	$109,000
Buffalo	6	43,250	6	43,600
Chicago	8	119,200	8	128,800
Cincinnati	9	62,550	9	63,800
Cleveland	5	40,200	5	58,000
Denver	6	25,200	6	23,250
Detroit	6	64,100	6	69,200
Houston	4	28,500	4	33,000
Indianapolis	5	31,500	5	34,300
Kansas City	5	36,100	5	43,700
Lincoln	5	9,200	5	12,200
Los Angeles	10	106,600	10	83,780
Louisville	6	26,600	7	32,800
Milwaukee	4	22,700	4	28,100
Minneapolis	5	29,500	5	28,500
Montreal	5	46,500	5	46,000
New Haven	4	20,900	4	26,600
New York	9	250,200	9	322,000
Oklahoma City	4	12,400	4	15,800
Omaha	3	17,900	3	17,150
Philadelphia	10	90,300	9	77,900
Pittsburgh	6	49,150	6	66,850
Portland	6	30,700	6	29,700
Providence	5	36,000	5	40,000
San Francisco	9	73,000	8	74,500
St. Louis	5	47,200	5	53,300
St. Paul	5	17,000	5	19,000
Seattle	6	27,250	6	35,950
Washington	7	88,100	7	63,400
	175	$1,558,185	174	$1,680,180

Key city grosses from September to late February:

	No. Theatres	Gross
Sept. 26-27	164	$1,655,050
Oct. 3-4	178	1,572,310
Oct. 10-11	178	1,452,499
Oct. 17-18	178	1,563,750
Oct. 24-25	180	1,534,575
Oct. 31-Nov. 1	186	1,544,724
Nov. 7-8	185	1,545,710
Nov. 14-15	183	1,722,305
Nov. 21-22	181	1,578,550
Nov. 28-29	181	1,593,860
Dec. 5-6	183	1,766,910
Dec. 12-13	180	1,434,785
Dec. 19-20	171	1,321,385
Dec. 26-27	175	1,228,199
Jan. 2-3	179	1,918,729
Jan. 9-10	179	1,901,455
Jan. 16-17	176	1,722,400
Jan. 23-24	173	1,539,065
Jan. 30-31	177	1,515,300
Feb. 6-7	168	1,591,350
Feb. 13-14	174	1,680,180
Feb. 20-21	175	1,558,185

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Orders Theatre Sold

BUCYRUS, O., March 1.—Common Pleas Judge Clarence U. Ahl has ordered the local Opera House sold within 30 days after proper notice. The building was partially destroyed by fire a few weeks ago, during which all the instruments of Major Bowes' Amateur Unit No. 10 were lost. The court has set a value of $21,000 on the property.

Consider Booth Bill

ST. LOUIS, March 1.—The Public Safety Committee of the Board of Aldermen has taken under advisement the proposed city ordinance to have one operator for each projection booth in theatres.

Acquires Three Houses

MILWAUKEE, March 1.—L. P. G. Amusement Co. has been organized here to take over the Layton Park, Pearl and Grace, neighborhood houses, from Charles Washicheck on March 15. Members of the firm are George L. Levine, president-treasurer; E. L. Weisner and B. J. Miller, vice-president and secretary, respectively.

U. A. Appoints Beckman

BOSTON, March 1.—Louis Beckman has been named assistant to Joseph Carroll, office manager for United Artists here. Beckman also will handle booking, replacing Abe Weiner, promoted to a sales post.

Another RCA First

A. C. OPERATION FIRST FROM RCA

The first permanently-installed sound projection equipment operated completely by A.C. came from RCA Photophone. This made installation much less expensive, reduced first cost and maintenance, made operation much simpler. The industry adopted A.C. operation with tremendous rapidity because it had real cash value.

This is but one of many RCA Photophone basic contributions to your profits. When equipping or modernizing your theatre, be sure to get the full RCA Photophone story.

RCA FIRSTS!

See this impressive list of RCA Photophone's great forward steps taken in your own interest: RCA Rotary Stabilizer...A.C. Operation ...Noiseless Recording... High Fidelity . . . 90-Day Guarantee...Liberal Maintenance and Service.

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Alert, Intelligent and Faithful Service to the Industry in All Branches

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Picquet Again Heads MPTO Of Carolinas

Martin Quigley Address Closes Annual Meet

PINEHURST, March 2.—The re-election—for the 13th time—of Charles W. Picquet, of Pinehurst, as president of the Motion Picture Theatre Owners of North and South Carolina, and an address by Martin Quigley, president of Quigley Publications, Inc., featured the closing session of the organization's annual meeting at the Pinehurst Hotel here today.

Quigley's address, titled "Let Me Write the Nation's Songs, and I Care Not Who Makes Its Laws," was an impassioned plea for vigilance against the efforts to inject Communistic and revolutionary propaganda into films. Radical organizations, he said, consider the motion picture the "preeminent medium of the modern world, supplanting press and platform as a means of disseminating ideas hostile to American institutions and traditions."

The speaker scored the "small, dominant minority in the Authors' League" which recently characterized as "organized alarmists" those American individuals and organizations who are struggling to keep films free from insidious propaganda. Alarmists — of the Paul Revere type—are needed to-

(*Continued on page 8*)

Decision Reserved Upon Fox's Appeal

Decision was reserved by the U. S. Circuit Court of Appeals yesterday on a motion to dismiss William Fox's application for leave to appeal from Federal Judge William Bondy's order fining Fox $235,082 for contempt of court and directing that Fox be taken into custody until the fine was paid.

The motion to dismiss Fox's petition for an appeal was made by the Capital Co., which holds an unsatis-

(*Continued on page 8*)

"Fleet" Gets Third Week at Music Hall

"Follow the Fleet" stays a third week at the Music Hall as a result of a decision reached yesterday by W. G. Van Schmus. There was a possibility that the Astaire-Rogers musical might be switched to the Center after a two-week run at the sister theatre, but after noting the

(*Continued on page 8*)

Pen's Pictures

Mexico City, March 2.—Inmates of the Federal district penitentiary, numbering 2,300, have lost their films because they began to criticize the pictures shown so seriously that fights resulted, until the warden grew tired of the battling, and removed the source of trouble.

The prisoners have petitioned for a return of the entertainment, giving their word that they will be on best behavior.

Warners Sign New Pact with Cosmopolitan

HOLLYWOOD, March 2.—A new long term contract has been signed by Jack L. Warner, head of Warner production, and E. B. Hatrick, vice-president of Cosmopolitan Prod., under which Warners will continue to produce and release Cosmopolitan product, including that starring Marion Davies. The present contract, signed more than a year ago, still has a year to run.

Warners thus far have released eight Cosmopolitan films: "Page Miss Glory," starring Miss Davies; "Devil Dogs of the Air," "Special Agent," "Shipmates Forever," "The Story of Louis Pasteur," "Captain Blood," "Ceiling Zero" and "Oil for the lamps of China."

Miss Davies' second under the Warner deal, "Hearts Divided," is in production under Frank Borzage's direction. The star will make another picture on the completion of "Hearts Divided" and a third in the fall. "The Green Light," based on the novel by Lloyd C. Douglas, will go into early production.

Both Jack L. and Harry M. Warner, who is in Hollywood, expressed gratification at the signing of the new contract.

Supply Men Select June 4-8 for Meet

Members of the Independent Supply Dealers' Ass'n, Inc., have set June 4-8 as the dates for the annual convention at the Edgewater Beach Hotel, Chicago.

Ken Douglas of Boston is expected to suceed B. F. Shearer of Seattle as president. Under a plan decided upon some time ago, a rotating presidency provides that a new man be elected to the top post every year.

Schaefer Goes Into New U.A. Selling Post

Arthur W. Kelly Resumes His Foreign Duties

George J. Schaefer's deal with United Artists whereby he becomes vice-president and general manager in charge of domestic and Canadian sales is for a period of three years. Formal announcement of the details confirming MOTION PICTURE DAILY's advance story were made yesterday by Samuel Goldwyn and Schaefer began his duties.



George J. Schaefer

Arthur W. Kelly, who has been handling all sales since the resignation of Al Lichtman, has been given a new two-year contract as vice-president in charge of foreign sales exclusive of England and the Continent, Goldwyn stated.

Goldwyn called in the press to make the appointments known.

"Don't get a wrong impression," he said; "the board of directors told Kelly how grateful we are to him for taking over the temporary post. To show our appreciation the board has given him a new two-year contract and an increase in salary."

Seated in the office and chair formerly occupied by Lichtman, Schaef-

(*Continued on page 8*)

Copyright Hearing Will Resume Today

By BERTRAM F. LINZ

WASHINGTON, March 2.—Representatives of Ascap, together with members of other writers' organizations, will appear before the House Patents Committee tomorrow for the second three-day hearing on copyright legislation.

With Representative Sirovich, chairman, definitely opposed to the Duffy bill passed by the Senate last session, indications are that that particular measure has little chance of receiving a favorable report from the Patents Committee, and that if any bill is sent to the House for consideration, it will

(*Continued on page 8*)

RKO Signs for Distribution of Disney Prod.

Long-term Ticket Covers 12 to 24 Annually

By RED KANN

LOS ANGELES, March 2.—Walt Disney tonight signed a contract with M. H. Aylesworth under which all his product for a number of years will be distributed through RKO beginning with the 1936-37 season. The deal includes the "Mickey Mouse" and "Silly Symphony" series. The first feature, now in production for release within a year, is "Snow White." All Disney productions are in the three-component Technicolor.

No set number of releases is embraced in the deal. The Disney program includes from 12 to 24 shorts and one feature film annually. Negotiations for the contract have been in progress for several months. Aylesworth's presence on the coast at this time was for the purpose of completing the deal. In this he was assisted by Ned E. Depinet.

Disney, it was announced after the signing, will soon come to New York to see a demonstration of Television at the RCA studios in Radio City.

Para Eastern Work Hinges on Stories

Paramount's eastern production activity will be determined by the number of production properties on the company's new season schedule which are better adapted for production here than in Hollywood, John E. Otterson, Paramount president, said yesterday.

For this reason the company's plans for eastern production still are in a flexible state. It is unlikely, however, that more than one or two features in addition to the Hecht-MacArthur commitments, will be slated

(*Continued on page 8*)

Moser Leaves; Terry Heads Cartoon Firm

Frank Moser, president of Moser-Terry, Inc., retired to devote his time to painting, and Paul Terry was elected president at a meeting of the board of the company yesterday. Terry has acquired Moser's interest in the company, the name of which will be changed to Terry-Toons, Inc.

Harvey B. Day was elected vice-

(*Continued on page 8*)

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Paramount Dropping Color Experiments

HOLLYWOOD, March 2.—After a year of experiment, Paramount has closed the laboratory on the back lot where tests for the Keller-Dorian color process were conducted by Dr. John C. Kapstaff, who has left for Rochester to continue color research.

The chief difficulty in adapting the Keller-Dorian process to screen use commercially lies in inability to strike off prints from the master negative, it is understood. A color filter is used on the camera, and a similar filter is used on the projection machine in this process, which requires more projection light than black and white film.

Kent's Daughter Weds

SYDNEY, Australia, March 2.—Peggy Ann Kent, only daughter of Sidney R. Kent, president of Twentieth Century-Fox, was married on Saturday to John Rowland Hodge, son of Sir Rowland Frederic Hodge, it was disclosed here today.

Warburg on Coast

HOLLYWOOD, March 2.—Paul Felix Warburg, vice-president of the Bank of Manhattan, arrived here today for semi-annual conferences with Walter Wanger. He will remain here one month.

Dietz Coming

HOLLYWOOD, March 2.—Howard Dietz will leave for New York tonight following product conferences here.

Insiders' Outlook

By RED KANN

Hollywood, March 2.

TALES from the Hollywood hills:

Somewhere in these parts is an unknown who has a high-salaried job as a doctor of sick pictures awaiting him. The trouble is nobody knows who or what or where he is. It happened one night in this wise, and, merely to separate fact from fancy, it might be worth recording that this story, like many you have read here—if you have read—is fact.

A major studio had been experiencing carloads of trouble with the picture of one of its top stars. The brains of the company wearied themselves into near insensibility in an effort to figure out what to do. One step was to again preview the picture. . . .

▼

As is the well known Hollywood custom, studio bigwigs clustered in front of the theatre later, arguing it out pro and con and making no progress at all very rapidly.

The unsung hero of this tale listened. Then upped, "Say, I don't know anything about making pictures, but this is a cinch. What's the matter with you guys? Drop the first two reels and start where the star does so-and-so and this-and-that."

He walked away. A couple of minutes later came the dawn. Struck by the light, the studio head exclaimed, "Ye Gods, that's exactly the way to do it. Where is that guy who made the suggestion? We can use him."

Nobody knew. Nobody still knows. . . .

▼ ▼

The system faltered on one lot recently. Writers had developed the habit of reporting for work at 11 in the morning. Eventually the front office learned about it. A conference thereafter.

"I want you writers to understand that work around here gets going at nine o'clock," came the ultimatum.

"But, Mr. —," replied one, "I worked until midnight last night."

"Don't go changing the subject on me," was the rejoinder.

▼ ▼

Not always is it the producer who pulls unconscious nifties. The true story is recounted of a prominent theatre operator here who determined on a broadcast series to "show Major Bowes how it ought to be done." He called in a writer to do the authoring and, as the discussion moved along, remarked at one point:

"And right here I think we ought to have an octette of eight voices."

"Why not an octette of ten?" suggested the writer. . . .

▼ ▼

When studio administrations change, practically everything else does except the buildings. In a recent major house cleaning, one writer was overlooked, but not his salary. Several months elapsed. The writer met the studio head socially. The conversation ran something like this:

"When do I go to work? I'm on salary, all right, but have had nothing to do."

"You mean you were on salary," rejoined the producer. The next morning, of course, found the writer fired.

Moral: Keep your mouth shut in Hollywood. Or, let well enough alone. . . .

▼ ▼

An almost verbatim telephone conversation between the casting director of a major plant—very major—and an unknown-to-this-reporter performer:

"Lissen, you. I'm busy. Those costumes are waiting for you, so come on over and try 'em on. You can't? You gotta and that's that. I can't be wasting my time on a lousy $2,000-a-week actor like you. I got important people to worry about." . . .

▼ ▼

Two writing men in an altercation. The point was clear and anyone with a modicum of sense would have seen it in a hurry. Yet one of the scriveners persisted in his argument. Finally the other, his impatience cracking, concluded:

"You ought to be arrested for eavesdropping on intelligent conversation." . . .

▼ ▼

A thinker's thumbnail description of Hollywood and what goes on here:

"It's like Coney Island. And nobody goes to Coney Island to transact business."

Blumberg on Coast

LOS ANGELES, March 2.—Nate Blumberg arrived here from New York yesterday to look over the theatre situation and confer with studio executives on new product. RKO has a three-theatre pool here with Rodney Pantages. He is due back in the east on March 15.

KAO Declares Dividend

Keith-Albee-Orpheum has declared a dividend of $1.75 on the seven per cent preferred stock, reducing acmulations on the issue to $29.75 as of April 1. This is the first disbursement since Oct. 1, 1931, at which time the stock was on a regular $1.75 quarterly basis.

Derr with Republic In Producing Berth

HOLLYWOOD, March 2.—E. B. Derr has joined Republic as associate producer with Nat Levine, and starts today on two assignments, "The Gentleman from Louisiana" and "The Devil Commands." The latter property just has been bought, but "The Gentleman from Louisiana" has been handled by Robert Welsh, Kenneth Goldsmith and Dave Silverstein at various times.

Derr's new contract is for one year, and indicates the abandonment of production plans of the Derr-Sullivan company for the independent market. Charles Sullivan, in the hospital for the past week, will not comment on his plans until he returns to his office next week.

Ben Piazza Here on Play, Talent Deals

Ben Piazza, executive assistant to Emanuel Cohen, head of Major Pictures, is here from the coast looking over a number of plays and new talent. He plans to remain here three weeks. During his stay Piazza is making his headquarters at Columbia which will release the company's first, a Bing Crosby picture.

"Mae West has been signed," Piazza stated. "We haven't decided on the number of pictures she will make, but she may do several."

Delay "Dark Victory"

HOLLYWOOD, March 2.—David O. Selznick has rearranged his plans for "Dark Victory," setting it back indefinitely, and will make "The Garden of Allah" next with Merle Oberon in the starring role and Richard Boleslawski directing.

"Dark Victory," previously announced for color, will be made in black and white, and "The Garden of Allah" will be in Technicolor.

Union Hearing Due

LOS ANGELES, March 2.—Hearing is expected this week on the appeal taken to the Superior Court by Local 150 of the I. A. T. S. E. to have the newsboy permit ordinance in Pasadena declared invalid. The case is an offshoot of the arrest of a newsboy who picketed Robb & Rowley theatres in protest against the hiring of non-union labor. Robb & Rowley's attorneys have filed an answer to the appeal.

Warner Party to Return

Harry M. Warner, Abel Cary Thomas, Gradwell Sears, A. W. Smith, Jr., Robert W. Perkins and Jacob Wilk are scheduled to return from the coast next Monday. Joseph Bernhard is due the latter part of the week.

Albert Warner, who has been spending several weeks in Miami, also is slated to return next Monday.

Pickford Goes East

HOLLYWOOD, March 2.—Mary Pickford will fly east Tuesday night after her weekly broadcast from Pickfair for two programs out of New York and then will return here for the final six. Lynn Farnol and Mrs. Farnol will leave the same evening and follow the same schedule, arriving back in Hollywood about March 19.

Eleven More Warner Music Suits Filed

Nine out-of-town and two local suits were filed yesterday by Warner music subsidiaries against broadcasting stations allegedly using without permission, songs published by M. Witmark & Sons, Remick Music Corp. and T. B. Harms. The 11 new actions bring the total of suits instituted by Warners to 36.

Five of the out-of-town suits involved Witmark and seek damages of $20,750. One of the suits is against Don Lee Broadcasting System (KHJ), Los Angeles, for $5,000 on "Mine Alone." Another is against Northern Corp. (WMEX), Boston, for $5,000 on "Gypsy Love Song." The Central New York Broadcasting Corp. (WSYR), Syracuse, is defendant in a $5,000 action on "The Words Are in My Heart." WWL Development Co. (WWL), New Orleans, is the respondent in a suit for $5,000 on "Let's Have Breakfast in Bed." A $750 action was filed against WCFL Cooperative System (WCFL), Chicago, for using "That Old Irish Mother of Mine," "Lulu's Back in Town" and "Sunrise and You."

Remick is the plaintiff on four other suits against KHJ, Los Angeles, for $5,000 on "Whistle and Blow Your Blues Away"; WFBL, Syracuse, for $5,000 on "Get Happy"; WCFL, Chicago, for $250 on "Put on Your Old Grey Bonnet"; KSFO, Los Angeles, for $300 on "Sweet Georgia Brown."

The two local suits involve Harms against WNEW for $5,000 on "Every Now and Then" and Witmark against WHN on "Where the River Shannon Flows."

In answers filed by attorneys for WHN, CBS and WNEW on previous actions, the defendants contend "that the matter in controversy does not arise under and by virtue of the copyright law of the United States; that the matter in controversy herein involves a question of title among Ascap, this plaintiff and the song writers, and that the alleged claim for infringement set forth in the complaint herein is merely incidental to such controversy."

Dismissal of the complaints are asked in all answers.

B. & K. to Redeem Shares

CHICAGO, March 2.—Balaban & Katz will redeem as of May 1, 1936, at $110 a share, half of its seven per cent preferred stock outstanding, or 13,062 shares out of a total issue of 26,126. About $1,500,000 will be required for the redemption. The company states the purpose of effecting the resulting saving is to put it in a better position to meet increased operating costs.

Townsend Play Sellout

PORTLAND, Ore., March 2.—The opening of the stage play, "Life Begins at 60," based on the Townsend Plan, at the Mayfair set a new house record. Townsendites attended from a distance of 50 miles. A total gross of $7,000 is expected.

Daughter to Ashers

LONDON, March 2.—Laura La Plante, actress and wife of Irving Asher, head of Warner production here, today gave birth to a daughter.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"A Message to Garcia"

(Twentieth Century-Fox)

HOLLYWOOD, March 2.—Tactfully produced to avoid the possibility of injuring Spanish sensibilities, this is a thrill action, sometimes horror-tinged picturization of Lieutenant Rowan's famous Spanish War adventure. With much theatrical melodrama necessary to provide the emotional appeal, the story moves slowly for the most part, but builds to a suspense-laden climax.

Given McKinley's famous message to Garcia, John Boles, as Rowan, is shadowed by Alan Hale, a spy, as he lands in Cuba. Menaced by Hale and the enemy, he meets Wallace Beery, a Marine deserter, who promises to lead him to his objective. Beery, doing business with both friend and foe, gives a characteristically vivid performance. Meeting Barbara Stanwyck, a Cuban martyr's daughter, the three go off through the jungles, infested with the enemy and alligators.

As Miss Stanwyck fears treachery from Beery, and Hale's henchmen make things difficult, she is shot. Boles is captured by Hale when he goes on alone. Seeing the trap into which Boles has fallen, Beery's patriotism forces him on to Garcia. Miss Stanwyck has arrived at Hale's blockhouse, where she and Boles are being tortured, when Garcia (Enrique Acosta) and Beery ride to the rescue. In a thrilling battle, Beery saves Boles and Miss Stanwyck at the cost of his own life. Delivering the message, Boles wins Miss Stanwyck.

Based on Andrew Rowan's own story and Elbert Hubbard's essay, the screen play by W. P. Lipscomb and Gene Fowler emphasizes thrill and action. George Marshall's direction assures that where melodramatic adventure and romance are enjoyed, the film should satisfy. The historical background plus the name strength provide ample opportunity for unique and timely showmanship.

Production Code Seal No. 1,909. Running time, 90 minutes. "G."

Looking 'Em Over

"Colleen"

(Warners)

Three tuneful songs and some sumptuous settings in which novel dance numbers are staged, help make this a pleasant hour and one-half of entertainment. The songs are: "I Don't Have to Dream Again," "You Gotta Know How to Dance" and "Boulevardier from the Bronx." Dick Powell sings the first two and Jack Oakie and Joan Blondell do the latter, with some comedy dancing by Oakie.

Powell's appeal to the young women fans and Ruby Keeler's charm and dancing furnish the best selling arguments.

Much of the comedy load is carried by F. Hugh Herbert as a wealthy nitwit who likes to play at being a big business executive, and gets himself into varied complications, romantic and otherwise, in spite of the efforts of his nephew, Powell.

The film has a novel opening in a working man's flat when Oakie, fiance of Miss Keeler, invites himself to breakfast and outlines his latest scheme for getting rich—a plan to sell biographies at $500 each in a de luxe volume. Miss Keeler is not impressed, but before the day is over Oakie has had himself named executive assistant to Herbert. More complications develop when Herbert buys a gown shop so Joan Blondell can express her artistic longings. Miss Keeler works there.

This furnishes an opportunity to stage some luxurious style shows and leads to a romance between Miss Keeler and Powell which culminates with some more big scenes on an ocean liner.

It's not one of the best musicals in which Powell and Miss Keeler have been teamed, but it has its moments, and some good laughs furnished by Herbert and Louise Fazenda as his wife.

Alfred E. Green directed from a story by Robert Lord.

Production Code Seal No. 1,782. Running time, 89 minutes. "G."

Columbus Gets Show

COLUMBUS, March 2.—The RKO Palace, playing straight films for the past several months, will play "Let's Swing It" on the stage the week of March 6. It is not known whether the stage policy will be permanent.

Directors Re-Signed

HOLLYWOOD, March 2.—Paramount has signed to new long-term contracts, Henry Hathaway and Mitchell Leisen, directors, respectively, of "The Trail of the Lonesome Pine" and "Hands Across the Table."

Says Patrons Want Historical Dramas

NEW ORLEANS, March 2.—Film patrons prefer dramas with historical backgrounds, at least partly based on fact, yet with plenty of fast-moving action, in the opinion of Al Lichtman, M-G-M executive, here in the course of a three-month tour. Business has improved in every section, and the upturn is sound, Lichtman declared.

He held conferences with Thomas Conners, southern sales manager; Charles Kesnick, southern zone manager; C. J. Bryant, local branch manager, and J. Frank Willingham, Memphis unit manager.

Mardi Gras Crowds N. O.

NEW ORLEANS, March 2.—Mardi Gras, with its thousands of strangers in the city, caused the Orpheum to open two hours earlier and packed the house. Suburban houses closed on carnival night. The carnival this year was greater in number of visitors than ever before. Night clubs were jammed to capacity, many running 24 hours.

Talk Ky. Admission Tax

LOUISVILLE, March 2.—A 12-point plan of taxation for revenue purposes has been prepared, and will be submitted to Gov. A. B. Chandler for his approval before the General Assembly convenes for its special session.

One of the items listed is a tax of one cent for each 10 cent admission on amusements.

Hirsch, Schifrin Out

Harry Hirsch and Herman Schifrin, who have been employed in the film shipping room of the local Columbia exchange for the past few years, have resigned.

Wall Street

"U" Leads Substantial Board Gains

	High	Low	Close	Net Change
Columbia, vtc	37	36½	36½	....
Columbia, pfd	47¼	47¼	47¼	+ ¼
Consolidated	6½	6⅜	6⅜	....
Consolidated, pfd.	18¾	18⅝	18⅝	+ ⅛
Eastman Kodak	162½	160	162½	+2
Eastman, pfd	164	164	164	....
K.-A.-O., pfd.	90	90	90	....
Loew's, Inc.	49¾	48¾	49¼	+ ¾
Loew's, Inc., pfd.	104⅝	104⅝	104⅝	— ⅜
Paramount	10	9⅞	10	+ ⅛
Paramount 1 pfd.	77	76	76	+ ⅞
Paramount 2 pfd.	10¾	10⅝	10¾	+ ⅛
Pathe Film	8⅛	7¾	7¾	— ¼
RKO	8⅜	8⅛	8¼	+ ⅛
20th Century-Fox	32⅜	31½	31¾	+ ¾
20th Century, pfd.	41	39¾	40¼	+ ¾
Universal, pfd	85	78	82	+5
Warner Bros.	12¾	12½	12⅝	+ ⅛

Technicolor Hits Record 31½

	High	Low	Close	Net Change
Sentry Safety	1	1	1	....
Sonotone	3	2⅞	3	+ ⅛
Technicolor	32¼	30⅝	31½	+2
Trans-Lux	4⅜	4⅛	4⅜	+ ⅜

Marked Gains Spot Bonds

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	27	25¼	27	+1⅜
General Theatre Equip. 6s. '40 ctf	27	25¼	27	+1¼
Keith B. F. 6s '46	95½	95⅜	95½	— ½
Loew's 6s '41 ww deb rights	103	102¾	102¾	....
Paramount B'way 3s '55	56⅛	56⅛	56⅛	+ ⅜
Paramount Pict. 6s '55	89¼	88¼	89¼	+1
RKO 6s '41 pp.	76	76	76	+ ½
Warner Bros. 6s '39 wd	94	93	93	—1

(Quotations at close of March 2)

"UNDOUBTEDLY THE BEST PI
AND ONE OF SAMUEL GOL

"Tense, dramatic—this is one of the most powerful pictures that has come to the talking screen. It is a feather in Samuel Goldwyn's production hat. It will create much word-of-mouth comment which will mean excellent business at box-office."

—Ralph Wilk, FILM DAILY

"'These Three' is great entertainment for mass and class. Destined to create a word-of-mouth campaign that will fill seats everywhere. Will be the talk of the town." *—Warren Stokes, ASSOCIATED PUBLICATIONS*

"Samuel Goldwyn should be highly commended for bringing to screen so powerful a film as 'These Three' . . . amazing in its strength . . . tremendously convincing . . . never before in history of screen have children given such performances as Bonita Granville and Marcia Mae Jones."

— Louella O. Parsons, UNIVERSAL SERVICE

"'These Three' will rank with best of season . . . performances by all principals are forceful and brilliant."

— Maurice Kann, MOTION PICTURE DAILY

"Samuel Goldwyn's 'These Three' is notable piece of drama, the like of which one seldom encounters in film houses."

—James Crow, HOLLYWOOD CITIZEN-NEWS



THESE

SAMUEL

Miriam

HOPKIN

JOEL

Directed by

Screenplay b



Released thru

RE I'VE SEEN THIS YEAR . . .

'YN'S *Greatest!"* —*Sheila Graham, NANA SYNDICATE*

"Samuel Goldwyn's 'These Three' is one of the finest pictures of the year and is a credit to all who had any part in it. A long to be remembered event."
—Leo Townsend, MODERN SCREEN

" Is extraordinary offering for women. Will do smash business. Wyler provides powerful, sensitive direction."
—DAILY VARIETY

"Oberon, Hopkins and McCrea—these three gave smash performances in this great Goldwyn picture along with two amazing child actresses."
—Ted Magee, HOLLYWOOD MAGAZINE

"A superbly acted and directed picture. Samuel Goldwyn's 'These Three' from the start took hold of my heart and never let it go."
Jimmy Fidler, McNAUGHT SYNDICATE

" 'These Three' is beautiful production in best Samuel Goldwyn tradition. Women will come in droves impelled by word-of-mouth. The cast can be called nothing short of perfect. Goldwyn's production is flawless technically, as always."
—HOLLYWOOD REPORTER

"Goldwyn's finest emotional drama, in fact almost anybody's." *—Philip Scheuer, LOS ANGELES TIMES*



'YN *presents*

THREE

Merle
OBERON
CREA
IAM WYLER
AN HELLMAN



ED ARTISTS

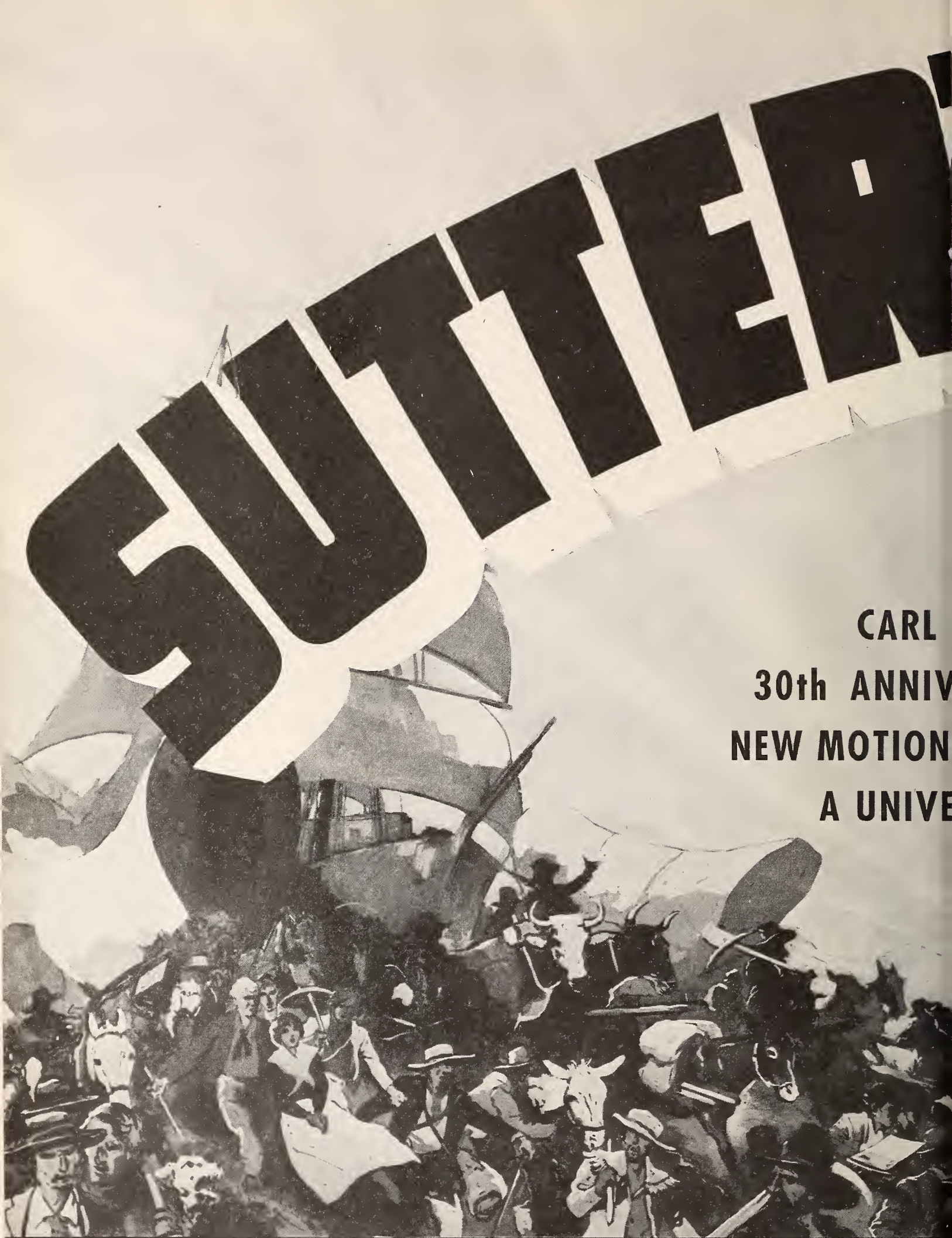
SUTTER'

CARL

30th ANNIV

NEW MOTION

A UNIVE



Starring ★EDWARD ARNOLD with LEE TRACY, BINNIE BARNES,
Katharine Alexander, Addison Richards and thousands of others
★By arrangement with B. P. Schulberg



Based on Blaise Cendrars' novel. By arrangement with Bruno Frank
Directed by JAMES CRUZE (master of the screen's biggest epics)
An EDMUND GRAINGER Production

Purely Personal

JOE HORNSTEIN returned over the week-end from a 11-day vacation and claims some sort of a record for golfing. Going as far as Palm Beach by car, he stopped off at Norfolk, Va.; Pinehurst, N. C.; Charleston, S. C.; Augusta and Savannah, Ga.; Palm Beach and Washington, D. C., to play a round on the greens.

•

E. DeS. MELCHER, drama and film critic of the *Washington Evening Star*, will arrive in New York today. He intends to write his column here for a week and will stop at 410 Park Ave.

•

LEO JUSTIN, partner of WALTER READE, flew back from the coast Sunday after an extended vacation. While in Hollywood he visited his brother, SIDNEY, of Paramount's legal staff.

•

ROBERT SMELTZER, branch manager for Warners Washington exchange, will return to the Capital city today after spending about a week conferring at the home office.

•

VEDA ANN BORG, Boston model, has been signed to a Paramount contract. She leaves for the coast March 7.

•

RICHARD MAEDLER and D. YANCY BRADSHAW, March of Time camera and sound men, have returned after several weeks of work in the south.

•

JOSEPH SEIDELMAN, who had been in the sick bay for the last few days, returned to his Columbia headquarters yesterday.

•

EDWARD SCHNITZER, eastern district sales head for Republic, left for Philadelphia yesterday and is due back Thursday.

•

ROBERT MOCHRIE of the Warner home office returned yesterday from a Florida vacation.

•

NORMAN H. MORAY, head of Vitaphone sales, returns today from a month's trip to 10 exchanges.

•

MILTON C. WEISMAN got back from Hollywood, Fla., yesterday, his nose burnt to a crisp.

•

FREDRICA EIDELSBERG of the Managers' Round Table of *Motion Picture Herald* has a birthday today.

•

MARY BRIAN returns today from an engagement in England on the *Berengaria*.

•

GRACE MOORE arrived in town over the week-end.

•

EDWARD GOLDEN last week celebrated his silver wedding anniversary.

PRODUCTION RIGHTS AVAILABLE
EMERSON HOUGH'S
THE
MAGNIFICENT ADVENTURE
Best American Epic Story Ever Written
JAY PACKARD, Agt. 41 W. 52nd St.
Tel.: ELdorado 5-8668

Picquet Again Heads MPTO Of Carolinas

(Continued from page 1)

day, he said, because "those who wish to use the screen as an aid to the destruction of existing civilization would like to trick responsible leaders into silence to avoid protests until, under the inspiration of alien influences and precedents, these protests could be answered with confiscation of property and the neat business of the firing squad."

In closing his address, Quigley said, "If these destructionists, on the strength of their plea for freedom of expression, are permitted to inject into pictures their ideas of common property, free love, atheism, slavish devotion to materials and machines; if they are permitted to attack on the screen America's respect for the finer spiritual things of civilization, then they will not care who makes the laws, because they will have triumphed over the law by spreading their destructive ideas like a pestilence until eventually they engulf Church, home and State."

Other speakers at the sessions were Ed Kuykendall, National president; Carl E. Milliken of the Hays office; Walter Vincent of Wilmer and Vincent, and Edward Levy, M.P.T.O.A. counsel.

Officers elected, in addition to Picquet, are: Albert Sottile, first vice-president, and Harry Buchanan, second vice-president. Directors are: H. R. Berry, J. M. Gregg, H. F. Kincey, J. F. Miller, S. S. Stevenson, Robert Bryant, Lyle Wilson, E. L. Hearne and George Bailey.

Resolutions were passed endorsing the Duffy Bill and opposing the Neely-Pettengill measure.

Clarence Kuester, of the Charlotte Chamber of Commerce, extended an invitation to the association to hold its next convention in the South Carolina city.

Moser Leaves; Terry Heads Cartoon Firm

(Continued from page 1)

president in charge of sales, Philip A. Scheib, musical director, was named second vice-president, and William M. Weiss, secretary and treasurer. The Terry-Toons staff will be increased and larger quarters will be taken in the Pershing Square Building in New Rochelle, where the cartoons are produced. Moser and Terry had been associated in cartoon making for 15 years.

Tax Injunction Granted

JACKSONVILLE, Fla., March 2.—Circuit Judge Ira A. Hutchinson, at Panama City, Fla., has granted to Marianna Theatres, Inc., a temporary injunction preventing the collection of a sales tax of one cent on each 10 cents of admission charged.

Shirley on Coast

HOLLYWOOD, March 2.—Sam Shirley, Chicago M-G-M division manager, is here on a vacation with Mrs. Shirley and their daughter.

Decision Reserved Upon Fox's Appeal

(Continued from page 1)

fied judgment against Fox for the amount of the fine. Capital asked that Fox be required to post bond of $250,000 in the event he was granted leave to appeal from Judge Bondy's order.

Fox was held to be in contempt of court for failure to answer a subpoena served on him by Capital, when it sought to question him on his alleged inability to satisfy the judgment. The Capital Co. is the owner of the Fox, San Francisco, and instituted its action against the former film executive on his personal guarantee of a defaulted lease on the house. Judge Bondy's punishment order also directed Fox to pay $10,000 attorney's fees to Cravath, de Gersdorff, Swaine & Wood, attorneys for Capital.

Copyright Hearing Will Resume Today

(Continued from page 1)

be the Sirovich measure, which Gene Buck, Ascap president, last week assured the group, met the needs of his organization.

At the same time, unless the committee gets down to actual consideration of copyright, it is probable no legislation will be framed in time for enactment this session. During the three-day hearing last week there was little discussion of the three pending bills but much talk of the aims and methods of Ascap and the activities of the broadcasters.

Para Eastern Work Hinges on Stories

(Continued from page 1)

for production here, Otterson said. The activity will be largely experimental and confined entirely to productions in which casting or shooting requirements lend themselves readily to production here.

Otterson said that Paramount's new season schedule would total approximately 65, including those to be made here. About half of this number will be budgeted as A pictures and the remainder as B pictures.

IA Abandons Defense Tax

LOS ANGELES, March 2.—The I. A. T. S. E. has voted to abandon the 2 per cent tax on members heretofore used as a defense fund. George Browne, president, scheduled to leave here last week for New York, was delayed. He will probably get away tomorrow.

Roach Film Retitled

HOLLYWOOD, March 2.—"Mr. Cinderella" is the new title of the Hal Roach comedy which will star Jack Haley starting the latter part of March. The feature has been in preparation under the title, "Once Over."

Raft to Para. March 23

HOLLYWOOD, March 2.—George Raft will report to Paramount March 23, to play the lead in a film tentatively titled "The Duchess." Lewis Gensler will produce.

Schaefer Goes Into New U.A. Selling Post

(Continued from page 1)

er remarked to reporters: "After six weeks in Florida, this feels very comfortable." He had planned to return to the winter resort, he said.

Asked about changes, Schaefer said: "I have no plans now."

He reminisced on how he started with Lewis J. Selznick, who once tenanted the same chair, to which Goldwyn interjected: "And now his son, David O., is with us."

In a mimeographed statement, Schaefer said: "I have personally known Jesse L. Lasky, Walter Wanger, and David O. Selznick for a great number of years and have great faith in their creative genius and appreciation of box-office product."

Goldwyn will sail tomorrow on the *Berengaria* and will return to Hollywood on April 15. Jock Lawrence, his publicity representative who arrived from the coast by plane the other day, will go west tomorrow. Kelly plans a six months' trip to a number of foreign countries. He will depart in about three weeks for South America.

All the United Artists partners joined yesterday in expressiong pleasure over the Schaefer agreement. Goldwyn described Schaefer as "an outstanding sales executive" and predicted "the biggest year in United Artists' history."

Alexander Korda cabled "that nothing could make me happier" and expressed the opinion that Schaefer would help "put the company at the top of the industry." He also complimented Kelly for "his great job in the past few months."

Mary Pickford called the signing of Schaefer "the solution of the company's greatest problem." and David O. Selznick, Walter Wanger and Charles Chaplin also issued congratulatory statements.

"Fleet" Gets Third Week at Music Hall

(Continued from page 1)

$62,000 take for the first four days of the second week it was decided to put back "The Country Doctor" until March 12. It is anticipated that the second week's gross at the Music Hall on "Follow the Fleet" will tally $90,000, or better.

"Road Gang" did $27,000 at the Strand last week. This week's business with "The Walking Dead" will probably reach the same figure due to an extensive window card display around town.

Cagney Suit to Be Set

LOS ANGELES, March 2.—James Cagney will appear in court here tomorrow when his suit against Warners will be set on the court calendar.

Bernerd Due in L. A.

LOS ANGELES, March 2.—Jeffrey Bernerd, general sales director for G.B., will arrive here tomorrow. He will leave for San Francisco in two weeks on a swing around the country.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 53 NEW YORK, WEDNESDAY, MARCH 4, 1936 TEN CENTS

Para. to Keep Its Localized Theatre Plan

Only Two Partnerships Remain Unsettled

Local operation of Paramount theatres throughout the country will be continued as an established policy, John E. Otterson, president, said yesterday.

In line with this policy virtually all of the company's theatre partnership and operating agreements have been renewed for long terms. The future status of only the A. H. Blank circuit and Texas Consolidated Theatres, operated by Karl Hoblitzelle, remains undetermined, out of the approximately 1,000 Paramount theatres. Buy-back options for the partners' 50 per cent interests in these units were extended from the year end to April 1 and April 4, respectively, for further study of both situations.

The localized operating policy for the company's theatres was introduced in 1932 and is said to have proved its value to the management during the four years it has been in force to such an extent that no thought is being given now to a return to centralized operation.

Hearst Attack Does Not Hurt West Film

SAN FRANCISCO, March 3.—Editorial attacks by both Hearst papers here against "Klondike Annie" are continuing, although the picture has done considerably better than average business and has been transferred from the Warfield, where it played its first week, to the F. W. C. continuation house, the St. Francis. Concurrent with the editorial blasts the *Examiner* has been running a daily symposium quoting prominent people in denunciation of the picture.

Attacks on the picture did not open in the Hearst papers until heavy advertising had been run in the same papers and generous publicity given

(*Continued on page 29*)

Spanish Group Asks Edelstein Ousting

BARCELONA, March 3.—Exhibitors representing 38 theatres have sent a cable to the M-G-M home office demanding the resignation of Jacques Edelstein within 48 hours. The theatre men are threatening a boycott on M-G-M's product. A meeting of the film board is scheduled for Friday.

Mort Spring, assistant to Arthur

(*Continued on page 29*)

Quigley's Stand on Propaganda Films Praised by Carolina Men

Pinehurst, March 3.—Following an address by Martin Quigley yesterday at the concluding session of the annual convention of the Theatre Owners of North and South Carolina, Inc., the following resolution was adopted:

"Whereas the Theatre Owners of North and South Carolina, Inc., in annual convention at Pinehurst, N. C., March 1 and 2, 1936, are grateful to those leaders who by their presence, enthusiasm and ability have added greatly to the value of this convention, and,

"Whereas the convention wishes to express its sincere appreciation of the time and effort expended by these guests who have so honored us,

"Be it resolved that the convention give its enthusiastic thanks to Martin Quigley for so forcefully bringing to our attention the problem of un-American propaganda, emphasizing our sacred responsibility to ourselves, this industry and our country and picturing to us through example and alarm, the grief that will be ours if we are parties to the dissemination of information and practice of those ideals which emphasize and glorify atheism or the love and worship of material things and which aim to cause disrespect for and lack of appreciation of the finer spiritual values of life, and,

"Be it further resolved that a copy of this resolution be spread upon the minutes of this convention and a copy be given to Mr. Quigley as an assurance of this convention's genuine approval of his viewpoint."

Sound Saved Films, Vallee Tells Hearing

By CLARENCE LINZ

WASHINGTON, March 3. — The American film industry was on the verge of destruction when talking pictures came along, members of the House Patents Committee were told today by Rudy Vallee as hearings resumed on copyright legislation.

The star of the day and last of the big names brought here to oppose the Duffy Bill, Vallee admitted that he had not read any of the three measures pending, but was against the

(*Continued on page 3*)

President for New Tax Upon All Surpluses

WASHINGTON, March 3.—Thorough revision of the corporation tax laws, involving the imposition of a graduated tax on undistributed corporation profits from which $1,614,000,000 could be raised annually, was today recommended to Congress by President Roosevelt.

Releasing the tax message for which the country has waited for two weeks, the President declared that recent decisions of the U. S. Supreme Court have deprived the Treasury of $1,-

(*Continued on page 29*)

Full Attendance Expected For MPTOA Miami Meetings

MIAMI, March 3.—A nearly complete attendance of the 35 officers and directors of M. P. T. O. A. is expected for the two-day annual meeting of the national exhibitor organization's board of directors, which opens here Thursday at the Miami Biltmore Hotel.

Among those due to arrive tomorrow are Ed Kuykendall, president; M. A. Lightman, A. Julian Brylawski, B. N. Berinstein and W. S. Butterfield, vice-presidents; Morris Loewenstein, secretary; Walter Vincent, treasurer; Edward G. Levy, general counsel, and Fred Wehrenberg, chairman.

Also expected are E. M. Fay, Providence; O. C. Lam, Rome, Ga.; L. C. Griffith, Oklahoma City; Sidney B. Lust, Washington; Lewen

(*Continued on page 3*)

Disney's Deal Raises Query On Van Beuren

Uncertainty Is Voiced As to Future List

Uncertainty as to the effect on Van Beuren Prod. and its association with RKO, as a result of the latter's distribution deal just completed with Walt Disney, was voiced here yesterday.

Spokesmen for RKO and Van Beuren assume that the latter's Rainbow Parade series of color cartoons will be affected by the Disney deal. Van Beuren has produced 13 of these subjects annually for RKO release. Whether the entire distribution deal, under which RKO has released approximately 46 Van Beuren subjects every season since 1930, would be abandoned with the conclusion of this season's contract, was seen as a possibility, but was regarded also as unlikely. Definite word on this is expected with the return from the coast of Leo Spitz, M. H. Aylesworth and Ned E. Depinet.

The impression here, however, is that the Van Beuren list, exclusive of the color cartoon series, probably will be continued as RKO releases. The distributor has owned a half interest in the Van Beuren company since 1930 and Depinet is a member of the Van

(*Continued on page 29*)

Expect Early Date On Sale Tax Appeal

A hearing by March 25 on United Artists' appeal from the city comptroller's ruling holding local film rentals to be subject to the two per cent city sales tax is expected by the company's attorneys.

The city is to file its answer today to the United Artists' complaint. The case will then be noticed for argument in the Appellate Division and a hearing date, about two weeks distant, will be set, it was stated.

Sabath Probers Turn To RKO Receivership

Preliminary questioning of representatives of RCA, Atlas Corp. and Lehman Bros. in connection with the RKO receivership and reorganization proceedings is expected to be opened here this week by attorneys for the Sabath Congressional committee for real estate bond reorganizations. A number of witnesses have already been questioned at closed hearings at the

(*Continued on page 29*)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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New Admission Laws Coming Before ITOA

Legislation affecting admission of children to theatres and a report on the survey by David Weinstock in connection with installation of Diesel engines to reduce the cost of light and power are the two principal topics set for discussion today at the regular I. T. O. A. meeting at the Astor.

Harry Brandt, president, who has just returned from five weeks in Miami, will preside.

Nizer Increases Staff

Louis Nizer, executive secretary of the New York Film Board, has enlarged the legal staff to relieve him of some of the work. William Corcoran, an attorney, and Charles Rubenstein, law clerk, are the new additions.

Allied Talks Finances

The finance committee of Allied of New Jersey yesterday held a meeting to discuss finances. A meeting of the membership may be held next Tuesday, but this is not definite. Lee Newbury, president, is still out of town and may return next week.

D. W. Griffith Marries

LOUISVILLE, March 3.—David Wark Griffith yesterday was married here to Evelyn Marjorie Baldwin. Griffith just received his divorce from Linda Avidson, whom he married in 1905. Griffith is 56, his bride 26.

Insiders' Outlook

By RED KANN

Hollywood, March 3

SAM KATZ, now cruising up and down the coast between San Pedro and Panama, grabbing ideas from sky and water, finds the business life as it is lived at M-G-M full and, he says, exciting. The time was when Louis B. Mayer scowled at Nick Schenck's ideas about Katz on the lot, but that goes back several years, which is long enough in this industry to forget. Mayer and Katz today are something akin to the Siamese twins. . . .

▼

Not a great deal is heard in the public prints about Katz and what he does at Metro. For one important thing, he is still working hard on the development of a department which can turn out musicals as successfully if not better than elsewhere, say Warners or RKO, for instance. Metro has not been doing so well in that particular type of attraction and has known it for some time. Therefore, Katz. "The Broadway Melody of 1936," consequently, came as a gentle zephyr of spring to Leo's lair, demonstrating as it did that Metro, once it got around to it, could make them with the best. . . .

▼

As a matter of fact so completely encouraging was it that the plotting for 1936-37 may pile up into as many as eight or nine musicals with Eleanor Powell largely the principal figure. With talk around the lot that "Broadway Melody" will do as much as $1,750,000 domestically—a very ambitious figure—and perhaps $2,700,000 internationally, the excitement over Powell is running high. Metro-ites, strictly in the Hollywood manner, view her as "terrific," which seems to be one stage below colossal, and so are making plans to star her in five straight musicals in the next two years. One will be "Hats in the Air" with music by Cole Porter, who knows how; another, "Born to Dance," and a third, "The Broadway Melody of 1937," on which the scheming is mighty and already assuming definite story form. . . .

▼

Katz thinks the problem with and about musicals is well on its way to solution. He hopes in perhaps six months to have an organization well rounded out for this purpose and describes as the perfect arrangement a tried and proven setup which will give him two producers on this job. Jack Cummings, who has been getting supervisory credit while Katz prefers to stay away from such screen limelight, may be one of the brace. In addition to these duties, approximately sixty per cent of the Metro lineup filters through Katz's office. In other words, he's busy. . . .

▼

Metro will continue its path, pretty well worn now, of making about twenty B pictures averaging $175,000 each in cost and open the money bags on the bigger ones. This is a general drift all over the major lots in Hollywood. By doing the best it can on the cheaper pictures, Metro, like the others, finds it can release, without any increase in total budget, more money for A attractions and go to almost any fancy figure it likes when something of genuine proportions stacks up. The company, for years, of course, has been making big pictures, but, while proceeding on that course, has been spending young fortunes on the B type in an effort to make everything A. It hasn't worked out there as elsewhere because there is no rule which can prevent an A from growing up to be a B picture and vice versa. . . .

▼

The explanation of Metro's B line, beyond the funds thereby released for the smashes, is that the cheaper group goes far in absorbing studio overhead which is something on that lot. The B's, furthermore, are looked upon as supplying a training and tryout school for new talent, of which the need is great, although not nearly so pressing as Metro with its Shearer, Garbo, Crawford, Gable, Harlow, Loy, McDonald, Rainer, Beery and more. Nobody mentions the double feature market and how the B's fit that niche, but it's there, nevertheless. . . .

▼

In the new lineup about which too much is not being bruited so early, are several already set and, in some instances, in preparation. Howard Estabrook, one of the better writers, is working on Rudyard Kipling's "Kim" for Freddie Bartholomew; Garbo will do "Camille," that hardy perennial; Shearer, "Marie Antoinette" after all these years, and "Pride and Prejudice," the Max Gordon show which the company financed. Irving Thalberg has "The Good Earth" in production and has not abandoned the possibility that a way out will be found for "The Forty Days of Musa Dagh." Crawford will do four next year, one of them "The Gorgeous Hussy," a period story dealing with the times of Andrew Jackson. . . .

▼

Hollywood's chief star-development laboratory, which is another way of describing Metro, is currently enthused over Bill Powell because of "The Great Ziegfeld," Luise Rainer for the same picture, Rosalind Russell because of "Rendezvous," Bob Taylor because the women of the nation are apparently nuts over him, and Freddie Bartholomew because of Bartholomew. "Little Lord Fauntleroy" won't do the youngster and his future any hurt either. . . .

Warners Victors in Test on Dvorak Pact

LOS ANGELES, March 3.—Warners have won the first of two suits filed by contract players. Judge Harry R. Archbald has upheld the studio in the suit of Ann Dvorak for breach of her contract.

Judge Archbald ruled that the suspension of the actress by the company Oct. 20 did not constitute breach of the contract on the part of the company. Answering Miss Dvorak's charge that she had been ill but ready to work Nov. 1, but that the company had refused to reinstate her, Warner attorneys introduced as evidence a series of pictures dating from 1934 as proof of the fact that the actress had grown thin from ill health.

The court ruled, however, that her contract is still effective and that she is entitled to $7,000 compensation for the period dating from the time the suspension was lifted last January. The current agreement runs for two years at a weekly salary of $1,500.

Cagney-Warner Trial Starts on the Coast

LOS ANGELES, March 3.—Trial on the motion of James Cagney to have his Warner contract terminated started here today before Judge Charles I. Bogue in Superior Court.

The Cagney motion is based on the claim that he signed the present agreement on the strength of Jack Warner's oral promise that the actor would not be asked to appear in more than four pictures a year. Cagney maintains that the promise has been violated.

Austin Sherman, attorney for Cagney, testified that at the time he permitted the star to sign the agreement he had not advised him of the clause in the contract which specifically stated that oral agreements were not binding.

The action will be continued tomorrow, with Fredric March and others scheduled to appear for the plaintiff.

Eight More to Tour

Alice Brady, Luis Alberni, Fred Keating, Ivan Lebedeff, Florence Lake, Lila Lee, Russell Hopton and George Bancroft will soon make personal appearances throughout the country. F. & M. handled the deals.

Warner Executives East

HOLLYWOOD, March 3.—Harry M. Warner, Gradwell Sears, Joseph Bernhard and A. W. Smith will leave by train for New York tomorrow following nine days here.

Sound Saved Films, Vallee Tells Hearing

(*Continued from page 1*)

Duffy Bill in its entirety because he had been told it was inimical to Ascap.

As the committee met, Representative Daly of Tennessee urged that consideration be confined to the legislation and that the committee cease the excursions into irrelevant matters which marked last week's hearings. This was agreed to and within a half-hour the committee discussed with witnesses and among themselves such questions as oranges, mothers-in-law, free speech and the New York building strike.

All chance of amendment of any of the pending bills to provide for United States adherence to the Berne Convention was dissipated when members of the committee declared such action would permit the importation of books printed abroad by cheap labor, now prohibited under the copyright act, and pointed out that Italy, Germany and Russia have banned American publications and ordered the destruction of books by American authors.

Launching into a discussion of the three pending bills following a statement by Vallee that enactment of the Duffy Bill "would practically nullify and kill completely the creative spirit," Representative Sirovich pointed out that exhibitors pay five to 15 per cent per seat a year as license fees and declared that "the question before the committee is which bill would protect the author and composer to see that justice is done to all without embarrassing them by exorbitant fees. I personally am convinced that the author and composer is receiving less for his work in America than in any other country," he added.

Tiffs Again Frequent

Members of the committee frequently engaged in wrangles among themselves, particularly when Representative Church of Illinois suggested that the committee "rehearse its show." Under the questioning of Representatives O'Malley of Wisconsin, Church and Deen, Vallee was forced to admit that he knew little or nothing of the respective methods of the three bills, although he unqualifiedly endorsed the Sirovich version.

Asked by Representative Barry of New York whether Ascap's license rates were fair, Vallee said, "I think they are a joke."

Vallee's assertion that sound saved the film industry was made in answer to a question by Representative Lanham of Texas whether, if picture houses were running silent films, the witness thought they would get much patronage. "I think sound came along just in time when silent pictures were doomed," Vallee replied.

A question by O'Malley as to the propriety of using the $250 statutory minimum as a basis for heavy imposts on small users brought Nathan Burkan, counsel for Ascap, into the picture to explain the method under which Ascap operates and to reiterate that it has received less than $10,000 by judgment since its inception. Burkan tacitly admitted that judgments rendered might have been much greater, telling the committee that after Ascap obtained a judgment it frequently was not collected. Burkan detailed for the committee the Washington situation, where the filing of a copy of the Government's petition in its New York suit was followed by a court order appointing a receiver for the organization. He also carried the fight into O'Malley's territory with charges that the Wisconsin bill imposing a tax of five per cent of its receipts on Ascap was part of an organized campaign of opposition in that state.

Purely Personal

ROBERT WOLFF and EDWARD RUGOFF have left for Miami and will be joined later by EDDIE STERN, HAROLD HERMAN and MYRON SEIGEL. All but RUGOFF, who will spend most of his time on the golf links, will journey to Key West for a 10-day fishing trip. It's an annual event with these boys.

•

HARRY THOMAS is looking forward to a trip to the coast very soon. It's purely vacation and he plans to go by boat. First Division now has 15 of its own exchanges with the opening of the New Haven office, he says.

•

CHARLES MOSES and wife are on board the *Lafayette* on an 18-day cruise. On March 20, and on the same boat, but for a 12-day trip, will be HARRY SHIFFMAN, HERMAN GLUCKMAN and IRVING WORMSER.

•

MARGARET RAWLINGS will depart for England on the *Berengaria* today. Also outward bound for Europe on that boat are ERNST LUBITSCH and SAMUEL GOLDWYN.

•

SIGVARD BERNADOTTE, grandson of King Gustave of Sweden, who has been studying American film production in Hollywood, on the *Bremen* tonight.

•

S. CHARLES EINFELD returned to his desk at Warners yesterday after having been confined to his bed for the past few days with intestinal flu.

•

GORDON E. YOUNGMAN of the RKO legal department flew to the coast the other day. He's expected back in a week or so.

•

AL LICHTMAN returned yesterday from a western trip during which he visited the studios and several M-G-M branches.

•

HARRY M. GOETZ is scheduled to return from Hollywood the latter part of this week or early next.

•

JOHN BENAS, film buyer for the Rosenblatt-Welt circuit, is home ill. A stomach cold.

•

HERBERT EBENSTEIN is due to arrive from the coast in about two weeks.

•

JOSEPHINE HUTCHINSON arrives here today for a vacation.

AL HOVELL, executive vice-president of Century circuit is vacationing in Miami. Just prior to his departure he was advised he had become a grandfather when his daughter in Portland, Ore., gave birth to ROGER PERCY BLISS.

•

GUS J. SCHAEFER, Paramount general manager in Germany and Central Europe, arrives here Thursday on the *Washington* for distribution conferences.

•

IRVING BERLIN and REAR ADMIRAL YATES STIRLING gave an impromptu radio broadcast last night. They were heard over the NBC Blue Network.

•

HELENE COSTELLO and MONROE OWSLEY have been engaged by F. & M. for a vaudeville tour. They will do a one-act play, "Grease Paint."

•

GEORGE W. WEEKS, general sales manager of G. B., leaves today on a two week tour of the exchanges. His first stop will be Chicago.

•

WILLIAM BRANDT, browned to a chestnut hue in Florida, is back after five weeks and says he never felt better.

•

SIGMUND ROMBERG is off for the coast today on the Century connecting with the Chief tomorrow.

•

FRANK MCGRANN, head of Columbia's exploitation department, sails today on a 10-day cruise.

•

VIVIAN MOSES has joined BARRETT MCCORMICK's publicity forces. He's working on press books.

•

GEORGE R. BATCHELLER, head of Chesterfield, will leave for the coast in about three weeks.

•

JOHN BOLES leaves today for Detroit where he begins a personal appearance tour.

•

EDWARD GOLDEN was in the sick bay yesterday. He's expected back at his office today.

•

PINKY TOMLIN holds over for a second week at the Roxy starting Friday.

•

MARY PICKFORD is due from the coast today.

•

TOM CONNORS is vacationing in Miami.

Managers Are Switched

TORONTO, March 3.—Famous Players Canadian Corp. has switched the managers of the two local ace houses, the Uptown and the Imperial. Jack Arthur, running the Imperial for years, has changed places with Thomas Daley. A change in the policies of the two houses is foreseen.

James M. Walker Dies

WINNIPEG, March 3.—James M. Walker, dean of local theatre men, died here at General Hospital at 84. He had been identified with local entertainment for more than 30 years. C. P. Walker, only survivor of six brothers, owns the Walker here.

Expect a Full Attendance at MPTOA Meet

(*Continued from page 1*)

Pizor, Philadelphia; Jack Miller, Chicago; Charles W. Picquet, Pinehurst; R. X. Williams, Jr., Oxford, Miss.; Morgan A. Walsh, San Francisco; Charles E. Williams, Omaha, and David Palfreyman, New York. Major L. E. Thompson of RKO, who has been recuperating here from a recent illness, and E. A. Schiller of Loew's, now residing in Atlanta and vacationing here, are also expected to put in an appearance at the meeting. Both are M. P. T. O. A. directors.

While the board meeting will be an executive session for officers and directors only, a number of other exhibitors are planning to be here during the session to confer informally outside the regular business meetings on individual problems or policies.

In addition to the annual election of officers and the transaction of organization matters, informal round table conferences will be held on plans for organized self-regulation within the industry; conciliation and arbitration of industry disputes; unfair cut-rate competition between theatres, including double and triple featuring, unreasonably low admissions and give-aways; the music tax; labor relations; legislation and taxation; distributor policies; non-theatrical competition and sponsored free shows; local censorship and restrictions on Sunday operation.

Improvement of exhibition standards and theatre management, suggestions for increasing attendance and for improving relations between the exhibitor and his community will also be topics for discussion at the meeting.

Erpi in 2,000 Spots Abroad, Says Drake

Erpi has 2,000 reproducers installed in English theatres, Whitford Drake, vice-president, stated yesterday upon his return from a six-week trip to London.

The total number of installations for Europe is 2,500, he said. Drake was accompanied by Joseph R. C. Palmer, patent attorney. While in England, Drake inspected the company's London office and also closed a deal for the installation of Erpi's recording apparatus at Boot's Pineland Studios, just outside of London.

Returning on the same liner, the *Berengaria,* was Mary Brian who stated she would leave for Hollywood in a few days to take a much needed vacation. She said while in England she appeared in three pictures for B. I. P. and B. & D. and also did a play. Miss Brian may go back to England later, she said, but this was not definite.

Tex Jones, head auditor for Paramount in Europe with headquarters in Paris, arrived on the boat. He will remain here several weeks conferring with John W. Hicks, Jr.

Gus Schaefer, general manager in Germany and Central Europe for Paramount, arrives tomorrow on the *Washington.* It's his annual visit.

Dramatists Against Change in New Pact

There is little likelihood that the Dramatists' Guild will agree to make any changes in the new minimum basic agreement between writers and managers, which went into effect March 1 for two years, despite the opposition of managers to the new provisions reducing their participations in the sale of film rights to stage plays, it was stated yesterday at guild headquarters.

Some opposition from the managers was expected, guild spokesmen said, but they believe a majority will favor the new pact after they have had an opportunity to examine it. Copies of the agreement were placed in the mail only yesterday and few managers had actually read the pact in the form in which it was unanimously approved by the guild membership late last week.

Guild officials observed that the provisions objected to by the managers were more moderate than those advocated by large sections of the guild's membership and were confident that any attempt to modify them further could not gain the approval of the membership. The provisions objected to are the diminishing scales of manager participation in the sale of film rights above $15,000, which replaced the former 50-50 division of these rights between writer and manager.

Approval of the new agreement was voiced yesterday by Samuel Goldwyn, reputed to have paid record prices for the film rights to such recent stage plays as "Dodsworth," "Dead End" and "The Children's Hour." Goldwyn especially commended the provisions of the agreement for "sale in advance" of the stage and film rights on a royalty basis for the author, declaring that he believed this would encourage authors to do their best work for the screen with resultant benefits for both playwright and producer.

Boston Expects Six Weeks' "Fleet" Run

Based on the business so far, "Follow the Fleet" will run for six weeks at the Keith Memorial, Boston, and five weeks at the Downtown, Detroit. The Astaire-Rogers musical enters its third week tomorrow in Boston. The Music Hall tomorrow begins a third week for the film.

Charles Koerner, New England district manager for the RKO circuit, leaves for Boston tomorrow after being in and out of the home office for the last two weeks.

Re-Issue Chaplin Films

RKO is re-issuing six two-reel Charlie Chaplin comedies produced about 10 years ago. About three years ago the company revived the shorts after adding sound and effects. This is the second revival of the comedies.

Among the subjects are "The Rink," "The Adventurer," "One A. M." and "The Floor Walker.'

Theatre Fetes Mayor

OTTAWA, March 3.—Howard Knevels, manager of the Capitol, put on a big Feb. 29 midnight surprise party for Mayor Stanley Lewis, whose birthday it was. All patrons were required to bring a new pot or pan, and a mass of kitchenware was donated.

Overseas Previews

"Things to Come"

(*London Films-U. A.*)

LONDON, Feb. 21.—There may be differences of opinion regarding the exact value of this H. G. Wells-Alexander Korda production as mass entertainment, but one thing is certain. It renders forever obsolete the hallowed phrase "Up to Hollywood standard" as the highest tribute to British production. Decisively, and by a wide margin, it sets new standards of technique far exceeding the most striking of past achievements, from America or from anywhere else.

The creators of the picture are Ned Mann, who controlled the trick and model work; William Cameron Menzies, who directed; George Perinal, the cameraman, and Vincent Korda, the art director. Two of them are Americans, one is French and one is Hungarian, and the Englishman, H. G. Wells, who gave them the material, comes last because it is emphatically a case of superlatively brilliant execution overshadowing its material. But "Things to Come" is a product of British enterprise and will violently open the eyes of any Hollywoodians who may still be sceptical of the reality of the British challenge.

The story gives the clue to the technical achievement. Wells outlines the collapse of civilization after another Great War, initiated without notice by thousands of planes bombing defenseless cities. The whole world is impoverished, machines rust and collapse and cannot be replaced; a primitive society evolves in which men live in the ruins of once splendid towns and petty dictators exercise tribal authority. Plague stalks the earth.

Order is restored by a band of aviators who, in giant planes, bomb the dictators into submission by a "gas of peace" which causes unconsciousness and no worse. Peace is established on the basis of world rule and mankind sets out on an age of progress founded on science.

Many hundreds of years pass. In the new world men are living in underground cities lighted by perpetual sunshine; helicopters rise and descend from public squares in which, from televised pictures projected without screens the people listen to their leaders. Disease has been abolished, dress is comely, leisure plentiful—but there is discontent. The world rulers have built a giant gun, which fires rockets at and around the moon; sooner or later a landing will be made there. A mob descends on the gun to destroy it but, before they can do any damage, it is fired, the rocket carrying into space the daughter of the world leader and her lover. The film concludes with the rocket still in its progress through the stars and with the leader's words: "All the Universe or nothing!"

The absence of "human interest" in the conventional sense is obvious. There is, in fact, a story of individual adventure and an identification of the personalities of the suffering men of the dark days with the triumphant men of the conclusion, but Wells and Korda have not been afraid to make not a man but mankind their theme. Daring usually brings its reward, and it may be the box-office will return an answer surprising to the believers in formula.

If so, it will be because of the simply astounding realism of each scene of Wells' new world. There are thrills in the war scenes with thousands of bombing planes filling the air, but it is with the pictures of the future that miracles begin. Planes again, but such planes as never were seen above the earth; weird in shape, huge in bulk, carrying hundreds of men. Then "Everytown" in the distant future; here the impression of colossal scale is overwhelming, with human beings no bigger than flies walking in balcony-like streets which wind from the depths thousands of feet up, or tending machinery of nightmarish size and complexity. Capping all is the huge Space Gun, dwarfing mountains and fed by machinery miraculously convincing.

Nowhere, it is safe to say, is the line between model work, camera trickery and stagecraft definitely recognizable even to the expert. Many will think the Wellsian world of A. D. 2030 (say) even more insane than that which it has superseded, but few will doubt that the Korda-Mann-Menzies-Perinal team have rendered it completely plausible. "Things to Come" is in fact of such oustanding merit as a spectacle and as a technical achievement that big success may come in spite of its lack of almost all conventional story values, its very considerable length and the fact that its acting, with the exception of that of Raymond Massey, is mostly declamatory and unsympathetic, though Sir Cedric Hardwicke, Ralph Richardson, Margaretta Scott and the rest are not to blame.

About the box-office there is this to be said: no American exhibitor can afford to take second-hand opinion about a picture which may easily set up records at either end of the scale. It has to be seen to be appreciated—or, for that matter, believed.

Running time, 110 minutes. "G." ALLAN

(*Overseas Previews continued on page 29*)

Applications Made For RKO Allowances

Applications for interim allowances of $150,000 for services in the RKO reorganization proceedings have been filed in the U. S. District Court here by the trustee and its counsel.

Irving Trust Co., trustee of RKO, asks for an interim allowance of $65,000. Donovan, Newton, Leisure & Lumbard, counsel to the trustee, ask an interim allowance of $85,000. The fees sought are for services rendered since July 1, 1935. Federal Judge William Bondy has set March 16 for a hearing on the application.

Judge Bondy also has signed an order granting an independent RKO stockholders' committee leave to intervene in the company's reorganization proceedings. The order entitles the committee to receive notice of all legal proceedings in connection with the organization.

Asks Lincoln to Resign

BOSTON, March 3.—Alexander Lincoln, Boston attorney, who heads the Sentinels of the Republic, organization behind the political picture, "Amateur Fire Brigade," has been asked to resign from the Massachusetts Board of Tax Appeals by Gov. James M. Curley. Lincoln is charged with having favored large corporations in giving abatements. Curley listed 14 charges which, he told the Executive Council, are sufficient grounds for removal. Lincoln has a week to prepare to meet the charges.

Guaranteed Gets Series

Guaranteed Pictures have acquired the foreign distribution rights for the 8 Kyne-Darrow-Mason series being produced by Maurice Conn.

Wall Street

Gains Continue, "U" Leads With 5½ Points

	High	Low	Close	Net Change
Columbia, vtc	37	36¾	36⅝	+ ⅛
Columbia, pfd	47¼	47¼	47¼	.....
Consolidated	6½	6¼	6⅜	.....
Consolidated, pfd..	18¾	18¼	18¼	— ⅛
Eastman	167½	165	167	+4½
Loew's, Inc.	49¾	49	49½	+ ¼
Paramount	10½	10	10¼	+ ¼
Paramount 1 pfd.	77⅞	77	77⅞	+1⅞
Paramount 2 pfd.	11	10¾	11	+ ¼
Pathe Film	8⅛	7⅞	7⅞	+ ⅛
RKO	8⅝	8¼	8½	.....
20th Century-Fox	32¼	31½	32	+ ¼
20th Century, pfd	40½	39¾	39¾	— ½
Universal, pfd ..	87½	81⅞	87½	+5½
Warner Bros.	13⅜	12¾	13⅛	+ ½
Warner, pfd	55⅛	55	55⅛	+ ⅛

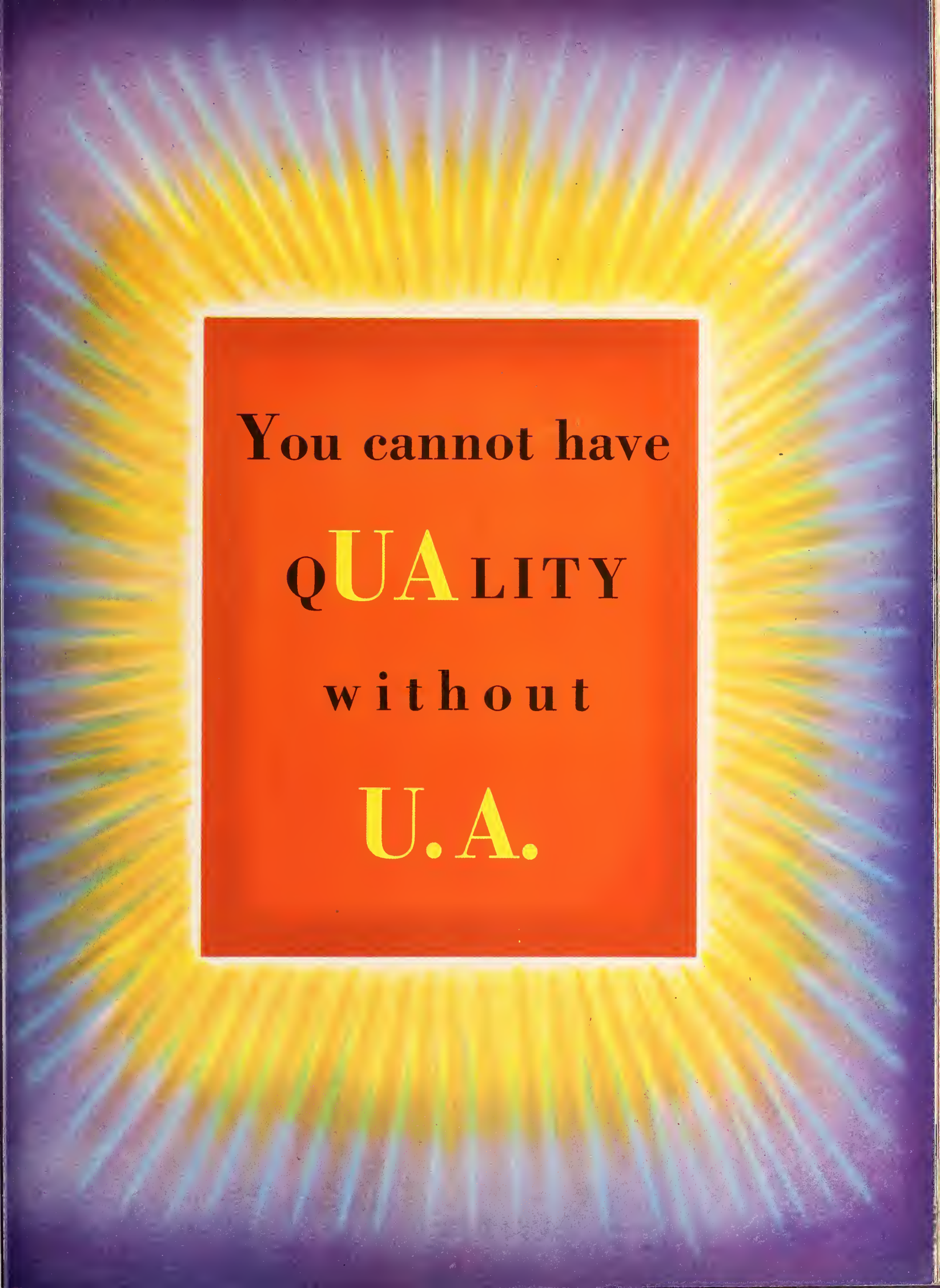
Technicolor Off a Point

	High	Low	Close	Net Change
Sentry Safety	1	⅞	15/16	.....
Sonotone	3	2⅞	3	.....
Technicolor	31⅝	29¾	30½	—1
Trans-Lux	4½	4⅜	4⅜	....

Bonds Gain Steadily

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	27½	27	27	.....
General Theatre Equip. 6s '40 ctf	27⅜	26⅝	27	.....
Keith B. F. 6s '46	96	96	96	+ ½
Loew's 6s '41 ww deb rights	103	102¾	102¾	.....
Paramount B'way 3s '55	56¼	56¼	56¼	+ ⅛
Paramount Pict. 6s '55	90½	89½	90½	+1½
RKO 6s '41 pp	75½	75½	75½	— ½
Warner Bros. 6s '39 wd	94	93	94	+1

(Quotations at close of March 3)


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QUALITY
without
U.A.

...We

We believe that great pictures are not accidents. They represent the efforts of producers who have made a succession of hits...who have purchased the most valuable properties.

We believe in embellishing these properties with the most powerful box-office names, and entrusting their filming to the Industry's top-notch directors.

Charlie Chaplin Samuel Goldwyn Jr.

Douglas Fairbanks Alexander Korda

Jesse L. Lasky

believe

We believe that these pictures were made-to-order for your box-office...made with one purpose in mind: — To draw the maximum number of people to your theatre and provide them with the finest entertainment the screen has to offer.

That's why we emphatically call your attention to the outstanding productions United Artists is releasing during the next few months.

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David O. Selznick

Walt Disney

The picture of which it really can be said..







He stands alone as the greatest entertainer of modern times



Charlie

Released **FEBRUARY 21ST**

THE WHOLE WIDE WORLD IS WAITING FOR!"



Chaplin

in

MODERN TIMES

HIS NEWEST AND GREATEST COMEDY!

written, directed and produced by Charles Chaplin

Released thru UNITED ARTISTS


Released JAN. 24TH
Samuel Goldwyn
presents
Eddie
STRIKE
ETHEL MERMAN
PARKYAKARKUS
Directed by NORMAN TAUROG
Lyrics by LEW BROWN
Adapted from Clarence Budington Kelland's Saturday Evening Post story "Dreamland"
Released thru
UNITED ARTISTS
Hear Eddie sing "Calabash Pipe" and "The Lady Dances" Thrill to Ethel Merman's torchy rendition of "First You Have Me High, Then You Have Me Low!" "Shake It Off With Rhythm"
and the
GORGEOUS GOLDWYN GIRLS


THE HOLDOVER PICTURE OF THE YEAR!... attendance records, new cash highs all topple before Eddie's sixth annual musical frolic.
Cantor
in
ME PINK
SALLY EILERS
WILLIAM FRAWLEY
Dance ensembles by ROBERT ALTON
Music by HAROLD ARLEN



Samuel Goldwyn chose these three outstanding stars to portray the difficult major roles in this tensely dramatic thunderbolt of three innocent people...victims of a whispering campaign of vicious lies and ugly rumors that shattered their lives. This is the most talked about picture of the year and already has an enormous advance audience awaiting its release!

SAMUEL GOLDWYN

presents

These Three

WITH

Miriam HOPKINS

Remember her performance in "Barbary Coast"?)

Merle OBERON

(Who achieved top honors in "The Dark Angel")

JOEL McCREA

Directed by WILLIAM WYLER

Screenplay by LILLIAN HELLMAN

Released thru UNITED ARTISTS

Released **MARCH 13TH**

PICKFORD-LASKY PRODUCTIONS

presents

FRANCIS LEDERER

in

One Rainy

with

ROLAND YOUNG · IDA LUPINO

HUGH HERBERT · JOSEPH CAWTHORN

Directed by Rowland V. Lee

Mary Pickford and Jesse Lasky launch one of the industry's most important producing organizations with a delightful comedy that is literally studded with star names of proven box office caliber.

A story with amusing turns and twists that moves with lightning speed! Humor and romance go hand-in-hand and combine to make ONE RAINY AFTERNOON one of the finest motion pictures destined to grace the screen during the coming year.

Afternoon









Released

APRIL 24TH

thru **UNITED ARTISTS**


"THE FIRST IMPORTANT
4 smashing, record-breaking weeks at the Rivoli, N.Y.! As we go to press, held over in every one of its initial engagements!
Released
FEB. 7TH

FILM OF THE NEW YEAR!" — N. Y. Times

"A thousand delights await you!" — N. Y. American

"One of the season's funniest pictures!" — N. Y. Sun

Robert DONAT

SENSATIONAL STAR OF "THE COUNT OF MONTE CRISTO"

in

The Ghost Goes West

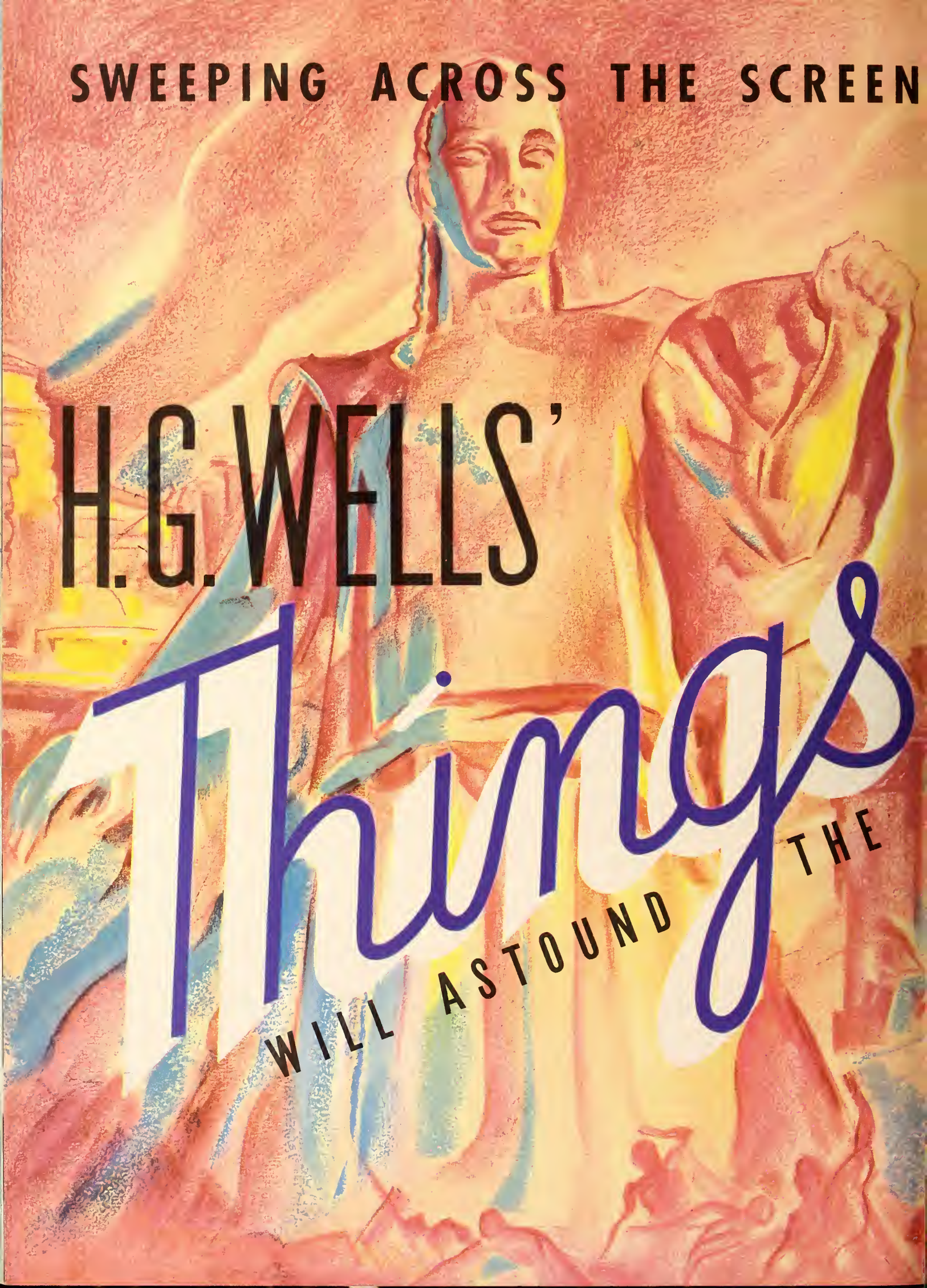
with JEAN PARKER · EUGENE PALLETTE

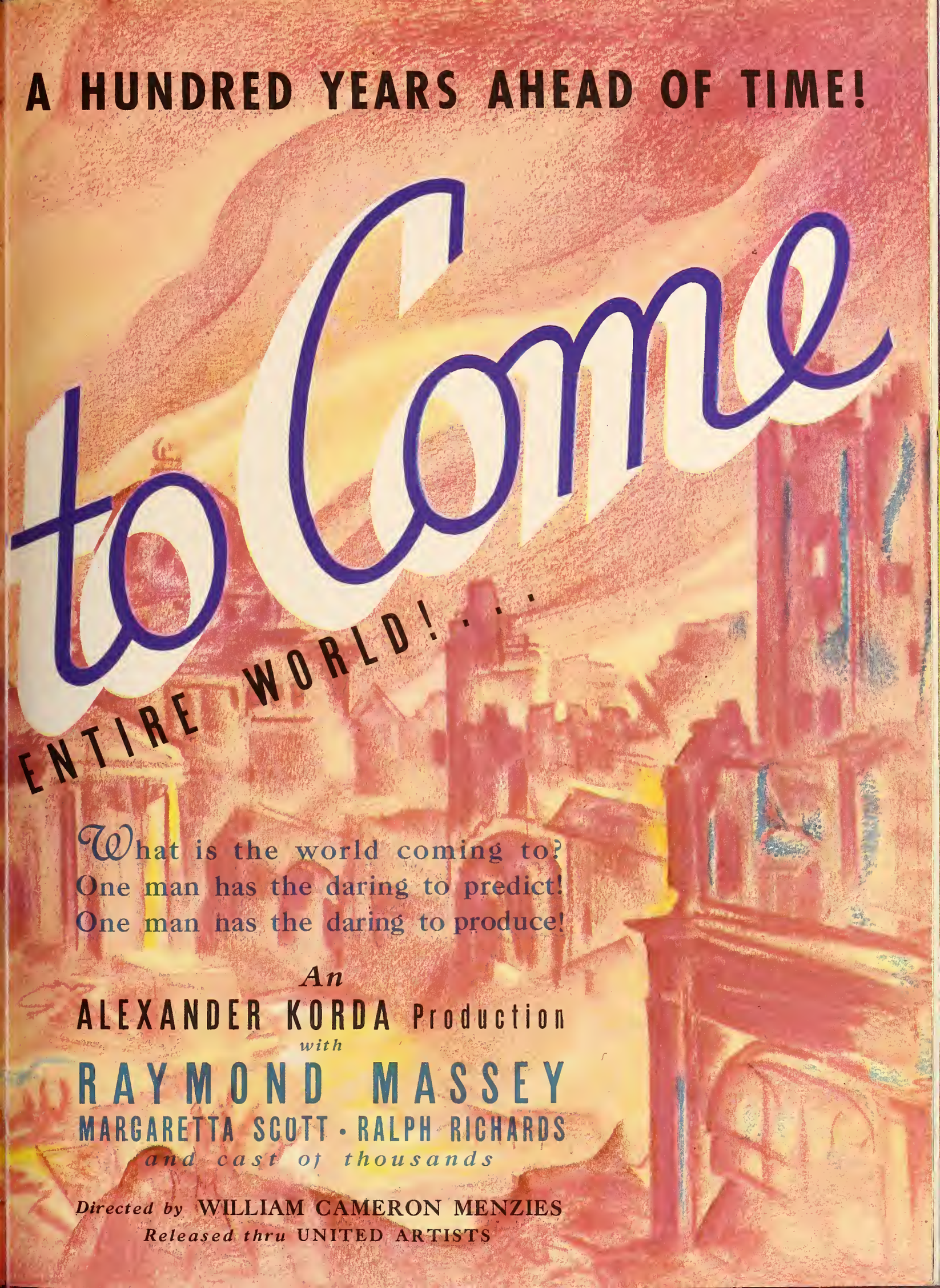
Screenplay by ROBERT E. SHERWOOD

An ALEXANDER KORDA production

Directed by Rene Clair

A LONDON FILM • Released thru UNITED ARTIST


SWEEPING ACROSS THE SCREEN
H.G. WELLS'
Things
WILL ASTOUND THE


A HUNDRED YEARS AHEAD OF TIME!
to Come
ENTIRE WORLD!...
What is the world coming to?
One man has the daring to predict!
One man has the daring to produce!
An
ALEXANDER KORDA Production
with
RAYMOND MASSEY
MARGARETTA SCOTT • RALPH RICHARDS
and cast of thousands
Directed by WILLIAM CAMERON MENZIES
Released thru UNITED ARTISTS



PRODUCED BY DAVID O. SELZNICK . . .

David O. Selznick's first production for United Artists is one of the most beautiful love stories ever told . . . and it is re-created in a picture that will bring joyous entertainment to millions of people the world over! From the producer of the best picture of 1935 — "David Copperfield", you can expect a production that is marked for major screen and box-office honors in 1936.

SELZNICK-INTERNATIONAL presents

Little Lord Fauntleroy

starring

FREDDIE BARTHOLOMEW

DOLORES COSTELLO BARRYMORE

with

C. AUBREY SMITH • GUY KIBBEE • MICKEY ROONEY
HENRY STEPHENSON • E. E. CLIVE • UNA O'CONNOR
JACKIE SEARL • IVAN SIMPSON • JESSIE RALPH

DIRECTED BY JOHN CROMWELL • SCREEN PLAY BY HUGH WALPOLE

From the world-famous story by FRANCES HODGSON BURNETT

RELEASED THRU UNITED ARTISTS MARCH 6th

AN UNFORGETTABLE MILESTONE IN



One of America's greatest books now comes to you on the screen . . . pulsing with action, vibrant with romance, thrilling in its conception of the begining of national greatness!

Released JUNE 19TH

AMERICA'S TRIUMPHANT MARCH TOWARD THE BUILDING OF A GREAT NATION!

Harry M. Goetz

PRESENTS

JAMES FENIMORE COOPER'S

Immortal Classic

THE LAST OF THE MOHICANS

A handful of fearless men and women carved a new world out of the wilderness... fighting side by side against overwhelming odds. Hemmed in by danger from every quarter, they lived and loved with the fierce realization that every moment in their bitter battle for existence must count!



A Reliance Picture

Released thru United Artists

An Edward Small Production


Released MARCH 20
DOUGLAS FAIRBANKS
in The Amateur
From the Novel by
JEFFERY FARNOL
With GORDON HARKER
(By arrangement with Gaumont-British Corporation Ltd.)
Released thru
UNITED ARTISTS

FICTION'S ROMANTIC AND FIGHTING ADVENTURER...LEAPS FROM THE PAGES OF JEFFERY FARNOL'S WORLD-FAMED BOOK ...TO GIVE YOUR AUDIENCES THE THRILL OF THE YEAR!

*M*astering men with his fists and women with his arms, he rose from poverty to prestige in a story that moves like a roaring whirlwind!



WALT DISNEY'S

creations are the most publicized short subjects in the world. They are big enough to stand beside your feature as marquee attractions. When you play the colorful Mickey Mouse and Silly Symphonies be sure and give them plenty of space in your ads, lobby displays and other advertising and exploitation. They're little features but they mean big money!



Produced entirely in

TECHNICOLOR



Watch for these Silly Symphonies

"COCK O' THE WALK"
(Released)
"ELMER ELEPHANT"
"THREE LITTLE WOLVES"

And be sure to advertise these new starring vehicles of Mickey Mouse

"MICKEY'S POLO TEAM"
"ORPHANS' PICNIC"
"MICKEY'S GRAND OPERA"

Released thru UNITED ARTISTS

IF YOU'RE A SHOWMAN...



REMEMBER THESE *Release* DATES!

STRIKE ME PINK	January 24TH
THE GHOST GOES WEST	February 7TH
CHARLIE CHAPLIN *in* MODERN TIMES	February 21ST
LITTLE LORD FAUNTLEROY . . .	March 6TH
THESE THREE	March 13TH
THE AMATEUR GENTLEMAN . . .	March 20TH
ONE RAINY AFTERNOON	April 24TH
THE LAST OF THE MOHICANS . .	June 19TH
THINGS TO COME	*The release date of this production will be announced later*

From the inspired pen of H. G. Wells comes one of the most startling pictures ever produced! An incredible glimpse of the future that will astound the entire world!

Released thru

UNITED ARTISTS

Printed in U. S. A.

Photo courtesy of [illegible]

Disney's Deal Raises Query On Van Beuren

(Continued from page 1)

Beuren board. On its current release list for RKO, in addition to the color cartoons, are 13 "Easy Aces" releases; seven Bill Corum sport reels; six releases of the "Struggle to Live" series, and seven releases of the "World on Parade" series. This season's release list also includes six of the "Dumb Belle Letters" series held over from last season. More than half of this program has been completed.

RKO's current distribution deal with Van Beuren expires at the end of this season and the Disney deal is effective with the opening of the new season. If RKO abandons the release of only the Van Beuren color cartoons the possibility of a new release series being substituted and RKO making a new Van Beuren deal, is seen.

The RKO-Disney deal is also expected to result in the resignation of Disney from the board of United Artists in the near future.

Hearst Attack Does Not Hurt West Film

(Continued from page 1)

the picture. Reviews of the picture were not commendatory.

Film Assailed in Seattle

SEATTLE, March 3.—In a lengthy editorial the *Post-Intelligencer*, Hearst paper, has declared Mae West's "Klondike Annie" immoral and indecent, and that Paramount showed stupidity in producing it. The paper advocated a boycott of the picture.

Lincoln Bars "Klondike"

LINCOLN, March 3.—After previewing "Klondike Annie," County Attorney Towle declared the picture was unfit for showing to young people and informed the Stuart Theatre he would get out an immediate injunction if an attempt was made to show it.

Chicago Passes "Annie"

CHICAGO, March 3.—"Klondike Annie" was given a general permit today by Police Commissioner Allman after varied opinions had been expressed by censor board members.

Deal Set With B & K For "Modern Times"

CHICAGO, March 3.—A deal on Chaplin's "Modern Times" has been closed here with Balaban & Katz, United Artists giving them one extra week's clearance between "C" week and the first week of release.

It is understood that the terms of the agreement have caused some resentment among Warners, Essaness and Independents. Exhibitors' representatives will meet Thursday for a discussion of the matter.

Asks Ticket Sale Limit

ALBANY, March 3.—A bill has been introduced in the Senate here by A. Spencer Feld, Democrat from the Bronx, which forbids a film theatre to sell a ticket unless an empty seat awaits the patron.

Overseas Previews

(Continued from page 4)

"When Knights Were Bold"

(*Capitol-British*)

LONDON, Feb. 24.—A tremendously successful stage farce, with an intermittent run in England extending over 20 years, "When Knights Were Bold" has already been filmed, with Nelson Keys in the role originated by James Welsh. This time the lead is Jack Buchanan and the treatment has been made semi-musical to suit his style. Whether there is not greater humor in the straight idea of a modern playboy being transported, in a dream, to the middle ages, is a matter of opinion; for Buchanan fans it is an additional attraction that he has geen given songs and a dance.

The story values are still as fresh as ever, and the transformation of the happy-go-lucky Sir Guy de Vere—bored with the obligations of his social station and with his stiff relatives—will get laughs wherever they can appreciate the broad humor of a modern pitchforked into a first class mediaeval brawl. Staging is on a good scale in scenes of warfare 'round and about a moated castle. The duplication of present day and "period" personalities is amusing. Fay Wray is the Lady Rowena of both periods, and gets over well both the shocked romantic of the present day and the fighting heroine of the 15th century.

Running time, 76 minutes. "G." ALLAN.

"Public Nuisance No. 1"

(*Cecil-G. F. D., London*)

LONDON, Feb. 25.—Another first film from one of the group of producers associated with C. M. Woolf's General Film Distributors. The responsible organization this time is Cecil Films, headed by Herman Fellner, lately production manager at Gaumont British studios and previously of UFA. Marcel Varnel directed and Frances Day and Arthur Riscoe are the leads.

This duo puts over a number of catchy song numbers and a good deal of real comedy within the framework of a story, very musical-comedyish in flavor, in which he is a rich hotel proprietor's nephew, put to work as a waiter in a Riviera hotel as a punishment for dissipation, and she is a shop girl who, by chance, and with his hidden aid, gets a free trip and lots of gowns to wear, at the same hotel.

As a musical frolic it is, despite dull patches, above British standards, and such song numbers as "Between You and Me and the Carpet" and "Me and My Dog" should go well with American audiences. There is real comedy in the stratagems by which Riscoe empties one hotel by creating suspicion of the food and another by the importation of live fish into the water supply. Claude Dampier is a good comic valet and amusing travesty of a film producer is provided by Peter Haddon.

Running time, 79 minutes. "G." ALLAN

Looking 'Em Over

"Laughing Irish Eyes"

(*Republic*)

Light and entertaining, although unpretentious fare, this should prove satisfying, in the smaller situations particularly. It is tuneful and often amusing, and a film which should be easy to sell in the Irish communities. Phil Regan, in the lead, sings several Irish songs in attractive fashion, and Walter C. Kelly, Evalyn Knapp and Ray Walker are in chief support.

Kelly, fight promoter of the Irish-American A. C., goes to Ireland to find a good fighter to restore the prestige of his club. Miss Knapp, his daughter, accompanies him. There she meets and falls in love with a blacksmith, Regan, who wins a singing contest at a fair. In a scuffle he knocks out the Irish champion Kelly is about to sign, and Kelly signs Regan, unaware he is not a fighter. Miss Knapp, with the help of Walker, sports announcer who is in love with her, gets a radio contract for Regan, while Kelly trains him for the ring.

A series of complications and misunderstandings develop as Walker, learning Miss Knapp loves Regan, reveals that he is not a fighter, and Kelly bets all he has that Regan will stay six rounds with the contender for the championship. There is suspense and lively action in the bout, which Regan finally wins. He leaves the ring for the radio and wins Miss Knapp en route.

Production Code Seal No. 1,981. Running time, 70 minutes. "G."

President for New Tax Upon All Surpluses

(Continued from page 1)

017,000,000 which must be made up, while at the same time immediate payment of the soldiers' bonus will add another $120,000,000 a year to Government expenditures.

Imposition of a tax on undistributed profits will give the Treasury a net new income of about $620,000,000 a year, the President proposing, as a part of the revision of the law, the repeal of the present corporation income tax, the excess profits tax, the capital stock tax and the exemption of dividends from the normal tax on individual income, which will wipe out about $994,600,000 of revenue. The program suggested by the President also calls for the imposition of taxes paralleling the processing levies outlawed by the Supreme Court, but at a lower rate and on commodities not included in the original Agricultural Adjustment Act.

"The existing difference between corporation taxes and those imposed on owners of unincorporated businesses renders incorporation of small businesses difficult or impossible," he told Congress, declaring the accumulation of surpluses in corporations affords a method of evading surtaxes which "constitutes a problem as old as the income tax law itself."

Spanish Group Asks Edelstein Ousting

(Continued from page 1)

Loew, head, of M-G-M's foreign activities, yesterday admitted receiving a cable from exhibitors in Barcelona, but said he knew no reason for their insistence that Jacques Edelstein resign.

The matter has been turned over to Laudy Lawrence, general manager for Europe with headquarters in Paris. Lawrence is slated to sail from Paris for New York today on the *Ile de France*, but the Barcelona developments may put back the trip a few days.

Sabath Probers Turn To RKO Receivershp

(Continued from page 1)

committee's headquarters here, it was learned yesterday.

A hearing on the RKO proceedings before the full committee is being arranged for a week or 10 days from now in Washington. H. J. Yates, head of Consolidated Film, which last year acquired $1,600,000 of RKO gold notes, which have subsequently been reduced to $1,100,000 principal amount outstanding, is expected to be one of the witnesses to be called.

Bergner Under Knife

LONDON, March 3.—Elisabeth Bergner, who underwent an operation for appendicitis here today, is reported as "doing as well as can be expected."

Gehring to Run Drive

William C. Gehring, who captained the previous drive, will have charge of the fourth S. R. Kent Drive which runs from Aug. 16 to Nov. 28.

Skouras Moves Many New York Managers

Several changes in the managerial lineup of Skouras theatres in Greater New York have been made. Paul Hamilton is now at the Blenheim, Bronx, replacing Nick Mann, a cousin of the Skourases. Hugh Finnigan, formerly in Nyack, has been transferred to the Broadway, Astoria, L. I. Tom Sarras is at the helm of the Grand, Astoria, having formerly checked in at the Lynbrook, Lynbrook, L. I. Nate Simons, assistant manager of the Jamaica, Jamaica, has been promoted to manager of the Steinway, Astoria. Lou Hart, publicity director of the Crotona, is now managing the Granada, Corona, L. I., Max Cooper has been switched from the Fox, Hackensack, N. J., to the Cove, Glen Cove, L. I., while M. Guillione has been appointed manager of the Lynbrook, Lynbrook.

Hank Lowry, brother of Ed, the m. c., is now at the State, Jersey City, after having been at the Liberty, Elizabeth, for a while. George Nicolles has moved from the Terminal, Newark, to the Liberty, Elizabeth. Morris Hatoff, who has been at the State, Jersey City, now is located at the Rialto, same city. Bill Bolger, assistant manager of the Jamaica, Jamaica, has been moved up to manager of the Tivoli, Jersey City.

RKO has taken over the operation of the Terminal, Newark, from Skouras, but this house continues in the pooling arrangement with the Proctor under a five-year deal. Heretofore, RKO has been managing its own house and Skouras the Terminal. A. Belle has just been given the manager's post at the Terminal under the RKO setup.

Seek Return of Bank Night in Bridgeport

BRIDGEPORT, March 3. — Reinstatement of Bank Night is being sought by Affiliated Enterprises, Inc., in conferences with City Prosecutor Cotter. Following Cotter's order, all cash giveaways have been stopped, but organizations continue to run Bingo and Beano games with merchandise prizes. No theatre previously running Bank Night or Cash Night has attempted a substitute merchandise giveaway.

Bank Night officials question the authority of the prosecutor to put his approval on merchandise as against cash prizes and state that if they are not permitted to resume operation a test case will be sought.

Goldwyn Signs Fadiman

Clifton Fadiman, book reviewer for the *New Yorker*, has been signed by Samuel Goldwyn as editorial counselor in New York. Fadiman will work in cooperation with William H. Hawkins, Jr., and will go to the coast when Goldwyn returns from abroad.

To Use Canada Amateurs

TORONTO, March 3.—Famous Players Canadian theatres plan a series of stage contests for amateurs to develop an all-Canadian unit of amateurs similar to that of Major Bowes.

Col. Promotes Gibbs

OKLAHOMA CITY, March 3.—Charles A. Gibbs, former salesman at the Columbia exchange here, has been promoted to branch manager, succeeding F. Lynn Stocker, resigned.

Out Hollywood Way

HOLLYWOOD, March 3.—HAL ROACH's "Our Gang" will have a special play car on the train which will take them to Duluth for a personal appearance tour. . . . Six kids and eight adults are in the party. . . . The SAM WRENS (VIRGINIA SALE) who have just become the parents of twins, will move into a new home soon. . . . PICKFORD-LASKY has ROY JAMES and JAMES SEYMOUR working on the script for the NINO MARTINI picture. . . . MONTE WESTMORE, back from London, resumes makeup job for WALTER WANGER's players. . . . RALPH BELLAMY making a personal appearance tour. . . . HARRY SHERMAN completes cast for "Bar 23," the next HOPALONG CASSIDY feature. . . . In addition to WILLIAM BOYD and JIMMY ELLISON, he has MURIEL EVANS, GEORGE HAYES, CLAUDE KING, CLARA KIMBALL YOUNG and WILLIAM DUNCAN. . . . HARRY RICHMAN signed for another by Columbia.

ALAN MOWBRAY back from vacation at La Quinta. . . . ISABEL STEIN, secretary to LIN PARSONS at Republic, recovered from the flu. . . . Warners may do some sequences in "God's Country and the Woman" in Technicolor. . . . Warners borrow HENRY FONDA and MADELEINE CARROLL from WALTER WANGER for one picture. . . . VIRGINIA BRUCE has a gymnasium in her home. . . . RICHARD ARLEN starring in a Quaker Oats trailer.

✚

Casting—ESTHER RALSTON in Republic's "The Girl from Mandalay." . . . ARTHUR RANKIN and HARRY HARVEY in "Panic on the Air," Columbia. . . . DORIS LLOYD, MARY GORDON, PAUL MCALLISTER and NEIL FITZGERALD in Radio's "Mary of Scotland." . . . JAMES and LUCILLE GLEASON added to "One to Two," same studio.

ERIN O'BRIEN-MOORE and RALPH MORGAN added to "One to Two," and JOSEPH SAWER set in "Special Investigator," Radio. . . . ROSINA LAWRENCE assigned opposite CHARLIE CHASE in his next for HAL ROACH.

✚

Writers—GEORGE BRICKER working on screen play of "Radio Jamboree," Warners. . . . DELMAR DAVES on RAFAEL SABATINI's "The Sea Hawk," same studio. . . . ROBERT NEVILLE doing screen play with MARTIN MOONEY for "So You Won't Talk," Warners.

TOM REED completes script for "The Case of the Velvet Claws," Warners.

✚

Technical Advisers—HILDA GRENIER, said to have been hairdresser to Queen Mary of England, signed by Radio to advise on court etiquette for "Mary of Scotland." . . . JOHN H. TRACY, attorney, signed to advise on "The Witness Chair," same studio.

✚

Story Buy—JULIAN STREET's "The Need of Change" acquired by Paramount for W. C. FIELDS.

✚

Director—HARRY LACHMAN to direct LAUREL and HARDY in feature based on W. W. JACOBS' "The Money Box."

✚

Title Change—Columbia changes "Bless Their Hearts" to "And So They Were Married."

✚

Cameraman—SOL POLITO will photograph "The Charge of the Light Brigade," Warners.

Lloyd Is $10,000 Leader in Houston

HOUSTON, March 3.—In spite of icy winds, "The Milky Way" ran up a gross at the Majestic of $10,000, where the usual take is $7,000.

"Rose Marie," at Loew's for a second week, fell to $5,500, which was $1,500 under average. Other pictures hit average. "Next Time We Love" at the Metropolitan grossed $7,000, and "Nevada" at the Kirby for the week-end broke even with $3,000. "Navy Wife" at the Kirby in midweek was also par, with $1,500.

Total first run business was $28,500. Average is $26,000.

Estimated takings for the week ending Feb. 20:

"NEVADA" (Para.)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** 3,000. (Average, $3,000)

"ANOTHER FACE" (Radio)
KIRBY—(1,450), 15c-35c, 1 day (Bank Night). **Gross:** $1,500. (Average, $500)

"NAVY WIFE" (20th-Fox)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,500. (Average, $1,500)

"ROSE MARIE" (M-G-M)
LOEW'S STATE—(2,750), 25c-40c, 7 days, 2nd week. **Gross:** $5,500. (Average, $7,000)

"THE MILKY WAY" (Para.)
MAJESTIC—(2,250), 25c-50c, 7 days. **Gross:** $10,000. (Average, $7,000)

"NEXT TIME WE LOVE" (Univ.)
METROPOLITAN—(2,600), 25c-50c, 7 days. **Gross:** $7,000. (Average, $7,000)

"Pasteur" on Dual Big in Milwaukee

MILWAUKEE, March 3.—"The Story of Louis Pasteur" and "The Lady Consents" on a guaranteed entertainment bill grossed $7,300 at the Warner here in what proved to be one of the best weeks for this city in a month or more due primarily to rising temperatures. The Warner take was $2,300 above average.

Other houses topping average included the Riverside with a $6,300 gross for "I Conquer the Sea," and Fox's Palace with a $6,000 take for "Anything Goes" and "Woman Trap." Prospects for an outstanding week's business were dampened by the opening of the Lenten season.

Total first run business was $26,600. Average is $23,000.

Estimated takings for the week ending Feb. 27:

"ANYTHING GOES" (Para.)
"WOMAN TRAP" (Para.)
PALACE—(2,800), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"I CONQUER THE SEA" (Academy)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: Leonard Kellar, Weckler & Wynnard, Andrews Sisters, Shavo Sherman Cliff & Dell. **Gross:** $6,300. (Average $5,000)

"THE STORY OF LOUIS PASTEUR" (W.B.)
"THE LADY CONSENTS" (Radio
WARNER — (2,400), 25c-40c, 8 days **Gross:** $7,300. (Average, $5,000)

"RIFFRAFF" (M-G-M)
"YOUR UNCLE DUDLEY" (20th-Fox)
WISCONSIN—(3,200), 25c-40c, 7 days. **Gross:** $7,000. (Average, $8,000)

"Fleet" Gets Big $27,000, Philadelphia

PHILADELPHIA, March 3.—"Follow the Fleet" took the top place in a general pickup with a splendid $27,000 at the Stanley. It was held for a second week.

"The Prisoner of Shark Island" brought $21,000 to the Fox. It, too, was held. Gene Raymond proved a real draw at the Earle, both in person and in "Love on a Bet" and the combination put $19,500 in the treasury. The Chaplin fans kept going to the Erlanger to the tune of $20,000. The only weak candidate among the first runs was "The Lady Consents" which got only $4,500 at the Aldine.

Total first run business was $113,300. Average, exclusive of the Erlanger, is $78,360.

Estimated takings for the week ending Feb. 27:

"LADY CONSENTS" (Radio)
ALDINE—(1,200), 40c-55c-65c, 7 days. **Gross:** $4,500. (Average, $8,160)

"ANYTHING GOES" (Para.) (2nd run)
ARCADIA — (600), 25c-40c-50c, 8 days. **Gross:** $3,000. (Average, 7 days, $2,800)

"PETRIFIED FOREST" (W.B.)
BOYD—(2,400), 40c-55c, 5 days, 2nd week. **Gross:** $8,000. (Average, 7 days, $14,000)

"LOVE ON A BET" (Radio)
EARLE — (2,000), 25c-40c-50c, 7 days. Stage: Gene Raymond, Eddie Peabody, Fred Lightner, California Revels. **Gross:** $19,500. (Average, $14,000)

"MODERN TIMES" (U.A.)
ERLANGER—(2,000), 40c-55c-87c, 7 days, 2nd week. **Gross:** $20,000.

"PRISONER OF SHARK ISLAND" (20th-Fox)
FOX—(3,000), 40c-55c-65c, 7 days. Stage: Kazanova and her Tziganes; Sid Gary; Four Robeys. **Gross:** $21,000. (Average, $14,000)

"NEXT TIME WE LOVE" (Univ.) (2nd run)
KARLTON—(1,000), 25c-35c-40c, 7 days. **Gross:** $2,200. (Average, $4,000)

"GHOST GOES WEST" (U.A.) (2nd run)
KEITH'S—(2,000), 30c-40c-50c, 7 days. **Gross:** $2,100. (Average, $4,000)

"FOLLOW THE FLEET" (Radio)
STANLEY — (3,700), 40c-55c, 7 days. **Gross:** $27,000. (Average, $14,000)

"TOUGH GUY" (M-G-M)
STANTON—(1,700), 30c-40c-50c, 7 days. **Gross:** $6,000. (Average, $7,000)

Boston Independent First Run Planned

BOSTON, March 3.—A prominent independent exchange operator is understood to be behind a move to turn the Park into a first run house for independents. The local first run situation is controlled by M. & P., with three; RKO, with two and Loew's, with two. Loew's State and Orpheum and M. & P's. Fenway and Paramount play day and date.

The Park, seating 1,500, has been running roadshows of a sensational nature, under the management of Max Michaels and Don Martin. The last attempt to establish a first run spot for independents lasted less than two weeks.

Beckerich to Elmira

CLEVELAND, March 3.—Al Beckerich, former manager of Warners' Hippodrome, has been made city manager of three Warner houses in Elmira, N. Y. Eddie Miller, treasurer at the Hanna, has succeeded Beckerich at the Hippodrome.

"Klondike" Is Denver Smash With $13,000

DENVER, March 3.—This town went for "Klondike Annie" in a big way and ran the gross at the Denham up to $13,000 on the week. This left par $8,500 astern.

The cold weather broke and people pried themselves loose from their radiators. "The Story of Louis Pasteur" garnered an excellent $4,000, up by $1,250, at the Aladdin. The picture was moved to the Broadway for an extended run.

"Modern Times" was in the money at the Denver, the $12,000 take being $5,000 to the good. It was moved to the Paramount for a second week and probably will get three in all.

Total first run business was $40,000. Average is $24,750.

Estimated takings for the week ending Feb. 26:

"STORY OF LOUIS PASTEUR" (F.N.)
ALADDIN—(1,500), 25c-40c-50c, 7 days. **Gross:** $4,000. (Average, $2,750)

"PETRIFIED FOREST" (W.B.)
BROADWAY—(1,500), 25c-40c, 4 days following week at the Denver. **Gross:** $1,300.

"WIDOW FROM MONTE CARLO" (W.B.)
BROADWAY—(1,500), 25c-40c, 3 days. **Gross:** $700. (Average for week, $1,500)

"KLONDIKE ANNIE" (Para.)
DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $13,000. (Average, $4,500)

"MODERN TIMES" (U.A.)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $12,000. (Average, $7,000)

"THE LADY CONSENTS" (Radio)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $6,500. (Average, $6,000)

"GALLANT DEFENDER" (Col.)
"LONE WOLF RETURNS" (Col.)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $2,500. (Average, $3,000)

"Fleet" a $13,000 Hit in Providence

PROVIDENCE, March 3. — Grosses picked up with the thermometer and "Follow the Fleet" cracked out a sensational $13,000 at the RKO Albee, where normal is $7,000. The picture was held over.

"The Music Goes 'Round" and "The Leavenworth Case" were good for $8,500 at the Strand, $2,000 over, and the Majestic caught a par $7,000 with "The Story of Louis Pasteur." Loew's also had an average $12,000 week with "It Had to Happen" and "Tough Guy." "Here Comes Trouble" and a stage show caught $6,800 at Fay's where the average is $7,000.

Total first run business was $47,300 Average is $39,500.

Estimated takings for the week ending Feb. 27:

"THE STORY OF LOUIS PASTEUR" (W.B.)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"IT HAD TO HAPPEN" (20th-Fox)
"TOUGH GUY" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $12,000. (Average, $12,000)

"HERE COMES TROUBLE" (20th-Fox)
FAYS—(1,600), 15c-40c, 7 days. Stage: "It's the Tops," revue. **Gross:** $6,800. (Average, $7,000)

"FOLLOW THE FLEET" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $13,000. (Average, $7,000)

"THE MUSIC GOES ROUND" (Col.)
"THE LEAVENWORTH CASE" (Republic)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $8,500. (Average, $6,500)

"Fleet" Big In Cleveland With $20,000

CLEVELAND, March 3. — With all first runs playing outstanding attractions, business, in spite of bad weather and heavy competition, jumped. "Follow the Fleet" at Warners' Hippodrome went to $20,000 as against an $8,000 average.

"Modern Times" topped Loew's State average by $7,500, with a $19,500 take.

Fred Waring and His Pennsylvanians as the stage attraction at the RKO Palace with "My Marriage" on the screen, boosted the total to $24,000, which is $9,000 more than the weekly par.

"Whipsaw" took in $6,500 at Loew's Stillman where $4,000 is normal and "Fang and Claw" went $200 over the Allen average of $3,000.

The Washington Birthday holiday with the advanced holiday matinee prices helped boost the total take, but the Al Siratt Grotto Circus and Walter Hampden in "Cyrano de Bergerac" offered keen competition. Both "Modern Times" and "Follow the Fleet" were held for second weeks.

Total first run business was $73,200. Average is $42,000.

Estimated takings for the week ending Feb. 28:

"FANG AND CLAW" (Radio)
ALLEN—(3,300), 30c-35c-42c, 7 days. **Gross:** $3,200. (Average, $3,000)

"MODERN TIMES" (U. A.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $19,500. (Average, $12,000)

"WHIPSAW" (M-G-M)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $6,500. (Average, $4,000)

"MY MARRIAGE" (20th-Fox)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Fred Waring and His Pennsylvanians. **Gross:** $24,000. (Average, $15,000)

"FOLLOW THE FLEET" (Radio)
WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $20,000. (Average, $8,000)

"Story" and Lewis Set Omaha Records

OMAHA, March 3. — "Exclusive Story," with Ted Lewis and his band and five vaudeville acts on the stage, pulled a sensational $21,150 to the Orpheum last week. This is the best showing this house has made in six years and sets a record since A. H. Blank took control.

"The Music Goes 'Round" and "You May Be Next" at the Brandeis were outstanding in the face of the competition, the $5,200 take topping normal by $1,200. "Show Them No Mercy" and "Metropolitan" managed to go $400 over the line on a take of $5,400 at the Orpheum.

Total first run business was $31,250. Average is $19,000.

Estimated takings:

Week Ending Feb. 26:

"THE MUSIC GOES 'ROUND" (Col.)
"YOU MAY BE NEXT" (Col.)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $5,200. (Average, $4,000)

"SHOW THEM NO MERCY" (U. A.)
"METROPOLITAN" (20th-Fox)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $5,400. (Average, $5,000)

Week Ending Feb. 27:

"EXCLUSIVE STORY" (M-G-M)
ORPHEUM—(3,000), 35c-55c, 7 days. Stage: Ted Lewis Band and five acts. **Gross:** $21,150. (Average, $10,000)

Set Projector Fund

New Haven, March 3.—Through the efforts of Nat Furst, Warner exchange manager, in cooperation with Walter M. Pickett and others, a $4,000 appropriation from organizations throughout the State will be used to install standard sound equipment in the Masonic Home at Wallingford, housing 96 persons.

Local exchanges have offered to provide two shows a week at the home, with the cooperation of the Rosen Film Delivery.

"Fleet" $25,000 Cincinnati Leader

CINCINNATI, March 3. — "Follow the Fleet" was the town's leader, with a smashing gross of $25,000 on a nine-day run at the RKO Albee, which was better than double the seven-day average of $12,000. It was shifted to the RKO Capitol.

"The Widow from Monte Carlo gathered $13,000, or $1,000 above par, at the RKO Shubert, where "Spices of 1936" was on the stage. "The Return of Jimmy Valentine," plus a revival showing of "The Immigrant," brought the independent Strand $1,800, up $300. "The Story of Louis Pasteur" broke even at Keith's with $6,500 and was held, and "Rose Marie" got an even break in its second week at the RKO Grand, at $2,750, this being the fourth consecutive downtown week for the picture.

Total first run business was $67,600. Average is $60,200.

Estimated takings:

Week Ending Feb. 25:

"RETURN OF JIMMY VALENTINE" (Republic)
"THE IMMIGRANT" (Para.)
STRAND—(1,500), 15c-25c, 7 days. **Gross:** $1,800. (Average, $1,500)

Week Ending Feb. 27:

"FOLLOW THE FLEET" (Radio)
RKO ALBEE—(3,300), 35c-42c, 9 days. **Gross:** $25,000. (Average, 7 days, $12,000) Moved to RKO Capitol.

"THE LADY CONSENTS" (Radio)
RKO PALACE—(2,700), 35c-42c, 6 days. **Gross:** $8,000. (Average, 7 days, $10,000)

"WIDOW FROM MONTE CARLO" (W. B.)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: "Spices of 1936." **Gross:** $13,000. (Average, $12,000)

"ANYTHING GOES" (Para.)
RKO CAPITOL—(2,000), 35c-42c, 7 days, 2nd downtown week. **Gross:** $3,750. (Average, $6,500)

"INVISIBLE RAY" (Univ.)
RKO LYRIC—(1,400), 35c-42c, 7 days. **Gross:** $4,500. (Average, $6,500)

"ROSE MARIE" (M-G-M)
RKO GRAND—(1,200), 25c-40c, 7 days, 2nd week, and fourth downtown week for this picture. **Gross:** $2,750. (Average, $2,750)

"SILVER SPURS" (Univ.)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,200. (Average, $1,250)

"HELL SHIP MORGAN" (Col.)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,100. (Average, $1,200)

"STORY OF LOUIS PASTEUR" (F. N.)
KEITH'S—(1,500), 30c-40c, 7 days. **Gross:** $6,500. (Average, $6,500.) Held over.

Wolfs Go to Florida

CLEVELAND, March 3. — Col. Nat Wolf, Warner zone manager and Mrs. Wolf have left for a two-week vacation at Miami Beach. Jess Fishman, also of the local Warner organization, and Mrs. Fishman, have just returned from Florida.

"Anything" at $24,300 Gets Detroit Lead

DETROIT, March 3.—With a break in the weather and a general pickup downtown, "Anything Goes" led the first run parade with a take of $24,300 at the Michigan. This was over par by $4,300.

"Prisoner of Shark Island" came in for second honors, garnering $18,600, up by $3,600, at the Fox. "Modern Times" pulled $13,500, over the line by $3,500, at the United Artists and was held over. "Follow the Fleet" was well on the profit side of the ledger on a take of $13,400 at the RKO Downtown.

Total first run business was $77,100. Average is $65,000.

Estimated takings for the week ending Feb. 27:

"LADY OF SECRETS" (Col.)
"CALLING OF DAN MATTHEWS" (Col.)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $4,100. (Average, $5,000)

"PRISONER OF SHARK ISLAND" (20th-Fox)
FOX—(5,100), 15c-65c, 7 days. Stage: Vaudeville. **Gross:** $18,600. (Average, $15,000)

"ANYTHING GOES" (Para.)
MICHIGAN — (4,100), 15c-65c, 7 days. Stage: Vaudeville. **Gross:** $24,300. (Average, $20,000)

"WOMAN TRAP" (Para.)
"TIMOTHY'S QUEST" (Para.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $3,200. (Average, $5,000)

"MODERN TIMES" (U.A.)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $13,500. (Average, $10,000)

"FOLLOW THE FLEET" (Radio)
RKO DOWNTOWN—(2,950), 15c-65c, 7 days. **Gross:** $13,400. (Average, $10,000)

"Obsession" Held Over in New Haven

NEW HAVEN, March 3.—Although walking and parking conditions continued unfavorable, a week's public school holiday and top prices all day Washington's Birthday, helped swell receipts. The Paramount led with "Klondike Annie" and "Tango," grossing $7,800 in an eight-day run, or $3,000 over normal. The picture was held over.

"Magnificent Obsession" in its second week at the College, on a dual with "You May Be Next," first run, exceeded the $2,800 house average by $1,500. The Roger Sherman played "Story of Louis Pasteur" and "Don't Get Personal" to a $5,800 week, up from par by $1,100. "Prisoner of Shark Island" on a dual with "Every Saturday Night" at the Poli just made the $7,000 average mark.

Total first run business was $24,900. Average is $19,300.

Estimated takings for the week ending Feb. 28:

"MAGNIFICENT OBSESSION" (Univ.)
"YOU MAY BE NEXT" (Col.)
COLLEGE—(1,499), 35c-50c, 7 days, 2nd week. **Gross:** $4,300. (Average, $2,800)

"KLONDIKE ANNIE" (Para.)
"TANGO" (Invincible)
PARAMOUNT—(2,400), 35c-50c, 8 days. **Gross:** $7,800. (Average, $4,800.

"PRISONER OF SHARK ISLAND" (20th-Fox)
"EVERY SATURDAY NIGHT" (20th-Fox)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $7,000. (Average, $7,000)

"STORY OF LOUIS PASTEUR" (W.B.)
"DON'T GET PERSONAL" (Univ.)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $5,800. (Average, $4,700)

"Times" Hits Seattle Top; Gets $9,750

SEATTLE, March 3.—"Modern Times" went into the hit division in a big way in spite of unusual cold and a heavy snow storm. The take at the Fifth Avenue was $9,750, over normal by $2,750 for eight days, and the film was moved to the Blue Mouse.

"Rose Marie" was still strong at the Music Box at $4,240 in its second week of an extended run from the Fifth Avenue.

Total first run business was $32,900. Average is $33,500.

Estimated takings for the week ending Feb. 24:

"ROSE MARIE" (M-G-M)
BLUE MOUSE—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Fifth Avenue. **Gross:** $3,700. (Average, $4,000)
"ROSE MARIE" (M-G-M)
MUSIC BOX—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Fifth Avenue. **Gross:** $4,250. (Average, $4,000)
"MODERN TIMES" (U.A.)
FIFTH AVENUE—(2,500), 25c-40c-55c, 8 days. **Gross:** $9,750. (Average, $7,000)
"THE CALLING OF DAN MATTHEWS" (Col.)
"SILVER SPURS" (Univ.)
LIBERTY—(1,800), 15c-25c-35c, 7 days. **Gross:** $3,200. (Average, $4,000)
"THE LADY CONSENTS" (Radio)
"THREE LIVE GHOSTS" (M-G-M)
ORPHEUM—(2,450), 25c-30c-40c, 6 days. **Gross:** $4,700. (Average, $6,000)
"IT HAD TO HAPPEN" (Para.)
"CHATTERBOX" (20th-Fox)
PARAMOUNT—(3,050), 20c-25c-30c-40c, 7 days. **Gross:** $4,100. (Average, $5,000)
"DANCING FEET" (Republic)
REX—(1,500), 20c-25c-30c, 7 days. Vaudeville headed by Charles Hoffman & Co. **Gross:** $3,200. (Average, $3,500)

"Face," with Show, $4,500, in Lincoln

LINCOLN, March 3. — "Another Face," bolstered by a grade A stage show, the Will J. Harris "Kit Kat Club Revue" for three days, and following four with "Red Salute," shot the Orpheum up to $4,500, $2,400 above average for the house. The only other attraction to make a solid impression was "Riffraff" at the Lincoln; it cornered $2,700, $500 long.

The first liberation of amusement seekers after a month of bad snows and cold was partly responsible for the pickup, although "Ceiling Zero" was generally dodged at the Stuart and got only $3,300, $200 over par. At the Varsity "King of the Damned" was forgotten with $900, $400 down.

Total first run business was $12,300. Average is $9,850.

Estimated takings:

Week Ending Feb. 26:
"BULLDOG COURAGE" (Puritan)
"TWO IN THE DARK" (Radio)
"MOONLIGHT ON THE PRAIRIES" (W. B.)
COLONIAL—(550), 10c-15c, 7 days. **Gross:** $950. (Average, $850)

Week Ending Feb. 27:
"RIFFRAFF" (M-G-M)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,700. (Average, $2,200)
"ANOTHER FACE" (Radio)
"RED SALUTE" (U. A.)
ORPHEUM—(1,200), 10c-15c-20c-25c-40c, 7 days. Three with the Kit Kat Club Revue headlining Sid Page on the stage. **Gross:** $4,500. (Average, $2,100)
"KING OF THE DAMNED" (G. B.)
VARSITY—(1,100), 10c-20c-25c, 7 days. **Gross:** $900. (Average, $1,300)

Week Ending Feb. 28:
"CEILING ZERO" (W. B.)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $3,300. (Average, $3,100)

"Fleet" Nears Hub Record With $37,000

BOSTON, March 3. — "Follow the Fleet" came within $2,000 of breaking the record held by "The Cockeyed World" at Keith's Memorial. The take was $37,000, over normal by $25,000. A new high for Saturday paid admissions was set.

"Next Time We Love," with Ruth Etting and Toby Wing on the stage at the RKO Boston, grossed $27,000, which was $12,000 over normal. "First a Girl," with Wallace Beery at the Metropolitan, garnered $27,000, up by $5,000.

Total first run business was $123,500. Average is $85,500.

Estimated takings for the week ending Feb. 28:

"NEXT TIME WE LOVE" (Univ.)
RKO BOSTON—(3,426), 35c-65c, 7 days. Stage: Ruth Etting and Toby Wing. **Gross:** $27,000. (Average, $15,000)
"WOMAN TRAP" (Para.)
"TIMOTHY'S QUEST" (Para.)
FENWAY — (1,382), 30c-50c, 7 days. **Gross:** $4,000. (Average, $4,500)
"FOLLOW THE FLEET" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $37,000. (Average, $12,000)
"DANGEROUS INTRIGUE" (Col.)
"IT HAD TO HAPPEN" 20th-Fox)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $11,500. (Average, $13,000)
"DANGEROUS INTRIGUE" (Col.)
"IT HAD TO HAPPEN" 20th-Fox)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $11,000. (Average, $12,000)
"FIRST A GIRL" (G.B.)
METROPOLITAN — (4,332), 35c-65c, 7 days. Stage: Wallace Beery. **Gross:** $27,000. (Average, $22,000)
"WOMAN TRAP" (Para.)
"TIMOTHY'S QUEST" (Para.)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $6,000. (Average, $7,000)

"Marie," a Buffalo Hit; Gets $14,400

BUFFALO, March 3.—"Rose Marie" took this town's fancy in a week of chilly blasts and listless downtown box-offices. It drew $14,600 to the Buffalo, topping average by $2,600. The Lafayette's "Next Time We Love" was $1,500 to the good with a take of $7,500.

Katherine Cornell's home town stand with "St. Joan" played to standing room at the Erlanger the first three days of the week.

Total first run business was $43,250. Average is $42,000.

Estimated takings for the week ending Feb. 22:

"ROSE-MARIE" (M-G-M)
BUFFALO—(3,000), 30c-50c, 7 days. **Gross:** $14,600. (Average, $12,000)
"EXCLUSIVE STORY" (M-G-M)
"YOUR UNCLE DUDLEY" (20th-Fox)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $5,200. (Average, $7,300)
"STRIKE ME PINK" (U.A.)
GREAT LAKES—(3,000), 25c-40c, 7 days **Gross:** $7,300. (Average, $7,300)
"STARS OVER BROADWAY" (W.B.)
"NEVADA" (Para.)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,200. (Average, $5,800)
"NEXT TIME WE LOVE" (Univ.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $7,500. (Average, $6,000)
"SPY 77" (First Div.)
GAYETY—(1,600), 15c-25c-35c, 7 days, vaude. **Gross:** $3,900. (Average, $3,600)

Jack Mundstuck Engaged

CLEVELAND, March 3.—Jack Mundstuck, M-G-M salesman, has announced his engagement to Miss Retta Tannenholz of Detroit.

"Fleet" Louisville Sensation, $9,000

LOUISVILLE, March 3.—"Follow the Fleet" was a sensation at the Brown with a take of $9,000. This is more than three times the normal take and beats the record of "Top Hat." It was held over.

"Modern Times" disappointed at Loew's State, grossing only $6,500, but "Klondike Annie" at the Rialto fared very well, taking $6,000, over par by $1,500. It was shifted to the Fourth Avenue Amusement Co.'s Strand.

"The Petrified Forest" continued to demonstrate its drawing power at the Mary Anderson, where it played its second downtown week to $3,500. "Radio City Revels," on the stage for four days at the National, accounted for a good share of the $4,000 take, with the film "Bad Boy" coming in for little attention. A double feature, "My Heart Is Calling" and "Ring Around the Moon," for the remaining three days were light.

"Prisoner of Shark Island" surprised at the Strand, with a take of $4,800, over the line by $1,300. This is a remarkable showing in face of the opposition.

The sun has been shining again in old Kentucky, and temperatures as high as 70 degrees were recorded.

Total first run business was $35,000. Average is $24,200.

Estimated takings for the week ending Feb. 27:

"MODERN TIMES" (U. A.)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)
"KLONDIKE ANNIE" (Para.)
RIALTO—(3,000), 15c-25c-40c, 7 days. **Gross:** $6,000. (Average, $4,500)
"PRISONER OF SHARK ISLAND" (20th-Fox)
STRAND—(1,500), 15c-25c-40c, 7 days. **Gross:** $4,800. (Average, $3,500)
"THE PETRIFIED FOREST" (W. B.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days, 2nd week. **Gross:** $3,500. (Average, $3,500)
"BAD BOY" (20th-Fox)
"MY HEART IS CALLING" (G. B.)
"RING AROUND THE MOON" (Chesterfield)
NATIONAL—(2,400), 15c-25c-40c, 7 days. Stage: Vaudeville 4 days, straight pictures 3 days. Stage: "Radio City Follies," Roxy Singing Ensemble, Clark Kramer, Sully & Thomas, Jack Bickle, Hayes, Haig & Howe, Ruskin & Norman. **Gross:** $4,000. (Average, $3,000)
"EAST OF JAVA" (Univ.)
"ANOTHER FACE" (Radio)
"FRONT PAGE" (U. A.)
"DANCING FEET" (Republic)
ALAMO—(900), 15c-25c, 7 days, split week. **Gross:** $1,200. (Average, $1,400)
"FOLLOW THE FLEET" (Radio)
BROWN—(1,400), 15c-25c-40c, 7 days. **Gross:** $9,000. (Average, $2,800)

Officers Nominated

BALTIMORE, March 3.—The nominating committee of the M. P. T. O. of Maryland has named the following nominees for the election to be held later this month: Frank A. Hornig, president; Arthur B. Price, vice-president; Herman A. Blum, secretary; Helen Donnelley, secretary. Named for the board of directors are: Walter Pacy, J. Louis Rome, Elmer Nolte, Jack Levine, Sam Soltz, Bill Hicks, Lauritz Garman, Louis Schneider, in addition to the officers, with the exception of Miss Donnelley.

Louis Schaefer to Talk

NEW HAVEN, March 3. — Louis Schaefer, Paramount Theatre manager, will be a guest speaker at the Council of Theatre Patrons meeting March 9. His subject will be "Theatre Operation."

Mae West Is Kansas City Hit, $15,000

KANSAS CITY, March 3. — "Klondike Annie" handily surmounted the General Motors show at the Municipal Auditorium, which drew 75,000 in eight days, and gave the Newman a take of $15,000 in 10 days, $6,000 over average for the period. This is the Newman's biggest business in eight months.

Other first runs felt the free show competition. About $7,900, which is $900 over par, was taken by "The Music Goes 'Round" at the Tower. The Mainstreet went $400 under a $9,000 average for combination bills with "The Lady Consents" and stage show. "Exclusive Story" at Loew's Midland took a low $7,500 against $11,500 par, and "Don't Get Personal" garnered only $2,700 in six days at the Fox Uptown.

Total first run business was $41,700. Average is $39,500.

Estimated takings:

Week Ending Feb. 27:
"THE LADY CONSENTS" (Radio)
MAINSTREET—(3,100), 25c-35c-50c, 7 days. Stage: Betty Grable and Jackie Coogan, and the Hollywood Collegians. **Gross:** $8,600. (Average, combination bills, $9,000)
"EXCLUSIVE STORY" (M-G-M)
MIDLAND—(4,000), 25c-40c, 7 days. **Gross:** $7,500. (Average, $11,500)
"THE MUSIC GOES ROUND" (Col.)
TOWER—(2,200), 25c-35c, 7 days. Stage: Johnny Rexola & Co., Brown & Ames, and Joseph Cello, Jr., who won the Goldman Jewelry-Tower-WDAF amateur contest for the week. **Gross:** $7,900. (Average, $7,000)

Week Ending Feb. 28:
"KLONDIKE ANNIE" (Para.)
NEWMAN—(1,900), 25c-40c, 10 days. **Gross:** $15,000. (Average, 10 days, $9,000)
"DON'T GET PERSONAL" (Univ.)
UPTOWN—(2,000), 25c, 6 days. (Average, under 25c-40c policy, $3,000)

"Man Hunt," Show Lead Indianapolis

INDIANAPOLIS, March 3. — With Olsen and Johnson, holders of the attendance pull record at the Lyric, heading the vaudeville bill, the Lyric took an estimated total of $12,500. "Man Hunt" was the picture, and the last day proved one of the biggest.

"The Milky Way" at the Indiana drew in the neighborhood of $7,000, and "The Story of Louis Pasteur" at the Apollo brought about $3,500. A return performance of "The Informer" at the Circle was good for only about $3,000.

First run business generally started slow at the beginning of the week, but virtually all houses showed better business than during the cold wave.

Total first run business was $33,000. Average is $26,500.

Estimated takings for the week ending Feb. 28:

"STORY OF LOUIS PASTEUR" (W. B.)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $3,500. (Average, $4,000)
"THE INFORMER" (Radio)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)
"THE MILKY WAY" (Para.)
INDIANA—(3,200), 25c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)
"THE MUSIC GOES 'ROUND" (Col.)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $7,000. (Average, $4,500)
"MAN HUNT" (W. B.)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $12,500. (Average, $7,000)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 54 NEW YORK, THURSDAY, MARCH 5, 1936 TEN CENTS

U. A. Expects Disney Films To July, '37

Schaefer Says Producer Is Behind Schedule

United Artists does not expect its distribution contract with Walt Disney to be completed until July, 1937, due to commitments under the deal which normally could not be met by the producer much before that date, George J. Schaefer, vice-president and general manager of United Artists, said yesterday.

Schaefer stated that while he did not have the exact figures on the number of pictures which remained for Disney to deliver to United Artists he was certain that the producer was considerably behind schedule and, on the basis of past deliveries, would not wind up his United Artists' contract for another 18 months. Until Disney has delivered his final picture to U. A. no other company may distribute his product, Schaefer said.

The new RKO distributing deal with Disney, however, was announced as becoming effective with the 1936-'37 season. Under the new RKO

(*Continued on page* 12)

Warner Stock Buy Revealed by SEC

WASHINGTON, March 4.—The acquisition by Jack L. Warner of 3,000 shares of Warner common stock in January, giving him a total of 88,060 shares, and the sale of 33,000 six per cent convertible debentures, leaving his holdings at 1,823,000, were shown today in the semi-monthly report of the Securities and Exchange Commission.

The report also revealed the acquisition by Jack Cohn, through a stock dividend, of 813 voting trust certificates, bringing his holdings to 33,357.

Twentieth Century-Fox reports showed that Sidney Towell, New York, disposed of 275 shares of common, leaving him with 34 shares, and

(*Continued on page* 12)

R. W. Rowland Quits M-G-M; Now in N. Y.

Richard A. Rowland, who rejoined M-G-M as a producer eight months ago, has resigned and is now in New York working on several deals. He will remain in the east for about three weeks.

In 1914 he organized Metro Pictures Corp. and five years later sold out to Marcus Loew.

Color Stereo Film Process Is Described

Boston Inventors Using Polarized Light

BOSTON, March 4. — Some of the details of the three-dimension color film process based on the use of polarized light have been revealed here by the inventors, Edwin H. Land and George W. Wheelwright following a demonstration for MOTION PICTURE DAILY.

Two cameras joined by a universal shaft are used in making the pictures, but in the projection of the double film one machine equipped with a new attachment is used. Spectators must use spectacles made of Polaroid, a grayish substance resembling glass.

A new reflector has been developed and patented that may be added in front of the lenses of present projectors and make one machine do the work of two, Wheelwright says. Film, in such instances, will be double frame. The invention is such, however, that each frame is given a full opening.

Edwin Land, inventor of the sub-

(*Continued on page* 11)

Expect Kuykendall To Stay in Office

MIAMI, March 4.—The reelection of Ed Kuykendall as president of M.P. T.O.A. for another year, together with all or most of the other officers of the national exhibitor organization, is expected at the annual meeting of the M.P.T.O.A. board which opens a two-day session at the Miami Biltmore, Thursday.

Other officers whose reelection is expected are Walter Vincent, treasurer; Edward G. Levy, general counsel; Morris Lowenstein, secretary, and A. Julian Brylawski, B. N. Berinstein, M. E. Comerford and W. S. Butterfield, vice-presidents. Fred Wehrenberg, present chairman of the board,

(*Continued on page* 8)

Lifts Scale, Finds Patrons Up by 20%

KANSAS CITY, March 4.—By raising his admission scale at the Roanoke, Edwin S. Young claims to have increased his attendance 20 per cent since Dec. 22. During most of that period the temperatures have ranged around zero.

Young lifted his top from 15 cents,

(*Continued on page* 8)

Another Dembow

Hollywood, March 4.—John D. Clark is fond of dogs. Ben Frank, manager of the Hotel Ambassador, knew it and so presented him a Scotty which proceeded to chew up the furniture.

Clark, searching for a name, decided to call the pup Sam. After Sam Dembow.

Tax Protest To Close All Paris Houses

By PIERRE AUTRE

PARIS, Feb. 26.—Exhibitors at a general meeting here have decided that all theatres in Paris will close March 20, if the 10 per cent pauper tax on gross receipts is not rescinded or greatly reduced. A similar threat, which did not materialize, was made some time ago. When the tax was passed, last July, town councils were given the option of canceling the tax if they could find another to replace it.

Thus far, Paris exhibitors have received only promises in their effort to gain relief. Distributors have promised to cooperate with the local theatres in the matter of contracts. At the present time exhibitors pay taxes amounting to almost 25 per cent of their gross receipts. They believe that the threat of complete closing will force the Paris Town Council to take action.

Theatre business in the country has suffered severely through the depression. The total of taxes collected

(*Continued on page* 8)

Big Seat Gain for South America Seen

Approximately 40,000 seats will be added to the South American total as soon as 36 new theatres, now in various stages of construction, are completed, Walter Gould, in charge of Latin America for U. A., stated yesterday. He recently returned from a seven months' trip through the territory.

A dozen theatres are set for Chile, 14 for the Argentine and 10 for Brazil, he asserted. M-G-M has practically completed new theatres in Lima, Peru, and in Santiago, Chile. The M-G-M house in Montevideo, Uruguay, is expected to be finished in about three months and another theatre in Rio de Janeiro will be ready for opening in about six months, Gould said.

Mills Assails Berne Treaty On Copyrights

Insists U. S. Adherence Would Be Disaster

By CLARENCE LINZ

WASHINGTON, March 4.—Declaring that adherence to the Berne Convention would be disastrous, not only to American composers and authors, but to the motion picture industry, E. C. Mills, general manager of Ascap, today attacked the Duffy Copyright Bill as a "pretense" under the guise of which creative talent would be stripped of such protection as it now enjoys.

Appearing before the House Patents Committee, Mills told of the conditions which prevail in Germany, Italy and Hungary with respect to American authors and composers. Those countries, he pointed out, have copyright treaties with the United States and the difficulties encountered under those agreements, he said, are but a fraction of what would be experienced under the convention.

The treaty with Germany, the committee was told, is absolutely useless to protect non-Aryan Americans. Italy has adopted a nationalistic policy and is not using foreign material, and it is

(*Continued on page* 12)

Coast Is All Set On Awards Tonight

LOS ANGELES, March 4. — The eighth annual Awards banquet of the Academy will be held at the Biltmore Hotel here tomorrow night, when the votes will be counted and the 1935 awards of merit in the various divisions of production will be made. The awards are for pictures exhibited in this district between Jan. 1 and Dec. 31, 1935.

Academy today announced that 1,250 persons will attend tomorrow's affair. This announcement was

(*Continued on page* 8)

Kohn Says No Deal Set for Schulberg

No new distribution arrangements have been set for B. P. Schulberg Prod., but several deals are under way, Ralph Kohn, who is associated with Schulberg, stated yesterday as he left for Hollywood by plane.

The company has three to deliver to Columbia before the current deal

(*Continued on page* 8)

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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Production Changes In Roach Schedule

HOLLYWOOD, March 4.—Hal Roach, in accordance with a revised schedule, will have a total of 12 one-reel Our Gangs and six feature comedies for release through M-G-M during the new season.

The original plans called for five of each type.

Columbia Transfers Olmstead to N. Y. C.

HOLLYWOOD, March 4.—Edwin Olmstead, Columbia's coast publicity director, will be transferred to the company's New York office, the change to be effective Monday.

The successor to Olmstead's post on the coast will be named tomorrow.

Republic in Swiss Deal

Republic has closed a deal with Alfred E. Mooser of Bern for exclusive distribution of the company's product in Switzerland, according to word received here from William Satori, continental European representative.

Mooser has acquired control of Radio-Cine in Lausanne and will change the name to Republic Film, A. G.

Skouras on Way East

HOLLYWOOD, March 4.—Spyros Skouras left by train today for New York. He was accompanied by William T. Powers and Irving Barry. E. L. Alperson left for a holiday in Miami.

Insiders' Outlook

By RED KANN

Hollywood, March 4.

THE old Cantor gag having to do with the father and husband who got home so infrequently one of his own children finally ran to her mother, exclaiming, "Mama, that strange man is here again" has an actual counterpart in Sam Briskin, now seven weeks on the job as head man of the Radio studio. Not that it is any of the trade's business, but it might be interesting, if it weren't impolite, to ascertain exactly how much of his family Briskin has seen since his deal with Leo Spitz. . . .

▼

While it may be tough on wife and babes, not to overlook him, the Briskin activity is developing into a landslide for Radio. For sales department purposes, the company may send up its new schedule to about fifty-two pictures; this season it hovers around forty-eight. Briskin says it can be done, what with facilities and the like available, and thinks the higher figure might make for a better-rounded program. His plans for A attractions call for twenty, as against eight or nine, conceived that way, but not necessarily that way, for this year. That, we are told on all sides, is more of a job than is indicated by surface markings. . . .

▼

Suitable material is difficult to sink hooks into and the competition continues extremely keen. Producers at any time night or day and whether in the Clover Club or the assorted Brown Derbies, will go into a complete shambles at the thought of the possibility of annexing unusual vehicles, not to overlook the price they are willing and eager to pay. Briskin's job, as a consequence, is a substantial one and yet he is optimistic. . . .

▼

As definite as plans are in these parts, he has lined up "Gunga Din," which will give Radio its quota of Kipling exactly as "Kim" will do ditto for M-G-M. Edward Arnold is set for "The Robber Barons;" Jack Oakie for three starring vehicles; Astaire and Rogers for two nimble feet potpourris. Robert Donat, who was stepped into the august classification that counts by "The Count of Monte Crisco," goes over by the deal with Harry M. Goetz and Edward Small of Reliance, but whether or not Donat can or wants to work in this country is shrouded in some doubt. There was litigation aimed at him by the Warners and the subsequent claim that he cannot produce in this country. There is also Goetz's contention that the Warners are wrong. It's all right with us either way. . . .

▼

At any rate, Briskin is aware of the task ahead of him. He understands one of the rocky roads over which he must bump his way is the road that finds personalities at the other end. Exactly the how, where and the what of the problem are something else again, but that's where Briskin's capabilities as a studio operator fit into the picture. For he knows the setup here, the pitfalls and the difficulties. Off the Radio lot, and naturally on it, there is general recognizance of the calibre of his merit and, while the results are misty in futures, it is a fair cross-section of general opinion to point out that the expectancy is Briskin will come through. . . .

▼

His induction at Radio, these these things being what they are, brought in its trail a number of changes. Ben Kahane and J. R. McDonough are now subordinate to Briskin. Kahane continues his old line of duties as contact with other studios which like him and as general overseer of contracts, but always under Briskin's final say-so. McDonough, kicked up stairs to an executive vice-presidency, is in an eclipse; is being used by Briskin for far less important tasks than until recently he filled, and, by common knowledge, is sitting out his contract which runs until the summer. . . .

"Pine" Begins 3rd Week at Paramount

"Trail of the Lonesome Pine" ended its second week at the Paramount with $33,000 and yesterday began a third week. The film also is being held over for a third stanza at the Paramount, Newark, which is operated by Peter and Adam Adams. "Klondike Annie" will go into the New York Paramount on Friday.

"The Voice of Bugle Ann" at the Center garnered about $6,000. "Rhodes" is being held for a second week at the Roxy, starting tomorrow.

"Fauntleroy" Is Shown

WARM SPRINGS, Ga., March 4.—All the boy and girl patients at the Warm Springs Foundation who were able to do so turned out tonight to see "Little Lord Fauntleroy," with Dolores Costello Barrymore and Richard Barthelmess as guests.

Picture Business Ends

Picture Business, published by "Pete" Woodhull and edited by Martin Starr, has suspended publication with the last issued dated Feb. 29.

Legion Passes Nine Additional Pictures

In its list for the current week, the National Legion of Decency has added 19 pictures, seen this week, to the previous listings. Of the 19, nine are called unobjectionable for general patronage, seven are classed as unobjectionable for adults, and three are termed objectionable in part.

The additions, classified, are as follows: Class A, Section 1, Unobjectionable for General Patronage—"Boulder Dam," "Cattle Thief," "Das Schloss im Sueden," "Give Us This Night," "Here Comes Trouble," "Leathernecks Have Landed," "Lucky Terror," "The Lawless Nineties," "Trail of the Lonesome Pine." Class A, Section 2, Unobjectionable for Adults—"Desire," "The Escape from Devil's Island," "Gruss und Kuss Veronika," "Love Before Breakfast," "Road Gang," "Three Women," "Wife vs. Secretary." Class B, Objectionable in Part—"Hellship Morgan," "Melo," "The Walking Dead."

Schreiber Contempt Case Up Wednesday

A hearing for Jacob Schreiber on contempt of court charges arising over cash giveaways, which was scheduled before Judge DeWitt H. Merriam in Circuit Court last Saturday, will take place on Wednesday.

Judge Merriam issued a permanent injunction restraining Schreiber from using cash prizes on Jan. 16. Since then the prosecutor's office has announced it will not act on other theatres using the prizes until a ruling has been made on Schreiber's case pending before the Supreme Court.

In view of this and the fact that he claims the prizes as now given away are different from those banned by the injunction, Schreiber resumed them about 10 days ago.

Judge Merriam's ruling for Schreiber to show cause why he should not be adjudged in contempt of court followed.

Suit Against Odlum Dismissed by Court

Observing that questions of law involved in a $14,896,032 suit against Floyd Odlum and other directors of the Securities Allied Corp., formerly the Chatham Phenix Allied Corp., for alleged waste and mismanagement had never been passed upon by N. Y. state courts, Justice Lauer granted a motion to dismiss the action with the suggestion that an appeal be taken to the Appellate Division. The suit was brought by James J. Donovan on an assigned claim of Francis M. Crawley, owner of 2,000 shares of Securities Allied.

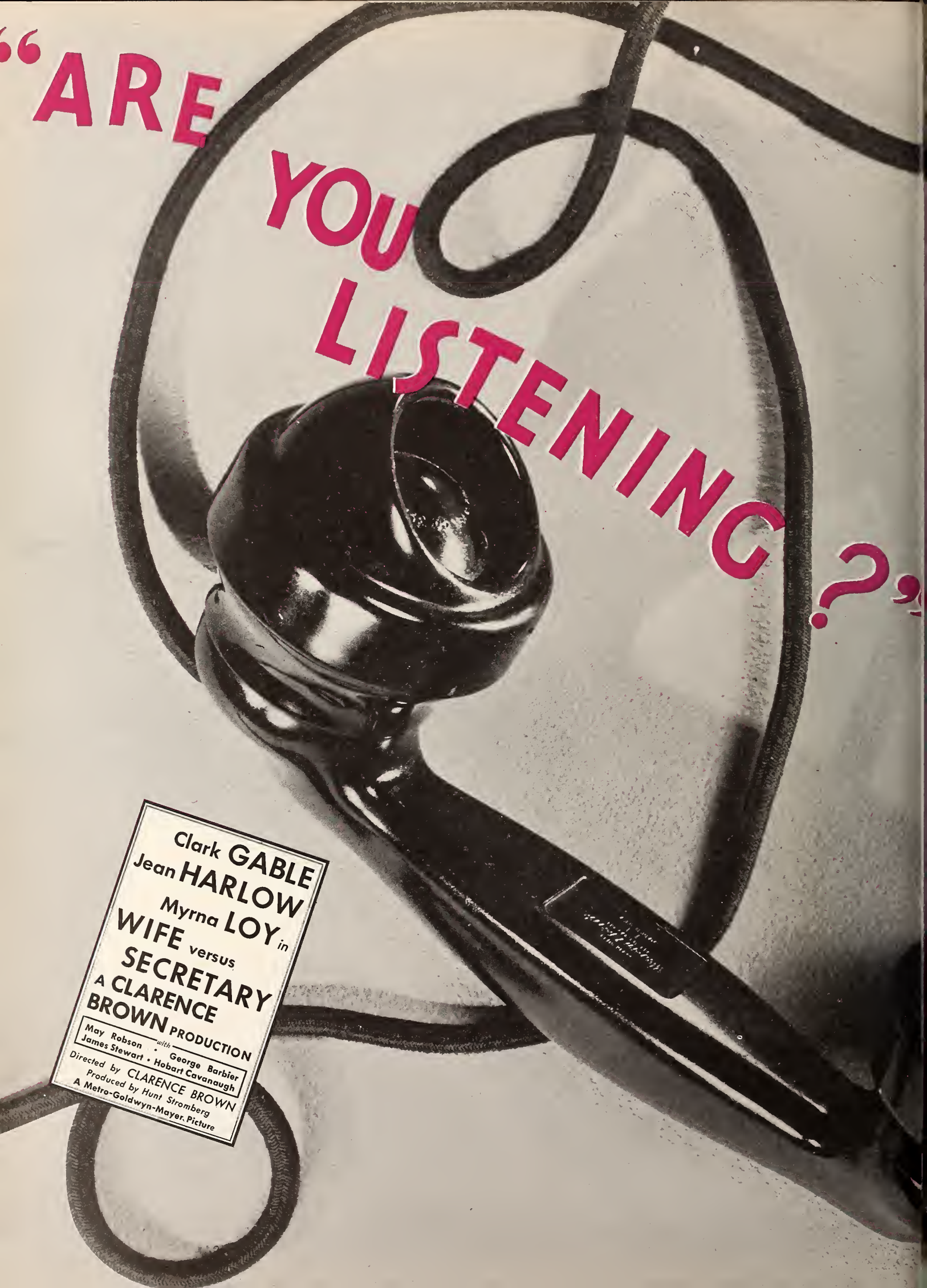
Odlum is the president of Atlas Corp., which has extensive investments in the film industry. Donovan's attorney said an appeal from Justice Lauer's ruling would be taken immediately.

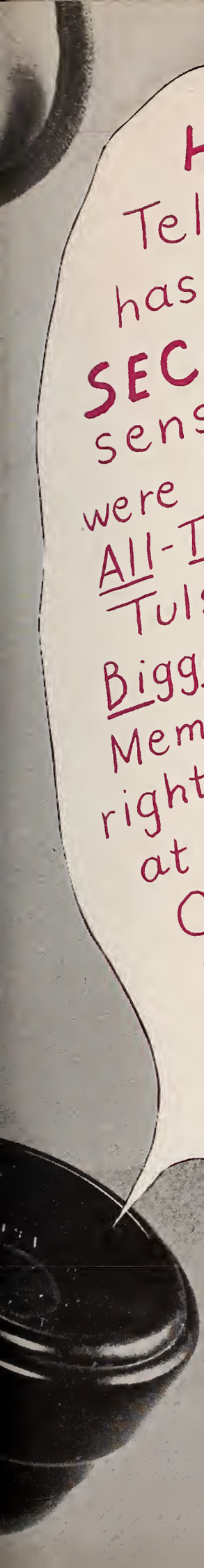
Cross Loses Libel Suit

ALBANY, March 4.—Ben S. Cross' libel suit against Eddie Cantor has been dismissed by the Court of Appeals. This upholds a decision by Justice Cuff to the effect that the complaint did not furnish enough facts to constitute a cause for action. This ruling was upheld by the Appellate Division.



Vividly pictured against the spectacular background of the greatest wonder ever wrought by man is Warner Bros.' thrilling production, **'BOULDER DAM'.** 'Loaded with action and suspense', and enlivened by Ross Alexander's 'moving portrayal', Patricia Ellis' 'admirable' performance, Lyle Talbot's 'excellent characterization', and Frank McDonald's 'notable direction', 'Boulder Dam' is another illustration of Warners' flair for timely, news-value themes. Released March 7th.


"ARE YOU LISTENING?"
Clark GABLE
Jean HARLOW
Myrna LOY in
WIFE versus SECRETARY
A CLARENCE BROWN PRODUCTION
May Robson
with
James Stewart • George Barbier • Hobart Cavanaugh
Directed by CLARENCE BROWN
Produced by Hunt Stromberg
A Metro-Goldwyn-Mayer Picture



HELLO M.P. DAILY! Get Hot! Tell the folks that Leaping Leo has done it again! **"WIFE VERSUS SECRETARY"** is a Coast-to-Coast sensation! Openings everywhere were ZOWIE! For instance Brand New All-Time Records at New Orleans, Miami, Tulsa, Oklahoma City, Bangor. Biggest business in three years at Memphis and Buffalo – and it's right next to record-holding "MUTINY" at Louisville and New York's CAPITOL is bulging as Second Week nears! Just a few spots to begin with. Keep watching! Pretty soft to get **CLARK GABLE, JEAN HARLOW, MYRNA LOY** in one picture. But that's an old M-G-M custom!

"HOPALONG CASSIDY"

"EAGLE'S BROOD"

"BAR

Cassidy never misses!

R 20
ES
AIN"

Clarence E.
Mulford's

"CALL OF THE PRAIRIE"

with

WILLIAM BOYD
JIMMY ELLISON

Muriel Evans · George Hayes
Directed by Howard Bretherton
A Harry Sherman Production

Pays to Play a Paramount Picture!

Paramount Pictures

Coast Is All Set On Awards Tonight

(*Continued from page 1*)

made in spite of open efforts of the screen actors' and writers' guilds to keep their members from attending.

Keen competition is anticipated in the performance division for actors and actresses. Six actresses and four actors have been nominated for those awards, instead of the usual three in each group. Balloting in all divisions has been unprecedented during the past few weeks. Nominees for the actors awards are Clark Gable, Charles Laughton, Franchot Tone and Victor McLaglen; for the actresses award they are Elisabeth Bergner, Claudette Colbert, Bette Davis, Katharine Hepburn, Miriam Hopkins and Merle Oberon.

Twelve pictures have been nominated as outstanding, from which one will be selected as the best picture of 1935. Columbia took the honor for 1934 with "It Happened One Night." For their work in that picture, Miss Colbert and Gable won the actress and actor award, respectively. Frank Capra took the award for best direction on the same picture.

Awards will be made in the following additional divisions: best original, best adaptation, short subjects, with three sections, cartoon, comedy and novelty; assistant director, best song, best music scoring, film editing, dance direction, and technical awards in cinematography, art direction and sound recording. Film editing and dance direction are new awards this year.

Los Angeles, March 4.—Representatives of the Screen Actors' Guild and the Writers' Guild today refused to issue any official statement regarding responses to wires which they dispatched to members urging them to remain away from the Academy Awards banquet tomorrow night. It was learned however, that the guilds are planning an official announcement for the day following the banquet.

The Directors' Guild has thus far maintained a neutral attitude in the matter.

Tax Protest to Shut All Paris Theatres

(*Continued from page 1*)

from all amusement houses in France for January, 1936, was approximately $550,000, which compares with a total of approximately $700,000 for January, 1935, a reduction of about 20 per cent. The revenue for the entire year 1935 from special taxes on amusements was 15 per cent less than in 1934.

Would Allow House Bars

Albany, March 4.—Assemblyman Herbert Brownell, Jr., New York, has introduced a bill here empowering the State Liquor Authority to issue liquor licenses to theatres in cities of 1,000,000 population or more. Under the bill a license would be obtained for one year for $1,000 or for three-quarters of a year for $750.

Hearing on Lottery Bill

Boston, March 4.—A public hearing at the State House is to be held tomorrow for a discussion of the bill to amend the lottery laws of Massachusetts. Passage of the bill would make Bank Night definitely legal.

Purely Personal

Ralph Poucher, Richard A. Rowland, Ben Judell, Budd Rogers, Jack Lait, Irwin Kleeblatt, Fred McConnell, Franklyn Underwood, Harvey B. Newins, Jack W. Springer, W. Ray Johnston, E. H. Goldstein, Edward M. Schnitzer, Jack Bellman, Ed Finney, Jack Partington, Harry Engel and Dan Frankel gathered 'round the Tavern yesterday for a noon hour snack.

•

Merlin H. Aylesworth arrived from the coast yesterday by plane and Rutgers Neilson didn't miss the opportunity of having him pose for the photographers (RKO, by the way) with two enlarged editions of Mickey Mouse.

•

Ray Milland, Purnell Pratt, Mrs. Wallace Beery and Henry Duffy, Twentieth Century-Fox associate producer in charge of stage production, arrive today on the *Washington*.

•

Harry Fuchs, manager of Skouras' Capitol, Port Chester, has organized a Shirley Temple club in Westchester.

•

Spyros Skouras, E. L. Alperson, William T. Powers and Irving Barry are due back from the coast Monday.

•

Barron Polan of the Warner publicity staff left yesterday for Dallas to work on "A Midsummer Night's Dream."

•

Hal Le Roy and Toby Wing finish work today on a two-reeler, "Hal Is in Wonderland," at the Brooklyn Vitaphone studio.

•

Ben Judell, independent exchange man from Chicago, arrived in town yesterday and plans to spend three days here on product deals.

•

Elliott McManus has been moved into the accessory department at Twentieth Century-Fox.

•

Joseph Bernhard and Robert W. Perkins yesterday returned from a visit to the Warner coast studios.

•

Neil F. Agnew has returned from a western trip which took him as far as the Paramount studios.

•

Rex Harrison, who appears in "Sweet Aloes," has been optioned by Warners.

•

Lillian Roth opens tonight at the House of Morgan.

•

Hal Hode of Columbia will leave Saturday by automobile for Florida.

•

Edward Schnitzer returned from Washington yesterday.

•

. . . *Chicago*

Clyde Eckhardt left last week for either Florida or Hot Springs for a month's vacation.

Eddie Fontaine is in New York on business at the Paramount home office.

Bill Pine was in from Hollywood conducting the campaign for the opening of "The Trail of the Lonesome Pine."

John Joseph is back from New York where he conferred with RKO executives regarding the opening of "Follow the Fleet" in this territory.

James J. Jovaney, president of Superior Pictures, Inc., was in New York for a week on company business.

•

. . . *Lincoln*

Jerry Zigmond, city manager for the Lincoln Theatres Corp. here, has signed with Beth Langford, the "Miss Hollie Wood" of KFOR, to put on an eight-week amateur contest each Monday night at the Orpheum.

T. B. Noble, Jr., general manager of Westland Theatres, stayed here a week this time.

Bob Livingston, manager of the Capitol, here, was host to the press club last week and showed a special picture.

•

. . . *Los Angeles*

Howard Cullman of the Roxy, New York, is paying Hollywood and film row a visit.

Max Wintraub, head of the Majestic Exchanges in Omaha, Kansas City and Des Moines, is here with his son looking over new product.

Al Lutz, who runs the Screenland Cafe in Kansas City, is here sampling the schnecken of local Film Row eateries.

Rita Stewart, formerly a booker for several Hollywood theatres, will go on the road next week to sell film. Sam Berkowitz, of Far West Exchanges, her new boss, claims that she will be the industry's first saleswoman. Miss Stewart will also act as assistant to Carl Bryant of Far West.

•

. . . *New Haven*

Harry F. Shaw and Mrs. Shaw celebrated their 12th anniversary with three formal dinner parties.

Barney Hoffman is on a 17-day South American Caribbean cruise aboard the *Lafayette*.

Erle Wright and Mrs. Wright took the *Pastores* on a 12-day trip with stops at Port au Prince and Kingston.

•

. . . *Pittsburgh*

Jack Hooley, manager of the Harris-Family, and the Mrs. have adopted a baby.

Johnny Morin has been sent to Youngstown, O., by the Harrises to relieve the ailing Billy Murray.

Robert Weeden, the Penn's singing usher for the last seven years, has left to become a New York salesman.

Max Silverman, brother-in-law of Joe Hiller, has been made Forrest Shontz' assistant at the Harlem Casino.

George Tyson has signed Henrietta Leaver, Miss America, for the annual Pittsburgh Auto Show.

Joe Bernhard's son, Jack, is working here in Warners' booking department.

•

. . . *San Francisco*

Eddy Skolak is back at his old home, the Capitol, as house manager for Popkin & Ringer, who opened the house March 7.

Bob Worth, orchestra director, will also be at the Capitol.

Grover Parsons is back at his desk at M-G-M after several weeks on sick leave.

Expect Kuykendall To Stay in Office

(*Continued from page 1*)

may vacate that post for a vice-presidency this year, it was reported. In this event, M. A. Lightman, a vice-president, is considered a likely candidate for the post.

Among the early arrivals were: Hugh Bruen, Sol Davis, L. C. Griffin, O. C. Lan, M. A. Lightman, Sidney B. Lust, Edward G. Levy, L. H. Michael and Mrs. Michael, David Palfreyman, Benjamin Pitts, Charles W. Picquet, John C. Stapel, Walter Vincent and wife, Fred Wehrenberg, Roy L. Walker and Mrs. Walker, C. E. Williams and R. X. Williams, Jr.

Kohn Says No Deal Set for Schulberg

(*Continued from page 1*)

winds up, Kohn said. One is now being completed with Mary Astor and Melvyn Douglas. The other two will star Edward Arnold. Schulberg has great hopes for Tamara, the singer and dancer, who was recently signed to a long term pact, Kohn added.

Schulberg and Kohn are due in New York again in about two months.

Lifts Scales; Finds Patrons Up by 20%

(*Continued from page 1*)

where it had stood for two years, to 20 cents. This gives him 35 days better clearance, but he questions whether this was solely responsible. He contends he draws from a wider area under the new plan, because people have a tendency to judge picture's value by the theatre's scale of admission prices.

Wall Street

Universal Drops 7½ Pts. on Board

	High	Low	Close	Net Change
Columbia, vtc	38	37⅜	38	+1⅜
Columbia, pfd ...	47½	47¼	47¼	.....
Consolidated	6¼	6¼	6¼	— ⅛
Consolidated, pfd	18¾	18⅝	18⅝	+ ⅛
Eastman Kodak	167½	163½	163½	—1½
Loew's, Inc.	104¾	104¾	104¾	+ ⅛
Paramount	10½	10	10⅛	— ⅛
Paramount 1 pfd.	77½	76⅛	76⅛	—1¾
Paramount 2 pfd.	11	10½	10¾	— ¼
Pathe Film	8¾	7¾	8¾	+ ½
RKO	8⅝	8¼	8¼	— ¼
20th Century-Fox	31⅞	30¾	31⅜	— ⅝
20th Century, pfd	39¾	39	39	— ¾
Universal, pfd ..	84	80	80	—7½
Warner Bros.	13½	13	13	— ⅛
Warner Bros., pfd	55	55	55	— ⅛

Technicolor Up a Quarter

	High	Low	Close	Net Change
Sentry Safety	1	15/16	15/16	....
Sonotone	3	2¾	2¾	— ¼
Technicolor	30¾	29½	30¾	+ ¼
Trans-Lux	4½	4⅜	4⅜	.....

Paramount Bonds Gain

	High	Low	Close	Net Change
General Theatre Equip. 6s '40....	27¼	26¾	26¾	— ¼
General Theatre Equip. 6s '40 ctf	27¼	26⅝	27	.....
Loew's 6s '41 ww deb rights	102¾	102¾	102¾	.....
Paramount B'way 3s '55	56½	56½	56½	+ ¼
Paramount Pict. 6s '55	91¾	90¾	91	+ ½
Warner Bros. 6s '39 wd	94¾	94	94	.....

(Quotations at close of March 4)

It was love at first FIGHT! .. So they married in HATE and lived SCRAPPILY ever after!



Carole LOMBARD

IN

LOVE BEFORE BREAKFAST

With PRESTON FOSTER, Cesar Romero, Janet Beecher. An EDMUND GRAINGER PRODUCTION. From Faith Baldwin's Cosmopolitan Magazine Story. Directed by Walter Lang. A Universal Picture presented by Carl Laemmle.

UNIVERSAL
DOES IT AGAIN!

ONE

Universal crashed through with "Magnificent Obsession," one of the biggest grossers in all box office history!

TWO

Universal smashed over a successor with Margaret Sullavan in "Next Time We Love"!

THREE

Universal whams over "the picture with the unforgettable punch"! . . . Universal looks after your box office, so keep both your eyes on Universal!



Watch for Universal's "SUTTER'S GOLD"!
Watch for Universal's "SHOW BOAT"!

WATCH UNIVERSAL!

Mary Pickford Here To Open New Office

Pickford-Lasky Prod. will open a New York office within the next 10 days, Mary Pickford stated yesterday upon her arrival from the coast by plane. Miss Pickford has several people in mind and will appoint an eastern representative before she returns to Hollywood by plane in two weeks.

As acting president of United Artists, Miss Pickford will attend a meeting of the board on Friday. Routine matters are to be discussed, she said.

Commenting on the appointment of George J. Schafer as vice-president and general manager, Miss Pickford said "he is a very fine man and he is ideally situated.

"Schaefer is the third sales head United Artists has had in 17 years," she said. Asked if the company would add new producers to its roster, the acting president declared: "We now have more pictures than we ever had and there is no reason for more producers."

Regrets that the company was to lose Walt Disney were voiced by Miss Pickford, who asserted United Artists would not replace the shorts on the program as "there is only one Disney. He is the greatest producer the industry has turned out," she said.

Accompanying her were Lynn and Mrs. Farnol, Miriam Hawkins, Nat Wolff and William Kuser. The latter two are working with Miss Pickford on her radio broadcasts.

Warner Takes Stand In Cagney's Action

Los Angeles, March 4.—Jack Warner, testifying here today before Judge Charles I. Bogue in Superior Court during the trial of the suit by James Cagney to have his contract voided, claimed that he had not mentioned to Cagney an annual limit of four pictures but admitted saying that making five would be a virtual impossibility in the 40-week period covered by the contract.

Fredric March, Lester Cowan and Oliver H. P. Garrett took the stand and stated that Warner at the Academy arbitration committee meeting held in 1932 to arbitrate the differences then existing between the star and his organization, had declared that he did not think that his distribution staff could sell more than four Cagney pictures a year. The present contract was drawn after both sides had agreed to let Academy arbitrate their differences.

William Cagney, brother and business manager of the plaintiff, told of the star's refusal to accept a new contract which, he claimed, was offered him in September, 1935.

The case will close tomorrow with James Cagney taking the stand.

Pickets at the Globe

Picketing by members of the Film Exchange Employes' Union has started at the Globe which is now showing "The Return of Jimmy Valentine," a Republic picture. About a dozen members of the union recently walked out on strike at the local Republic exchange when Herman Gluckman refused to recognize and deal with the executives on a term contract.

Two men also continued to parade in front of the Film Center Bldg. where the exchange is located.

Looking 'Em Over

"Timber War"

(*Ambassador*)

Adventure fare, suitable for children, this effort will amply fill in on a dual program.

Kermit Maynard is the moving spirit of the story. He becomes involved in the workings of a lumber mill through his friendship with drunken Lawrence Gray, who is a partner with Lucille Lund, in the control of the plant. Maynard sobers up Gray and takes him to the woods only to have him hit the bottle again. Mistaken for Gray, he starts off the action on his arrival with a fist fight with one of the bad men. This sets him right with the rest of the workers and he proceeds to run the place. He meets a hazard in the villainy of Wheeler Oakman, and works to beat him at the game. Miss Lund discovers his imposture and for the moment sends him away, only to be set right by Robert Warwick, an old friend. Gray, failing to get off the train in his drunken stupor, winds up a few stations beyond and, drunk again, signs trick papers put in front of him by Oakman, which work havoc on the mill. Maynard saves the day, delivering a load of pulp wood on time over a burning railroad trestle, beating up the heavy and settling accounts with Oakman. Gray, sobered up, returns in time and warns Oakman that if he doesn't leave town he will have him sent to the penitentiary. Maynard and Miss Lund embrace and it is over.

Interwoven in the narrative are some thrilling shots of falling timber, woodcutting and scenes of general lumberjacking activity which lend realism to the story by James Oliver Curwood.

Sam Newfield directed and Jack Greenhalgh handled the camera.

Production Code Seal No. 1,750. Running time, 58 minutes. "G."

"Melo"

(*Arthur Zichm*)

A heavily dramatic story of the love of a married woman for another man and her eventual suicide when she cannot decide her course of action, this picture is a well done foreign importation, but may be considered too weighty for the average audience. In German, it has a sufficient number of superimposed translations of dialogue to make understanding of the story simple.

Starred is Elisabeth Bergner, who is excellent in a difficult role, supported chiefly by Anton Edthofer as her husband, and Rudolf Forster as the other man. Dr. Paul Czinner directed from the play by Henri Bernstein.

Miss Bergner, wife of a violinist in an orchestra, meets and falls in love with her husband's best friend, a concert artist. At first he rebukes her, then falls in love with her himself. She is about to follow him on a concert tour when her husband is taken gravely ill. Pitying him, she remains, but suffers a nervous breakdown, the result of her indecision. When her lover returns to take her with him, she cannot decide, and rather than hurt her husband, who is unaware of the affair, she commits suicide.

Reviewed without production code seal. Running time, 85 minutes. "A."

Approve Music Hall Deal

Federal Judge William Bondy yesterday approved the participation by RKO for an additional two months in the agreement under which Rockefeller Center, RCA and RKO share in the operating profits of the Music Hall. The agreement, which provides for the payment of rent on the Hall to Rockefeller Center and minor fees for advisory services to RCA and RKO, was extended from Feb. 29 to April 30.

Arthur Lord Is Dead

Boston, March 4.—Arthur Lord, 60, is dead here following a long illness. Before his retirement he was a partner in the organization of Olympia Theatres circuit, now a Paramount affiliate.

Joe Erber Not to Quit

St. Louis, March 4.—Joe Erber, veteran exhibitor, and Joe Smith have decided not to dissolve their agency.

Plan Television Chain

Berlin, March 4.—A television network connecting Germany's larger cities is being considered by the Government, following the success of the experiments between here and Leipzig, it was disclosed here today. The Leipzig-Berlin stations are to be made permanent April 1.

Sullavan for Dietrich

Hollywood, March 4.—It is understood Paramount will start production again on "I Loved a Soldier," with Margaret Sullavan in the lead role in place of Marlene Dietrich, who left the production recently following a disagreement over story treatment.

Son to Richard Rubin

Boston, March 4.—Richard Rubin, New England director of Allied and operator of the State, Saugus, has announced the birth of a son.

Color Stereo Film Process Is Described

(*Continued from page 1*)

stance called Polaroid, is a young man of 26. He met Wheelwright, who is not many years older, when the latter was an instructor in Harvard where Land attended. The work has been going on for about 10 years. The two have been partners during seven years of this time.

The basis of the experiments has been the control of light. Briefly, light from the sun, for instance, is composed of innumerable waves vibrating in all possible planes at right angles to the direction of travel of the beam itself. Such light is said to be unpolarized. The new material allows only a single plane of light to pass through it, the inventors say.

This effect is produced by billions of little crystals. Land has combined these crystals and has aligned them in a cellulose acetate base. This latter substance has the appearance of grey glass.

Both Eastman Kodak and the American Optical Co. are licensees for the process. The new Eastman Pola-screen for cameras is the result. The screen enables both the polarization of light and the control of light already polarized, according to the inventors.

Under-water Photos Possible

The Pola-screen, it is claimed, permits the eradication of reflection. By means of the refinement, Land says, a cameraman may shoot an under-water scene from a boat, and do away with all the surface reflection that heretofore has made such work impossible under ordinary conditions. The camera axis is at approximately 30 degrees to the reflecting surface for such shots.

A sunlight shot of a store window may be taken with the aid of the Pola-screen without hindrance because of ordinary reflection from the glass, it is asserted.

The device is also claimed to be useful in studio lighting over lamps. Reflection is controlled, it is declared.

The principle of the invention is this. Two images are projected, one on top of the other, on the screen. The lens on one side of the spectacles is polarized so as to admit vertical light beams. The other lens is polarized horizontally. Each eye, therefore, sees one of the two images.

Dead spaces in the theatre will not be increased by the addition of a third dimension, Wheelwright declares. The seating range will remain the same as it is at present, he stated. Where side seats give a distorted view of regular pictures, this same distortion will prevail with the three-dimensional product.

The projectionist will have no extra duties, Wheelwright said. No new fire requirements will be necessitated. Speed will remain unchanged. Only a small amount of additional light, if any, will be required because of the slightly darkening effect of the grey glasses. Projection machines may be run with the lenses entirely open.

Cost problems will depend upon volume of manufacture, Wheelwright says.

Mills Assails Berne Treaty On Copyrights

(*Continued from page* 1)

impossible to get money out of Hungary except at a discount of 40 per cent. No difficulties are encountered in England or France, so far as copyright alone is concerned.

Mills attacked the Duffy Bill, declaring that his organization sought to have it confined to authorizing adherence to the convention and complaining that "in every bill introduced to improve the situation of the creator, there are tacked on suggestions by various interests to reform the law so those particular interests would be beneficially affected." Discussing the plaint of the writers, Mills asserted that there have never been more than 200 outstanding successes a year, out of more than 20,000 songs copyrighted annually. From this he embarked upon a discussion of the returns from the two greatest users.

On the basis of Federal tax returns, he said, film theatres in 1934 sold $1,560,000,000 in admissions, but only one cent out of every $47 of that total went to writers of music. No theatre uses music except to make a profit, he declared, and were it not for the necessity of using music, they would not do so, since without it they could make more money.

Makes Comparison with Radio

Without music, the broadcasting station would be inarticulate, he continued, and besides the $80,000,000 made by the broadcasters out of the sale of time, owners of receiving sets paid $150,000,000 to electric companies for power and another $500,000,000 for receiving sets and equipment, while the composers, authors and publishers in 1935 got a total of $2,680,406.

Entering upon a detailed discussion of the Duffy Bill, Mills pointed out that the manufacturing clause alone would make adherence to the international convention impossible and asserted that his organization would stand with labor for its retention.

The bill also "pretends" to give divisibility of copyright, when it does not in fact do so, he contended.

Mills defended the $250 infringement provision as the very life of Ascap, asserting that without it the organization could not exist.

Apparently smarting under the criticism which has been heaped upon him, Chairman Sirovich yesterday delivered a one-hour explanation of copyright, the copyright situation and the Berne Convention on the floor of the House.

Arguing strongly against adherence to the convention, Sirovich outlined the conditions which now exist in many of the European countries, going into detail with respect to American pictures.

"America's dominance of the world film market has contributed largely to discriminatory regulations, confiscatory taxes, excessive tariffs, unreasonable censorship demands and special laws, which, while in form applying to all countries, have in fact been enacted to curb the United States as far as possible in this field," he asserted.

Quoting liberally from Motion Picture Daily and other papers, he traced the efforts of the producers to meet this situation, in part, by the purchase of foreign films at low cost, which was met by requirements for quality and parity. Under the purchase policy of the distributors, the number of foreign films imported increased from 113 in 1933 to 190 last year, of which 59 were German, 38 Spanish and 33 British.

"It is the duty of Congress to safeguard our free system from the straitjacketing influences of alien doctrines of suppression and censorship," he asserted. "Congress can protect our citizenry by appropriate retaliatory amendments to our copyright law. Once we adhere to the Berne convention, Congress surrenders that power."

Methods of Ascap were assailed by Representatives Boileau of Wisconsin and Zioncheck of Washington, who sharply criticized the methods used by the organization in applying the $250 provision.

His petition to discharge the committee from further consideration of copyright legislation, Zioncheck disclosed, was filed at the request of radio station KOL of Seattle, but "if more signatures are not put on there this circus is going to continue until Congress adjourns, and no legislation will be enacted. It is somewhat of a pressure program," he said, "and the distinguished and learned gentleman from New York is somewhat irritated now because he seems to think it is in the nature of pin pricks that prods him on.

"There is no question, but what the Ascap has been a hi-jacking proposition," he asserted.

Out Hollywood Way

Hollywood, March 4.—Jules Levy and Mrs. Levy back from Honolulu, bringing tales of wondrous beauties of the islands. . . . Dave Loew and Mervin Asch to Palm Springs again. . . . The New York crowd, en masse, at the final day's racing at Santa Anita. . . . Eddie Alperson probably won't get to Florida after all. His wife, on the other hand, will. . . . Mike and Mary Simmons, Harry and Jean Tugend, Sylvia Lewis, Edwin Justus Mayer, Luise Rainer, Watterson Rothacker, Vic Shapiro, Glenn and Mrs. Allvine, Lionel Stander and Mrs. Jimmy Grainger among those at Arrowhead Springs for the week-end; some staying over for a few days. . . . Mrs. Nate Blumberg, latest New York arrival, says she came for the train ride with her husband, Nate.

Watterson Rothacker recovering from influenza. . . . Jake Wilk, eastern story editor for Warners, conferring on next season's output. . . . Eric Locke and his cameraman, Harry Perry, back from Europe, where they shot exteriors for "Desire," Paramount. . . . Virginia DeBolt in charge of casting and publicity for Halperin Prod.

Robert Sisk and Cliff Reid to coproduce "The Plough and the Stars," Barbara Stanwyck's next for Radio. . . . Jane Hamilton, Lucille Bell and Maxine Jennings given new term pacts by Radio. . . . Nat Shilkret doing score for "Mary of Scotland," Radio.

Carole Lombard recovering from flu. . . . "Princess Comes Across" company shooting around her. . . . Helen Rose signed by F. & M. to head costume department. . . . Andy Hervey of M-G-M publicity department and Mark Larkin, representative for Pickford-Lasky, both on sick list. . . . Howard Hawks sick, and work held up on "Zero Hour," Twentieth Century-Fox.

✚

Casting—Benny Baker and Willie Fung signed by Columbia for "Andy" and "McNulty," respectively, in "Panic on the Air." . . . Guy Bates Post added to cast of "Brazen," by Walter Wanger. . . . Roy Hargrave, Alan Baxter and Marjorie Gateson signed by Walter Wanger for "Big Brown Eyes." . . . Nigel Bruce signed for two parts at Warners—"The Angel of Mercy" and "The Charge of the Light Brigade." . . . Pat O'Brien and Guy Kibbee in "Stage Struck," same studio. . . . James Burke in "Something to Live For," Paramount. . . . George Sorel, Jacques Vanniers, Gladden James, William Newell and Milburn Stone in "The Princess Comes Across," same studio.

Herbert Fields loaned to Universal by Paramount for "Kitchen Privileges." . . . Marie Osborne, formerly "Babie Marie," cast in Radio's "Special Investigator." . . . Frank McHugh in "Stage Struck," Warners. . . . Henry Daniell, stage player, signed for M-G-M's "The Unguarded Hour." . . . Howard Hickman and William Tannen in "Mob Rule," same studio.

✚

Directors—Joseph Santley to direct "The Harvester" instead of "The Gentleman from Louisiana," Republic. . . . Joseph Kane and Reeves Eason assigned to co-direct "The Undersea Kingdom," a serial, same studio. . . . William A. Seiter signed by Walter Wanger to direct "The Case Against Mrs. Ames." . . . David Selman, director, signed by Columbia to long-term contract.

✚

Writers—Ralph Block and Nina Fraser working on an untitled story for Paramount. . . . Stuart Anthony returns to work after serious illness and is working on "Good for Nothing," Paramount.

✚

Story Purchases—Republic buys "The Devil Commands" and "Corpus Delicti," by Allan Vaughn Elston.

Warner Stock Buy Revealed by SEC

(*Continued from page* 1)

550 shares of $1.50 cumulative preferred, leaving 67. Earlier reports showed that in September, Harold B. Clark, New York, disposed of 9,700 six per cent debentures, leaving him with none, and in August bought 50 shares of common, representing his entire holdings, and through exchange disposed of 201 shares of A common and acquired 101 shares of $1.50 cumulative preferred.

U. A. Expects Disney Films To July, '37

(*Continued from page* 1)

agreement Disney is to deliver 13 Mickey Mouses, 13 Silly Symphonies and one feature annually for three years. United Artists, it was stated, has no plans at this time for filling the gap in its short subject releases left by the Disney loss, due largely to the expectation that the latter's commitments will not be concluded for some time yet, as stated by Schaefer.

With the acquisition of the Disney cartoons RKO will drop the 13 Rainbow Parade color cartoons which it has been distributing for Van Beuren, but will continue to distribute all or part of the remaining 33 short subjects it receives from Van Beuren annually, it was learned yesterday. However, the exact extent to which Van Beuren will contribute to the RKO short subject lineup next season remains to be determined when Ned E. Depinet, Leo Spitz and Jules Levy return from the coast.

RKO owns 50 per cent of Van Beuren and Depinet is a member of the board of the latter company. RKO formerly participated in the financing of Van Beuren, but since the RKO receivership this has been discontinued. Pathe now does part of the Van Beuren financing.

Disney Has Year to Go

Hollywood, March 4.—Walt Disney has a full year's product commitment to complete for United Artists, it was stated at the producers' offices here today. There are 10 Silly Symphonies and 10 Mickey Mouses still undelivered.

Disney's contract with Radio, therefore, does not start until the first of 1937.

Cohen Plans Films For Railway Trains

Chicago, March 4.—Sidney Cohen, who is aboard the Century bound for New York, is understood to have closed a deal with the Pullman Car Company for the showing of pictures on railway trains.

A demonstration of the idea was conducted here today on a car of the Illinois Central. Several prominent persons attended as guests.

Sentry Net Is $3,622

Sentry Safety Control Corp. has reported net profit for 1935 after expenses, depreciation and other charges of $4,097, and its subsidiary, Universal Sound System, Inc., reported a net loss of $475, making a combined net profit of $3,622. This compares with net profit of $10,025 in 1934 for Sentry and net loss of $7,342 for Universal, making a combined net profit of $2,683 for that year.

Radio Signs Joe Penner

Hollywood, March 4.—Radio has signed Joe Penner to a long term contract. The screen and radio player has made two pictures, both for Paramount; "Collegiate" and "College Rhythm." His first Radio assignment has not yet been set.

Okay with corrections

cover this up a little

NAKED TRUTH DINNER

APPROVED
ADVERTISING ADVISORY COUNCIL
MAR 14 1936



This is positively out

There's the date and here's the idea

FUN *that's all!*

●

Our laboratory experts have eliminated 98.2% of the boredoms usually found at parties. We promise you ***no*** public speaking and ***just enough*** entertainment. Dinner at eight, drinking at will, dancing until unconscious.

●

There's only one way you can fail to have a wonderful time at the **AMPA** party at the **ASTOR,** and that is to be too slow about sending your seven-fifty per person to Paul Benjamin, 630 Ninth Ave.

●

Choice locations to first comers. Tables for ten.

AMPA



Advertisement by RKO-Radio, Ad Agencies' Service Co., Inc., and City Engraving Company

"Fleet" and "Marie" Twin Cities' High

MINNEAPOLIS, March 4.—In spite of a break in the weather grosses failed to respond in either of the Twin Cities, with the result that "Follow the Fleet" made the best showing here on a take of $6,500 at the Orpheum, and "Rose Marie," with the same take at the St. Paul Paramount, was the strongest draw across the river.

"The Milky Way" got up to $8,000 at the Minnesota, but this was $2,000 under normal. "Magnificent Obsession" hit $2,000, over the line by $500, at the St. Paul World.

Total first run business in Minneapolis was $24,000. Average is $25,500. Total first run business in St. Paul was $17,500. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Feb. 26:

"MAGNIFICENT OBSESSION" (Univ.)
WORLD—(400), 25c-55c, 7 days, 7th week. **Gross:** $2,500. (Average, $3,000)

Week Ending Feb. 27:

"FRESHMAN LOVE" (W.B.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Feb. 28:

"THE MILKY WAY" (Para.)
MINNESOTA—(4,000), 25c-55c, 7 days. **Gross:** $8,000. (Average, $10,000)
"FOLLOW THE FLEET" (Radio)
ORPHEUM — (2,900), 25c-40c, 7 days **Gross:** $6,500. (Average, $5,500)
"EXCLUSIVE STORY" (M-G-M)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

St. Paul:

Week Ending Feb. 28:

"ROSE MARIE" (M-G-M)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)
"PROFESSIONAL SOLDIER" (20th-Fox)
RIVIERA—(1,000), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)
"ANOTHER FACE" (Radio)
ORPHEUM—(2,000), 25c-40c, 4 days. **Gross:** $2,000. (Average for week, $4,000)
"MIDSUMMER NIGHT'S DREAM" (W.B.)
ORPHEUM—(2,000), 25c-40c, 3 days. **Gross:** $2,000. (Average for week, $4,000)
"LAST OF THE PAGANS" (M-G-M)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)
"MAGNIFICENT OBSESSION" (Univ.)
WORLD—(400), 25c-35c, 7 days. **Gross:** $2,000. (Average, $1,500)

Jailed for House Fire

PARKERSBURG, W. Va. March 4.—Franklin Harris, former operator at the Palace, has been arrested on charges of arson in connection with the burning of the theatre about two weeks ago. Fire Marshal F. B. Watkins said Harris confessed setting fire to the theatre to "get even" with the manager for discharging him.

Dicker for Greene Houses

Alexander & Horowitz, operators of the Highland, Highland, N. Y., are negotiating with Fred J. Greene, Jr., for the latter's Hudson, Cold Springs, and Colonial, New Paltz, N. Y. The deal is expected to be closed momentarily.

Hearing for Engineers

ALBANY, March 4.—The Assembly Committee on Labor and Industries will conduct a public hearing here March 11 on the Crews bill providing for one day of rest for engineers in film theatres.

"Klondike" Is Pittsburgh's Top, $14,500

PITTSBURGH, March 4.—Despite unfavorable newspaper publicity, with both the Hearst and Block papers blasting it editorially, "Klondike Annie" gave the Penn its best week in some time at $14,500.

At the Stanley, "The Milky Way" and Buddy Rogers' band were good for an excellent $23,000. The only other house to show a profit was the Warner, where "Sylvia Scarlett" and "Her Master's Voice" turned in $5,700.

At the Alvin, "The Music Goes 'Round" was plugged heavily, but couldn't make the grade, collecting only $4,200, while the Casino, with "Mimi" and "Cocktails of 1936" on the stage, slipped to a poor $5,000 after a couple of excellent weeks. The Fulton also went far down with "Here Comes Trouble" and "Dangerous Intrigue," getting only $2,900.

Total first run grosses were $55,300. Average is $51,500.

Estimated takings for the week ending Feb. 27:

"THE MUSIC GOES 'ROUND" (Col.)
ALVIN—(2,000), 25c-40c, 7 days. **Gross:** $4,200. (Average, $5,500)
"MIMI" (First Div.)
CASINO—(1,800), 25c-40c, 7 days. Stage: "Cocktails of 1936" with Ada Leonard, Hal Sherman, Ralph Cook, Mignone and others. **Gross:** $5,000. (Average, $6,500)
"HERE COMES TROUBLE" (20th-Fox)
"DANGEROUS INTRIGUE" (Col.)
FULTON—(1,750), 15c-40c, 7 days. **Gross:** $2,900. (Average, $4,000)
"KLONDIKE ANNIE" (Para.)
PENN—(3,300), 25c-40c, 7 days. **Gross:** $14,500. (Average, $12,000)
"THE MILKY WAY" (Para.)
STANLEY—(3,600), 25c-55c, 7 days. Stage: Buddy Rogers and his band, Jeanie Lang, Roberta, Miriam Verne, Cookie Bowers. **Gross:** $23,000. (Average, $18,500)
"SYLVIA SCARLETT" (Radio)
"HER MASTER'S VOICE" (Para.)
WARNER—(2,000), 25c-40c, 7 days. **Gross:** $5,700. (Average, $5,000)

Roulien Is Producing

WASHINGTON, March 4. — Raul Roulien, Brazilian star, is financing and directing a feature at Rio de Janeiro, according to a report to the Department of Commerce from Trade Commissioner J. Winsor Ives there. Spanish and Portuguese versions are being made. Later Roulian will make another, starring his wife, Conchita Montenegro, and featuring Hollywood players. The original will have English dialogue.

WPA Play in Hartford

HARTFORD, March 4.—WPA drama has started here with a production of "Barbara Frietchie" by a cast of 50, at the 4,000-seat State. Plans are to sell about 1,400 seats at every performance. The sale of more than that might leave some patrons too far from the stage to see perfectly, it was said.

Hanson to Take House

TORONTO, March 4.—George J. Tustin, member of the Canadian Parliament, and owner of the Wonderland at Napanee, Ont., has closed a deal whereby Hanson Theatres, Ltd., will take over the house, adding one more to the Ontario circuit operated by R. O. Hanson.

Dafoe at Opening

Toronto, March 4.—For the Canadian premiere of "The Country Doctor" at the Uptown tomorrow, the guest of honor will be Dr. Allan Roy Dafoe who brought the famous Dionne Quints into the world. Only one performance is being given on the evening of that day; the price of admission is $1.00 and every cent of the ticket sale will be turned over to the *Toronto Star* Fresh Air Fund for needy families.

Chaplin, $9,000 2d Montreal Week

MONTREAL, March 4. — "Modern Times" played to $9,000 for its second week at the Princess and was held over for a third week. The take for the first week was $12,500.

Loew's had a nice combination program headed by "In Person" that brought $11,000, above par, but the Palace was down to $10,000 on "The Ghost Goes West." Feature No. 1 at the Capitol, "Ah, Wilderness," was responsible for $9,500, equal to average.

Most of the competition for theatres were the pre-Lent dances and festivities, while professional hockey games also took their toll.

Total first run business was $43,000. Average is $41,500.

Estimated takings for the week ending Feb. 29:

"AH, WILDERNESS" (M-G-M)
"LAST OF THE PAGANS" (M-G-M)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $9,500. (Average, $9,500)
"LA MALLE DE BOMBAY" (French)
"MAN HUNT" (W.B.)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. **Gross:** $3,500. (Average, $3,500)
"IN PERSON" (Radio)
LOEW'S — (3,115), 30c-34c-40c-50c-60c, 7 days. Stage: "Cafe de Paris" vaudeville unit. **Gross:** $11,000. (Average, $10,500)
"THE GHOST GOES WEST" (British)
PALACE — (2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $10,000. (Average, $11,000)
"MODERN TIMES" (U.A.)
"GUARD THAT GIRL" (Col.)
PRINCESS—(2,272), 25c-30c-35c-50c-65c, 7 days, 2nd week. **Gross:** $9,000. First week: $12,500. (Average, $7,000)

Southern Managers Shift

MERIDIAN, Miss., March 4.—Leonard E. Campbell is the new manager of the Alberta, Mississippi Theatres, Inc., house. Clifford D. Robertson, for several years assistant at the Alberta, has been made manager of the Jean, Laurel.

J. H. Grainger has been made manager of the recently acquired Ritz at Natchez.

Criterion Sets Second

"Accused" will be the second Criterion picture for United Artists, Douglas Fairbanks, Jr. said yesterday. He will not be in it, but production will start in London on March 25. Thornton Freeland will direct. Zoe Akins is now doing the script.

"Alcatraz" to Burroughs

HOLLYWOOD, March 4.—Burroughs-Tarzan have acquired the rights to "Alcatraz," by J. J. Gilbert, and will shortly produce it as one of four specials with the script first to be approved by Attorney General Cummings.

"Ghost" Gets $14,800 Take In Washington

WASHINGTON, March 4. — "The Ghost Goes West" sent the RKO Keith gross to $14,800, over the average by $4,200. The run was extended.

While the Earle upped an $18,400 par to $22,500 with "Millions in the Air," it is generally conceded that Wayne King and his orchestra on the stage was the greater attraction.

"Rose Marie," playing a second week at Loew's Palace, topped the first-week average by $1,600 for a take of $17,500. At Loew's Columbia a return engagement of "Strike Me Pink" took $4,800, or $1,200 over the first run average. "King of the Damned," the first G. B. going to Warners under a new agreement, grossed $5,600 at the Metropolitan, $1,300 over average.

On its first anniversary program, "Loyalties" at the Belasco Theatre, playing but five days, slipped to $1,900, where the full week's average is $3,000. "The Milky Way" and a stage show at Loew's Fox did but $18,000, dropping $2,900 under par.

Total first run business was $85,100. Average is $76,700.

Estimated takings, exclusive of tax:

Five Days Ending Feb. 26:

"LOYALTIES" (First Div.)
BELASCO—(1,140), 25c-65c, 5 days. **Gross:** $1,900. (Average, full week, $3,000)

Week Ending Feb. 27:

"MILLIONS IN THE AIR" (Para.)
EARLE—(2,218), 25c-77c, 7 days. Stage: Wayne King and his Orchestra, the Three Queens, Eddie White. **Gross:** $22,500. (Average, $18,400)
"STRIKE ME PINK" (U.A.)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $4,800. (Average, first run, $3,600)
"THE MILKY WAY" (Para.)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Eddie Garr, Carl Shaw, Ted Adair & Dance Revue, Gautier's Toy Shop. **Gross:** $18,000. (Average, $20,900)
"ROSE MARIE" (M-G-M)
LOEW'S PALACE — (2,370), 35c-55c, 7 days, 2nd week. **Gross:** $17,500. (Average, first week, $15,900)
"KING OF THE DAMNED" (G.B.)
METROPOLITAN — (1,591), 25c-40c, 7 days. **Gross:** $5,600. (Average, $4,300)
"THE GHOST GOES WEST" (U.A.)
RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $14,800. Average, $10,600)

Complete Arabic Film

WASHINGTON, March 4.—The first Arab production, "Wedad," has been completed by the Societe Misr pur le Cinema et le Theatre, a subsidiary of Banque Misr, semi-governmental institution, according to a report to the Department of Commerce from Leys A. France, commercial attache in Cairo. It is hoped to distribute the film internationally.

Ervin Bock Transferred

CINCINNATI, March 4.—Ervin Bock manager of the RKO Grand, has been transferred to the RKO Capitol. He succeeds Clarence Valentine. James Pendergast, assistant manager at Keith's, has been placed in charge of the Grand.

Warners Name Joyce

BALTIMORE, March 4.—Tyler Joyce has succeeded George Browning as publicity man for Warners' Stanley here. Browning has resigned to do radio work.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 55 NEW YORK, FRIDAY, MARCH 6, 1936 TEN CENTS

Fox's Appeal Denied; Court Orders Arrest

Fine of $235,032 and Fee Of $10,000 Involved

The U. S. Circuit Court of Appeals yesterday dismissed an appeal by William Fox from an order of Federal Judge William Bondy fining Fox $235,032, and $10,000 attorney's fees, for contempt of court.

The order also directed that Fox be taken into custody by a U. S. marshal and held until the fine was paid. Yesterday's dismissal of Fox's appeal makes the former film executive subject to this arrest order whenever he enters New York. Fox is now reported to be in Atlantic City.

Fox was held to be in contempt of court when he failed to answer a subpoena obtained by the Capital Co., owner of the Fox, San Francisco, which sought to question Fox on his alleged inability to satisfy a $235,000 judgment which it held against him. The judgment represented Fox's lia-

(*Continued on page 6*)

S. R. Burns, Int'l. Projector, Passes

Samuel R. Burns, president of the International Projector Corp., and vice-president of General Theatres Equipment Co., died yesterday after a long illness at the Post Graduate Hospital. He was 54 years old.

Born in 1882, Burns saw service with the 107th Regiment on the Mexican Border and started his business career as an accountant with the old Nicholas Powers Co., the predecessor of the present projection company, later becoming executive vice-president of the Richardson Manufacturing Co. and Enos, Richardson & Co. With the formation of International in 1925 he became executive vice-presi-

(*Continued on page 6*)

Steamfitter Leads To Lyon Jaw; Fined

DETROIT, March 5.—Actor Ben Lyon and steamfitter Thomas James starred in a near riot at the Fox last night. Today they played to capacity in Judge John J. Maher's Court.

Steamfitter James didn't like the Lyons-Daniels act last night and said so in a boisterous manner. Lyons left the stage and took a smack on the jaw. James was fined $15 for assault and battery today.

He wore a black eye and split lip

(*Continued on page 6*)

"Mutiny," McLaglen and Bette Davis Win Awards

By RED KANN

LOS ANGELES, March 5.—In the colorful and crowded Biltmore Bowl of the Biltmore Hotel here tonight were crowned the winners of the eighth annual Academy Awards for 1935, led by M-G-M's Irving Thalberg production, "Mutiny on the Bounty," Victor McLaglen for his work in Radio's "The Informer," and Bette Davis for her performance in Warners' "Dangerous."



Bette Davis



Victor McLaglen

John Ford took the direction honors for "The Informer." Ben Hecht and Charles MacArthur topped the list on the best original with "The Scoundrel." Dudley Nichols won the best adaptation award for "The Informer."

In the short subject division, Walt Disney's "Three Orphan Kittens" took cartoon honors. "How to Sleep," M-G-M - Pete Smith subject, won the comedy award, and G.B.'s "Wings Over Mt. Everest" was named the best in the novelty section.

The best song was adjudged "Lullaby of Broadway," from Warners' "Gold Diggers of 1935." The music was written by Harry Warren

(*Continued on page 8*)

Kuykendall Hits "Small Minority"

MIAMI, March 5.—Striking out at "a disgruntled small minority" of exhibitors whom he blames for attempts to pass destructive legislation, Ed Kuykendall, president of the M.P.T.O.A., declared today they must be removed from the industry, at the opening at the Miami Biltmore Hotel of the two-day annual meeting of the board of the M.P.T.O.A.

"Practically all of the irritating legislation we must fight comes from this very small group of operators, most of whom are unscrupulous and without ethics," said Kuykendall. He was speaking particularly of the block

(*Continued on page 12*)

Tax Exemption Level May Be Decreased

WASHINGTON, March 5.—A lowering of the present 40-cent exemption from the theatre admission tax was suggested today to the tax subcommittee of the House Ways and Means Committee as part of a program of excise taxes and increased income levies designed as a substitute for the tax on undistributed profits recommended by President Roosevelt.

No new figure was submitted, but it

(*Continued on page 6*)

Atlas, Lehman Buy Technicolor Stock

Atlas Corp. and Lehman Brothers have acquired a minority interest in Technicolor, said to total about 18,000 shares, and made directly from the company. The purchase price was not revealed. The stock is currently selling on the Curb at $32. There are 687,706 common shares outstanding.

Technicolor is controlled by John Hay Whitney who acquired a stock interest in the company some time ago. Whitney is president of Pioneer, which controls Spectrum Corp., which in turn has on option on 140,000 shares

(*Continued on page 6*)

Former Senator Reed Is Conferring Here

Former Senator James A. Reed, who led the Warner legal battery in the criminal and civil actions filed by the Government in St. Louis in connection with the alleged withholding of product from the Ambassador, Missouri and New Grand Central in that city, is in town conferring with Warner attorneys.

Reed has just returned from a Miami vacation and plans to spend several days in town, he said yesterday. Since his arrival he has had very lit-

(*Continued on page 6*)

Para. to Make New Films in Three Groups

AA, A and B Product Is 1936-'37 Plan

Paramount will classify its 60 to 65 features for the new season as AA, A and B pictures, with production budgets for each classification graded accordingly, it was learned yesterday.

The AA pictures will be specials and will have the advantage of budgeting adapted to their indicated production values, rather than being held within definitely fixed budget limitations. The A pictures will be in an advanced budget classification, probably running as high as $1,000,000 or more. The B schedule, which may consist of 26 features, is expected to include everything up to approximately $300,000.

With William LeBaron in charge of production, the company, in addition, will have at least 12 associate producers. Winfield Sheehan, who will have charge of 10 pictures, four of which he will produce himself, will make both A and B product. Present plans are that the four will be A pictures and the six which he will supervise will be B pictures. Associate producers on the remaining A pictures will be Ernst Lubitsch, Frank Lloyd,

(*Continued on page 8*)

M-G-M to Clean Up This Season's List

In keeping with its plan to clean up current year committments with the expiration of the 1935-36 season, M-G-M expects to release 30 features between Feb. 6 and Aug. 31, its sales force has been advised.

From July 1 of last year to Feb. 6 of this, the total ran to 27. Of this number, 20 were '36-'37 releases and seven carryovers from '34-'35. The final group of 30 is designed to include 28 announced for '35-'36 and two carryovers from last season.

Mae West Paramount Contract Is Ended

HOLLYWOOD, March 5.—Mae West's Paramount contract has terminated, and her last picture for this company will not be made. The studio voided the contract by failing to use the actress within the time limit specified.

Miss West is scheduled to start a picture for Emanuel Cohen on April 1.

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Mel Templeton Out; Takes London Post

HOLLYWOOD, March 5.—Mel Templeton, production budget chief at Paramount, has resigned to accept a similar post with London Films, Ltd. His resignation takes effect March 13.

Templeton, who went from Fox to Paramount with George Bagnall, will sail for London March 19.

Dietrich Row Is Ended

HOLLYWOOD, March 5.—Paramount has agreed that the story, "I Loved a Soldier," is not suitable for Marlene Dietrich, who quit the film recently. Miss Dietrich, still in Hollywood, is expected to leave in a few days for a European vacation, but has promised that she will return in September to make another picture for Paramount.

RCA Plans Experiments

WASHINGTON, March 5.—The Federal Communications Commission has authorized the construction by RCA of experimental facilities for facsimile or still picture transmission from New York to Philadelphia by radio. RCA may seek to extend the facilities to Washington and Baltimore.

Lottery Hearing Opens

BOSTON, March 5.—The hearing before the Legal Affairs Committee on the bill to amend the Massachusetts Lottery law got under way here today with Attorney George S. Ryan speaking in favor of the change which would legalize Bank Night.

Insiders' Outlook

By RED KANN

Hollywood, March 5.

JOE SCHENCK sits back in his comfortable office on the Twentieth Century-Fox lot in Westwood Hills satisfied with the progress made by the merged companies since their marriage and confident that the stride so early established merely points the way toward things to come. Hollywood, where the thrills bounce one a minute, talks a great deal about the Zanuck-Schenck setup and how the production ingenuity of the former, who, after all, actually turns out the merchandise, has set the wheels humming on that lot. . . .

▼

Friend, counsellor and, of course, business associate, Schenck sits by Zanuck's side, keeps all ten fingers in the pie, and, like the baker who watches his cooking, constantly sees to it that the dough is neither over or under done. He told us Twentieth Century-Fox will maintain its long fixed total of features for 1936-37; that the plan is to make seventy per cent of the output A attractions and the remainder B. . . .

▼

Here, as in other Hollywood directions, no mention was made of the B product and how it fits into the twin bill situation. Executives may deplore the rising tide of double features, but they are not ignoring the call of the market. This explains obviously enough why all studios are so irrevocably committed to the B and even lower divisions. Schenck, however, has another slant on the matter and it has to do with the two divisions into which he breaks down the domestic theatre field. . . .

▼

"I don't know whether or not you realize it," he went on to say, "but there are untold numbers of situations in the United States where a B attraction actually is an A attraction. Why not feed that market?" Why not, indeed? While Schenck, in so many words, did not express the opinion that American exhibition, after all these years, was naturally dividing itself into sharply defined major classifications insofar as types of pictures are concerned, it appeared to us his comment suggested a belief that he saw this as fact. . . .

▼

While story possibilities and talent explain how producers at large arrive at their A and B markings, the approach from the exhibition point of view is one of dollars-and-cents. Make and dub a picture by any alphabetic designation you like. Yet if it goes places, automatically it becomes an A attraction even if Hollywood labels it a B. This, with some slight embroidery, we took to be Schenck's observation and, of course, it is entirely accurate. . . .

▼

On the foreign situation which always has been of keen interest to him since he comprehends the measure of the return from overseas markets, Schenck reflected high optimism. He sees nothing to be gained by production of cheap films in England merely for purposes of complying with the British quota law. Therefore, whatever Twentieth Century-Fox enters upon in London will be made on a scale comparable with the A's turned out in Hollywood. Detailing no detail, he said eight are in view at the moment and four of the total down for immediate production. . . .

▼

He expressed, further, his satisfaction in the studio status here as it bore on the improvement of the company's gross in the United Kingdom. "Before we came in, we played in England principally as the second feature despite the fact that the company owns forty-four per cent of Gaumont British. This was true generally except in the case of the Shirley Temple. However, that has changed in the last six months so that today we are getting bookings as the main feature on British programs," Schenck declared. . . .

▼

On color, which has this provincial town on its ear, what with excitement over "The Trail of the Lonesome Pine," hailed by local scriveners as "triumphant" and other conservatisms, Schenck is cautious. "Color should be used only where the subject makes its use logical," is his slant. "We are considering 'Ramona,' for instance, as a case in point." That noiseless mental cheering which Schenck could not have possibly heard came from us, for here was one top-flight executive, at least, who had not lost himself in Technicolor's rainbow. . . .

▼

The consolidation of Twentieth Century with Fox will lose all of its external manifestations with the close of this season. Zanuck was committed to make a round dozen Twentieth Centurys, merger or no merger. That task is practically finished. While it does not mean at all that he will not personally keep tabs on particular pictures to come, it does mean that, with the expiration of that obligation, the blending of the two corporations will have become complete and their unity one. . . .

Injunction Granted R. C. A. and A. T. & T.

WILMINGTON, March 5.—Judge John P. Nields today issued a preliminary injunction in U. S. District Court here on behalf of RCA and A. T. & T. against Collins Radio Corp. on the charge of infringement of two patents of Dr. Lee DeForest dealing with radio transmission and the vacuum tube. Patents involved are No. 1,507,017 and No. 1,507,016.

The Court denied General Electric Co. a preliminary injunction against the Collins organization for infringement of G. E. patents No. 1,297,188 and 1,344,118 dealing with the amplification of variable and small currents.

Collins claims to have sold only 46 receivers of the types under consideration prior to the bringing of the suits, and further maintains that it has no intention of buying or selling them in the future.

Jersey's Governor Talks Before Ampa

Governor Harold Hoffman of New Jersey yesterday proved an entertaining speaker at the Ampa luncheon which was held in conjunction with the Cheese Club. There was a capacity attendance.

The guest of honor proved a wit and recited a number of poems. He touched on the Hauptmann case lightly.

Harry Hershfield acted as master of ceremonies and virtually walked off with the show with his brand of humor. Among the other guests were P. Halperin of London, S. I. Hsuing, author of "Lady Precious Stream,"; George Gershwin, Louis Nizer, Albert Goldman, Donald Flamm, Gabriel Heator, Johnny Johnson, Arthur Tracy, Leon Belasco, Alice Reinhardt, William Ferguson and Gus Edwards.

The session was broadcast over WMCA.

Vogel at Phila. Meet

PHILADELPHIA, March 5.—A regular get-together of the Independent Theatre Managers of Philadelphia was put on last night at Palumbo's Restaurant with 150 in attendance. A-Mike Vogel, chairman, Managers' Round Table Club, was among the guests.

Arrangements were handled by Barney Cohen, manager, Admiral Theatre, president; John C. Ehrlich, manager, New Deal, secretary; Abe Resnick, manager, Hamilton, and George Nonamaker. The organization meets weekly at 1313 Vine St.

Thomas to Columbia

HOLLYWOOD, March 5.—Bill Thomas will succeed Ed Olmstead as Columbia studio publicity director on Monday. Thomas was formerly assistant to Bill Pine at Paramount.

Goetz Planing East

LOS ANGELES, March 5.—Harry Goetz left here by plane last night for New York. He is expected back April 1.

Dated up—*more than any other young ladies in history!*



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MORE THAN 320 DATES ON MARCH 6th

An all-time industry record for day-and-date engagements!

THE DIONNE QUINTUPLETS (Yvonne, Cecile, Marie, Annette, Emelie) in "THE COUNTRY DOCTOR" with JEAN HERSHOLT, June Lang, Slim Summerville, Michael Whalen, Dorothy Peterson. Photographed under the technical supervision of Dr. Allan Roy Dafoe. A FOX PICTURE. Darryl F. Zanuck, in Charge of Production. Associate Producer Nunnally Johnson. Directed by Henry King. Original story by Charles E. Blake. Screen play by Sonya Levien.

And you can bet exhibitors plan to QUINTUPLY THEIR PLAYING TIME!

20th CENTURY FOX

THE KEYSTONE
OF YOUR FUTURE

A NEW kind of STAR brings a NEW kind of FUN!

The blustering skipper of "Steamboat Round the Bend"....now gives the crowds who laughed him into stardom a *full portion* of his joviality...in a human, humorous story of big business that means *grand* business for you!

Irvin S. Cobb IN

EVERYBODY

with ROCHELLE

JOHNNY DOWNES
ALAN DINEHART
DONALD MEEK

Associate Producer Bogart Rogers

Screen play Patterson McNutt
and A. E. Thomas

A FOX PICTURE



'S OLD MAN

HUDSON

NORMAN FOSTER
SARA HADEN
WARREN HYMER

Directed by James Flood

Suggested by the story by Edgar Franklin

DARRYL F. ZANUCK
in Charge of Production

20th CENTURY FOX

THE KEYSTONE
OF YOUR FUTURE

Purely Personal

BORIS MORROS, head of Paramount's music department, returned to the coast yesterday after spending three days in town. He said the purpose of the trip was to make an analysis of talent he wanted. MORROS added he signed a long term contract with Paramount on Jan. 29 and he intends to produce, but he is not going to rush into it.

•

J. H. HOFFBERG has signed ANDRE BRAUCH of CBS to narrate a new series of adventure shorts, to be known as "World Explorations," which will be released shortly.

•

MARY BRIAN, who arrived this week from London, where she made three pictures and appeared in a musical revue, will leave Sunday for Hollywood.

Quip of the Day

"How are things coming?" George P. Skouras was asked yesterday.

"Marvelous," he answered. "They're getting worse every day."

L. J. SCHLAIFER, who recently rejoined United Artists, returned from the coast yesterday.

•

MERVYN LEROY and MRS. LEROY will arrive here next week en route to Europe.

•

ARTHUR LOEW, head of M-G-M's foreign activities, is scheduled to arrive next Thursday from Rio de Janeiro. He's coming via plane and the Pan American lines.

•

LAUDY LAWRENCE, general manager for M-G-M in Europe, will arrive on the *Ile de France* on Tuesday.

•

ARTHUR A. LEE, vice-president of G. B., leaves for the coast today.

•

RANDOLPH SCOTT will arrive in town Sunday.

•

. . . Bridgeport

HUMPHREY DOULENS, critic for the *Post* and *Telegram*, in the hospital recuperating from operation for appendicitis.

GEORGE COMDEN, manager of the Fine Arts, Westport, has returned from a trip to Miami and Havana.

•

. . . London

W. J. HUTCHINSON received a silver salver from the staff of Twentieth Century-Fox when he formally relinquished his duties here to leave for New York to become general foreign sales manager. The staff of British Movietone News presented him silver card trays.

PAUL SOSKIN is planning a trip to the United States.

BORIS KARLOFF here for "The Man Who Changed His Mind," Gainsborough.

LOUIS LUMIERE, pioneer inventor, spotlighted at the premiere of "Things to Come."

Fox Appeal Denied, His Arrest Ordered

(*Continued from page 1*)

bility under a defaulted lease on the west coast theatre which was said to have been personally guaranteed by him. Judge Bondy's order, sustained by the higher court yesterday, directed that Fox be held in custody either until he had satisfied the judgment through payment of the fine or until he has paid $10,000 in fees to Samuel Stewart, Capital's attorney, and submitted to the examination originally sought on his inability to pay the judgment.

Gov't. May Decrease Tax Exemption Level

(*Continued from page 1*)

is understood that Treasury actuaries have made a study of the theatre situation which shows that a 20 or 25-cent exemption would bring in several million dollars a year.

No suggestion has been made that the tax rate be raised above its present 10 per cent. level. Treasury officials are understood to feel that this is as high as can be imposed without endangering attendance.

Atlas, Lehman Buy Technicolor Stock

(*Continued from page 1*)

of Technicolor, based on the completion of eight pictures by Pioneer.

The Atlas-Lehman group recently acquired RCA's holdings in RKO and Atlas has a substantial interest in Paramount, underwriting the company's reorganization last year.

Former Senator Reed Is Conferring Here

(*Continued from page 1*)

tle conversation with Warners about the new civil action filed by the Government in New York last week. He stated he did not know at this time whether he would be on the defense battery when the case comes up for hearing.

Brown Starts Ad Class

DES MOINES, March 5.—Stanley A. Brown, district manager of Tri-States Theatres Corp., has inaugurated an eight weeks' course in theatre advertising. The school was originally planned for younger staff members, but enrollment the first week included all managers and assistant managers here as well as 15 juniors.

A. H. Blank Recovering

DES MOINES, March 5.—A. H. Blank, general manager of Tri-States Theatres Corp., expects to return from a two-month vacation at Miami Beach, March 12. Blank is recuperating from an emergency appendicitis operation.

Permit Sunday Films

OCALA, Fla., March 5.—The City Council here has approved full-time Sunday films for the convenience of the 3,000 workers on the $146,000,000 Gulf-Atlantic ship canal construction project. The change is effective March 8.

Just a Holdup!

Beverly Hills, March 5.—Lynn Farnol was busy on detail in connection with the Pickford broadcast Tuesday night in the lobby of the Beverly Hills Hotel. He finished, looked up and saw what he figured to be a hotel clerk, then said:

"Please put this in Box 318."

No results persuaded Farnol to think the chap a trifle on the stupid side. "In 318," he repeated, this time somewhat more sharply. For the first time, he noticed the man carried a gun. "But this is a holdup," the voice on the other side of the revolver declared.

Moved into a corner of the lobby where a frightened group had been huddled, Farnol backed into a Frenchman with a long beard and reading a newspaper. "Beg your pardon. Is this your place I have?" queried the Frenchman. "Oh, no," answered Farnol, "this is a holdup." By this time he had succeeded in throwing his wallet under a convenient chair.

The marauders never saw it.

Campbell to Exploit British Music Here

HOLLYWOOD, March 5.—James Campbell has arrived from England in company with Jeffrey Bernerd, chief of sales for G. B.

Campbell is here to exploit the music of the newest Jessie Matthews film. "It's Love Again." He will spend from 10 to 12 weeks making appearances with bands and on the air.

In the past, Campbell has placed American rights for music published by the Campbell-Connolly Music Co. in London with various firms on this side, but he will decide on this trip about establishing an American branch in New York.

S. R. Burns, Int'l. Projector, Passes

(*Continued from page 1*)

dent and later, in 1932, president. He was a member of the F. & A. M., Temple 110, Jersey City. His widow, Mrs. Carrie Burns, survives.

Funeral services will be held tomorrow at 2 o'clock at the First Presbyterian Church in Emory St., Jersey City.

Shea Joins Paramount

HOLLYWOOD, March 5.—Joe Shea will join Paramount as assistant to Gabe Yorke next Monday, with Pat Patterson and Mel Riddle also additions to the staff. All three were in Yorke's department at Fox.

Ban Liquor in Houses

MIAMI BEACH, March 5.—The City Council here yesterday passed an ordinance prohibiting the sale of liquor in film houses. Attendance of children was cited by proponents of the measure.

Chicago Operators' Pact Off to Autumn

CHICAGO, March 5.—Settlement of the operators' contract which has been hanging fire since Jan. 10 will not be drawn up until Sept. 1. In the meantime the verbal agreement will continue.

I.A.T.S.E. rules have been changed so that all contracts will start Sept. 1, according to word received here by Frank Clifford of the union.

Circuit heads and the union conferred daily all last week on the demands of both sides, but finally agreed to abide by the old contract until September. This will automatically defer the operators' request for a 20 per cent increase.

Steamfitter Leads To Lyon Jaw; Fined

(*Continued from page 1*)

in court, proving that Lyon also was handy with his fists.

When James booed Lyon's monologue yesterday the actor said: "As you don't seem to like my act, I'll let my wife sing."

When Bebe Daniels started her song James booed again. It was then that Lyon left the stage, confronted James and the fists began flying.

Mass. Passes "Annie"

BOSTON, March 5. — Despite criticisms in other parts of the country, "Klondike Annie" has been approved without deletion by the Massachusetts Department of Public Safety.

Miss Bergner Gaining

LONDON, March 5.—Elisabeth Bergner, who underwent an operation for appendicitis here Tuesday, is making satisfactory progress, it was stated today by her physicians.

Wall Street

Gains Dominate Board

	High	Low	Close	Net Change
Columbia, vtc. ..	39	38	39	+1
Consolidated	6⅛	6⅛	6⅛	— ⅛
Consolidated, pfd.	18⅞	18¾	18⅞	+ ¼
Eastman Kodak .	166⅞	166	166¼	+2¾
Eastman, pfd	164	163	163	+ ½
Loew's, Inc.	49¾	48¾	49½	+ ¼
Loew's, Inc., pfd.	105	105	105	s15
Paramount	10	9¾	9⅞	— ¼
Paramount 1 pfd.	77¼	74	74	—2⅛
Paramount 2 pfd.	10⅞	10½	10½	— ¼
Pathe Film	8⅝	8¼	8½	— ¼
RKO	8⅜	8⅛	8⅝	+ ⅜
20th Century-Fox.	31½	31	31¼	— ⅛
20th Century, pfd.	39⅜	39	39	.....
Universal, pfd....	81	80	81	+1
Warner Bros.	13	12⅞	13	.....

Technicolor Best Curb Gain

	High	Low	Close	Net Change
Sentry Safety ..	1	15/16	1	+1/16
Sonotone	3	2⅞	2⅞	+ ⅛
Technicolor	32½	31⅛	31⅛	+ ⅝
Trans-Lux	4½	4¼	4¼	— ⅛

General Theatre Bonds Up

	High	Low	Close	Net Change
General Theatre Equip. 6s '40....	27¾	26½	27¾	+1
General Theatre Equip. 6s '40 ctf	27½	26½	27⅛	+ ⅛
Keith B. F. 6s '46	96¼	96¼	96¼	+ ¼
Loew's 6s '41 ww deb rights	102.24	102.24	102.24	.....
Paramount Pict. 6s '55	91	89½	90	—1
RKO 6s '41 pp	75	75	75	— ½
Warner Bros. 6s '39 wd	94	94	94	.....

(Qutotations at close of March 5)



Credit Warners for giving you Star as well as Story Variety, with such added starters this season as Fredric March, Errol Flynn, Claude Rains, Jack Oakie, Charlie Ruggles, Olivia De Havilland, James Melton, June Travis, Jane Froman, Edmund Gwenn, and now

BORIS KARLOFF

The Master of Horror Achieves His Masterpiece in

The Walking Dead"

With Ricardo Cortez • Edmund Gwenn • Marguerite Churchill • Warren Hull
Barton MacLane • Henry O'Neill • Joseph King • Directed by Michael Curtiz

AN "A"-HOUSE SUCCESS AT N. Y. STRAND

Para. to Make New Films in Three Groups

(Continued from page 1)

Arthur Hornblow, Lew Gensler, Al Lewis, Benjamin Glazer and Lloyd Sheldon. The production assignments for AA pictures will go to members of this group.

Associate producers on the B pictures will include Henry Henigson, Harold Hurley and A. M. Botsford. Cecil B. DeMille will make both A and B pictures, producing some himself and supervising others.

The pictures to be made here will be B product. These will come from Ben Hecht and Charles MacArthur, with an additional one or two from sources not yet set.

All of the company's pictures scheduled for release during the third quarter of the current season, from February to May, have been completed and are either ready for release or in the process of final editing, according to a studio report yesterday to John E. Otterson, president. In addition, nine productions tentatively scheduled for May release are now before the cameras, 10 scripts are nearing completion for June and July releases, which complete the current season schedule, and 31 scripts are now in work in preparation for the 1936-'37 season, the report stated. Six of the latter scripts have been approved and will go into production in April.

"During the second quarter of the current season," the report stated, "the studio has established the unusual record of completing 11 pictures on schedule and within budget figures. All 11 productions were made at a substantial reduction in negative costs in comparison with previous pictures."

Paramount Board Meets

An adjourned meeting of the Paramount board was held yesterday to transact unfinished business carried over from the regular monthly meeting held Feb. 29, an official of the company stated yesterday.

The Winfield Sheehan and Frank Lloyd producing contracts, reported to be included in the unfinished business, were not passed upon at the meeting, it was stated. It is understood that details of the Sheehan contract are still in work.

"Fleet" at $84,000 On Its Second Week

"Follow the Fleet" ended its second week at the Music Hall with approximately $84,000. The Roxy, with "Rhodes," wound up its first week with about $36,000.

Theatre men along Broadway claim that the elevator strike has affected business.

Two Houses Are Robbed

CHICAGO, March 5.—Within a space of 10 minutes a bandit armed with a pistol held up the Austin and the Savoy. The first time he got $90 and the second job netted him $35. He escaped. The houses are close together.

"Mutiny," McLaglen and Bette Davis Win Awards

(Continued from page 1)

and the lyrics by Al Dubin. The music scoring award went to Max Steiner, Radio musical director for "The Informer." Tops among assistant directors were Clem Beauchamp and Paul Wing for their work on Paramount's "Lives of a Bengal Lancer." The film editing ace was Ralph Dawson for "A Midsummer Night's Dream," and dance direction honors went to Dave Gould for M-G-M's "Broadway Melody" and "Folies Bergere," Twentieth Century-United Artists film.

The technical awards went in this fashion: sound recording—William Steinkamp, sound supervisor of "Naughty Marietta," M-G-M, on which Douglas Shearer was sound engineer; art direction—Richard Day of Goldwyn Prod., for "Dark Angel"; cinematography—Hal Mohr, on "A Midsummer Night's Dream."

Best production runner-up was "The Informer," with Warners' "Captain Blood" third. In the actor division, Paul Muni, on a write-in vote, took second place for Warners' "Black Fury," and Charles Laughton third for "Mutiny on the Bounty." Among the actresses, Katharine Hepburn was runner-up for Radio's "Alice Adams" and Elisabeth Bergner third for her work in B. & D.'s "Escape Me Never." Behind Ford among the directors came Michael Curtiz, via a write-in, for "Captain Blood" and Henry Hathaway for "Lives of a Bengal Lancer," third.

Four awards went to Radio, all for "The Informer," and four to Warners.

D. W. Griffith, in Hollywood for the first time in 10 years, and accompanied by his wife, presented the awards in the actor, actress and director divisions.

The winners follow:

Best Performance, Actress

Bette Davis for "Dangerous."

Best Performance, Actor

Victor McLaglen for "The Informer."

Best Production

"Mutiny on the Bounty" (M-G-M)

Best Direction

John Ford for "The Informer."

Best Original

Ben Hecht and Charles MacArthur for "The Scoundrel."

Best Adaptation

Dudley Nichols for "The Informer."

Short Subjects

(Cartoon)

"Three Orphan Kittens" (Walt Disney)

(Comedy)

"How to Sleep" (M-G-M)

(Novelty)

"Wings Over Mt. Everest" (G. B.)

Assistant Director

Clem Beauchamp and Paul Wing for "Lives of a Bengal Lancer."

Music

(Best Song)

"Lullaby of Broadway" in "Gold Diggers"—Music by Harry Warren and lyrics by Al Dubin.

(Best Scoring)

"The Informer" (Radio)

Film Editing

Ralph Dawson for "A Midsummer Night's Dream" (Warners)

Dance Direction

Dave Gould for "Broadway Melody" (M-G-M) and "Folies Bergere" (20th Century-U.A.)

Technical Awards

(Art Direction)

"Dark Angel" (Goldwyn-U. A.)

(Cinematography)

"A Midsummer Night's Dream" (Warners)

(Sound Recording)

"Naughty Marietta" (M-G-M)

Cohan Ends Battle On the Duffy Bill

WASHINGTON, March 5.—Opponents of the Duffy Copyright Bill today concluded their testimony before the House Patents Committee with the appearance of George M. Cohan, who declared he had "no particular statement to make" and had come to Washington because he resented being called a "racketeer."

Cohan and members of the committee engaged in reminiscences of old stage days and wandered so far afield that Representative O'Malley of Wisconsin expressed bewilderment about whether Cohan or the committeemen were testifying.

E. C. Mills, general manager of Ascap, completed his testimony on the bill which he had begun yesterday, with a plea for retention of the $250 infringement penalty and an attack on exhibitors, broadcasters and others who were trying to secure its elimination.

The committee will meet next Tuesday, when proponents of the legislation begin their presentation. Senator Duffy of Wisconsin, author of the bill passed last year by the Senate, is expected to be the first witness.

Waterbury Ban Hits All Cash Giveaways

WATERBURY, March 5.—A city-wide ban on cash giveaways will prevent five theatres and several organizations from awarding prizes accumulated under various systems in operation here. Affected are Warners' State and Strand, and Michael Sirica's Capitol, all operating Bank Night; Loew's Poli, which features Screeno; Steve Panora's Garden, running Auction Nite, and several organizations which have popularized Beano and Bingo games.

The ban followed a conference between City Prosecutor Mitchell G. Myers, Police Superintendent Joseph H. McLean and theatre managers, during which it was declared that cash giveaways would be prosecuted. Premiums and other merchandise giveaways are not affected.

Para. May Not Pick Lazarus Successor

HOLLYWOOD, March 5.—There is a strong possibility that Jeff Lazarus, head of the story department, will not be replaced at Paramount after his resignation, effective April 1.

If such is the case, each producer will be made responsible for selection of his own story material. Irene Francis will continue as head of the reading department, according to rumor, and will send suitable material to the producers directly instead of routing it through the story department.

A T & T Probe Set Mar. 17

WASHINGTON, March 5.—The Federal Communications Commission probe into A. T. & T. authorized by Congress several months ago will start March 17.

Gershwin-Para. Dicker

George Gershwin, composer, is negotiating with Paramount on a deal which will take him to the coast.

HELD OVER · ROXY

It's a
"COVERED WAGON"
Plus– "CIMARRON"

"'A COVERED WAGON' . . . IN BOTH SWEEP OF SUBJECT MATTER AND EXECUTION." —*HOLLYWOOD REPORTER*

"SIMILAR TO OUR OWN 'CIMARRON' . . SWEEPING PICTURE OF A COLORFUL ERA." —*NEW YORK EVENING JOURNAL*

"DRAMA, FRAUGHT WITH THOUSAND THRILLS OF ROMANCE AND ADVENTURE." —*NEW YORK AMERICAN*

"MELODRAMATIC AND STIRRING . . . EXCITING ENOUGH FOR ANY ONE." —*NEW YORK SUN*

"SCORES ON ALL COUNTS . . . ENTERTAINMENT THAT IS A PUSHOVER." —*FILM DAILY*



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No Big New Spots Abroad—Schaefer

Not one outstanding theatre has been built in the last year in any of the countries for which he supervises sales for Paramount, Gus Schaefer, general manager in Germany and Central Europe, stated yesterday upon his arrival on the *Washington* for a three- to four-week vacation.

"There has been very little building and the new theatres that have been constructed are the smaller type houses," he said. "Business is better than last year," Schaefer added, "and Paramount is releasing 14 or 15 features in Germany, 30 to 35 in Holland and Roumania, 20 in Austria and Hungary, 35 in Jugoslavia and 30 in Poland." Paris, Spain and England are not included in Schaefer's territory. Of the lists for Germany and Austria, 12 are "dubbed," he said.

Purnell Pratt, who will appear in seven pictures for Republic, arrived on the same boat and said he had turned down offers from G.B., B.I.P. and Capitol to make about six features in England, because of the excessive income tax in that country.

Jack Waller has offered Pratt a role in "January 16," which is to be produced on the stage in London. Unless he heard from Waller by cable within 24 hours, he would not consider the part, Pratt stated.

Raymond Milland, Paramount contract player, also was a passenger. He said he was abroad on a two and a half week vacation and although he had several offers in England, Paramount would not permit him to accept any of them. He leaves tomorrow for Hollywood and may be cast in "The Old Maid."

Mrs. Wallace Beery also returned after a vacation abroad.

"Klondike" Leads Buffalo, $12,760

BUFFALO, March 5.—"Klondike Annie" and the first faint signs of spring swept into this town together. In its first week at the Great Lakes, the picture drew $12,760, topping par by $5,460 and giving the house its best gross in a month.

At the Lafayette, a dual, "Crime and Punishment" and "You May Be Next," drew $9,600, over average by $3,600.

Walter Hampden's "Cyrano de Bergerac" had moderate houses for three performances Tuesday and Wednesday.

Total first run business was $46,100. Average is $42,000.

Estimated takings for the week ending Feb. 29:

"MILKY WAY" (Para.)
BUFFALO—(3,000), 35c-50c, 7 days. **Gross:** $9,340. (Average, $12,000)

"THE GHOST GOES WEST" (U.A.)
HIPPODROME—(2,600), 35c-50c, 7 days. **Gross:** $6,400. (Average, $7,300)

"KLONDIKE ANNIE" (Para.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $12,760. (Average, $7,300)

"TOUGH GUY" (M-G-M)
"FRESHMAN LOVE" (W.B.)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,600. (Average, $5,800)

"CRIME AND PUNISHMENT" (Col.)
"YOU MAY BE NEXT" (Col.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $9,600. (Average, $6,000)

"CASE OF THE MISSING MAN" (Col.)
GAYETY—(1,600), 15c-25c-35c, 7 days. Stage: vaudeville. **Gross:** $2,400. (Average, $3,600)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Charlie Chan at the Circus"

(Twentieth Century-Fox)

HOLLYWOOD, March 5.—There is considerable opportunity for lively exploitation in this latest of the Chan mystery pictures, as is obvious from the title. With all the excitement and color that is provided by the circus atmosphere as a background, the famed Earl Derr Biggers character, as usual played by Warner Oland, solves the murder with the entertaining assistance of Keye Luke, as his son. The exhibitor has the circus atmosphere as well as the Chan mystery to sell.

Charlie takes his enormous family to the circus, is consulted by the hated co-owner of the show, who has received threatening letters, then runs into trouble when the man is found murdered. It appears that the circus's huge ape has strangled him. Chan moves on with the circus to the next town when his aid is enlisted by the show's remaining owner, and while Luke falls in love with a Chinese performer in the show, Chan pursues his case through a maze of incidents and conflicting clues, the most exciting of which is the near death of an implicated feminine acrobat, when a bullet cuts the rope of her trapeze and she tumbles to the sawdust.

With the aid of a microscope and his own sharp wits, he uncovers enough information to pin the crime in the right place, apprehending the murderer through the ruse of a fictitious operation on the hurt performer in a circus tent.

Harry Lachman drew the most from his material in his direction. Robert Ellis and Helen Logan did the screenplay.

Production Code Seal No. 1,978. Running time, 71 minutes. "G."

Looking 'Em Over

"Murder on the Bridle Path"

(Radio)

Although the major theme of this picture is a murder mystery and its solution, there is a large portion of enjoyable comedy, contributed by James Gleason, as Inspector Piper, and Helen Broderick, who succeeds Edna May Oliver in what is a continuation of the series which included "The Penguin Pool Murder" and "Murder on the Blackboard." Miss Broderick is on all counts a worthy successor to Miss Oliver, and Gleason is as usual highly entertaining.

When a young girl is killed while riding in Central Park, the inspector decides it was an accident, that the girl was kicked by the horse after she had fallen. But when Miss Broderick arrives on the scene, she stirs him into action by pointing to indications which upset the accident idea. Then with a variety of suspects, each with a motive and the opportunity, Gleason goes to work, Miss Broderick at his side. Romantic, dramatic and amusing complications ensue in the investigation, which has been handled in such a fashion as to hold the interest throughout.

A rapid pace is maintained as Gleason uncovers one "certainty" after another, only to have Miss Broderick spoil them in short order. Eventually Miss Broderick discovers the murderer, who had committed a second crime meanwhile, but nearly loses her own life in the effort.

Edward Killy and William Hamilton directed from a screenplay by Dorothy Yost. It is based on a story by Stuart Palmer. Leslie Fenton, Christian Rub and Sheila Terry are in the support.

Production Code Seal, No. 1,999. Running time, 66 minutes. "G."

"Colleen," Saturday morning's opener at the Strand, was reviewed on March 3.

"The Farmer in the Dell," last night's preview at the Palace, was reviewed on Feb. 26.

"Three Live Ghosts," reviewed by wire from Hollywood on Dec. 28, will be previewed at the Rialto tonight.

"Love on a Bet," now current at the Center, was previewed by wire from Hollywood on Feb. 1.

Scott for "Mohicans"

HOLLYWOOD, March 5.—Randolph Scott has been borrowed by Reliance to play the role of Hawkeye in "The Last of the Mohicans," scheduled to go into work the latter part of April.

Chicago Censor Very Ill

CHICAGO, March 5. — Lieutenant Harry Costello, head of the Chicago censor board, is critically ill. He has pneumonia and has been ill for three weeks.

Short Subjects

"Flash Gordon"

(Universal)

From the cartoon strip of the same name comes this serial with all the fantastic creations of the future that were devised in the art of Alex Raymond brought to the screen intact and realistically.

The story, familiar to readers of newspapers, concerns the adventures of Gordon, interpreted by Larry (Buster) Crabbe, who is an exceptional likeness of the character, on a planet that is rushing headlong toward the Earth, and the way he averts the cataclysmic impact. It begins with Crabbe, Jean Rogers, who plays Dale Arden, and Frank Shannon, as Doctor Zarkov, going to the planet in a rocket ship, their arrival and the complications put in the way by the fantastic Emperor Ming, whose omnipotent desires include the domination of the Universe. All the tribulations that beset the characters in the cartoon strip occur in the film—the fantastic beasts, men, science, and super scientific devices.

The first three episodes deliver suitable thrill entertainment to make possible the venture that, with the interest of modern children and adults in super realism and super science this serial should draw them in avidly.

Also in the cast fantastically arrayed, are Priscilla Lawson, John Lipson, Richard Alexander and Richard Tucker in addition to others who give splendid support. The film was masterfully directed by Frederick Stephani. Jerry Ash and Richard Fryer did the fine camera work. The marvels of special effects and properties were handled by Norman Dewes and Elmer A. Johnson. Reviewed without production code seal. Running time, 21 mins. for each episode. "G."

"Going Places No. 18"

(Universal)

This short goes into the studios where animated cartoons are made and reveals to the audience the processes in the creation of this type of screen entertainment. In detail there is shown the gradual assembly of material, the execution of the drawings and the dubbing-in of sound effects leading to the final print. As a great audience is waiting to become enlightened on this subject, this should be found interesting by all. Lowell Thomas delivers an informative and interesting narrative. Reviewed without production code seal. Running time, 10 mins. "G."

"Going Places No. 19"

(Universal)

Labeled "Guinea Gold," this number reveals how the problem of drawing gold from the interior of New Guinea was solved by airplane. With an exceptional grade of photography, the effort graphically presents the methods of transporting heavy machinery to the scene of work and the processes used in extracting the ore finally to be made into bricks and flown to the mainland. It is an interesting sort of travelogue that should be found entertaining. Production Code Seal. No. 0859. Running time, 9 mins. "G."

"Fauntleroy" Sets Mark

PHILADELPHIA, March 5.—"Little Lord Fauntleroy" established a new house record at the Aldine, where it opened today, despite heavy rain.

The Strand Theatre

Lancaster, Missouri

Feb 12 1936

SOS

Quigley Pub. Co
New York City

Gentlemen:

Find enclosed 3/ao for which please enter me for a years subscription to the Motion Picture Herald beginning with the Better Theatres issue for February.

I have been out of the show business for two years and recently purchased this theatre. Formerly the Herald was my "bible" and guide, but when I got this home, I also "inherited" two trade publications, which I thought at first would suffice. However, I am entirely lost without them. They are practically of no value to me, so I'm sending this S.O.S. for the good old Herald! I can digest every word printed in it, I am sure.

Yours Sincerely

James B. Russell Jr.

MOTION PICTURE HERALD

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Cagney on Stand In Action on Contract

Los Angeles, March 5.—Testifying in his suit to have his Warner contract cancelled, James Cagney in Superior Court here today declared he had a definite promise from Jack L. Warner that he would not be required to make more than four pictures yearly, and he would not have signed the present contract if such a promise had not been given. He said he agreed to permit Warners to impound $1,250 weekly from his $4,000 weekly salary as a guarantee that he would fulfil his contractual obligations and only learned Warners intended using him for a fifth picture when he asked for a release of the impounded amount after finishing four films last year.

Cagney was unshaken on cross-examination by J. Ray Files, Warner attorney, although he admitted having read the clause in the contract he signed which specifically stated Warners would not be bound by any agreement not mentioned in writing. The plaintiff's case closed with the Cagney testimony. The defense called George Frank, Cagney's agent, who testified the Academy arbitration meeting in 1932 covered nothing save salary and length of contract. He said to the best of his knowledge Warner never made a commitment about the number of pictures he would require.

Harry Sokolov, attorney for Myron Selznick, observed the trial today in the interests of Pat O'Brien, Selznick client, who objected to his Warner contract yesterday.

O'Brien Suspended

Hollywood, March 5.—Pat O'Brien has been suspended by Warners following a disagreement with the studio heads over a role in "Stage Struck," a musical, slated to start next Monday.

The understanding is that O'Brien expressed dissatisfaction with the role and the company issued an ultimatum which was accepted, although it is understood O'Brien asked for the usual six-week layoff instead of suspension.

To Open McVickers Bids

Chicago, March 5.—Bids for the leasing of the McVickers will be held in the office of the Board of Education next Tuesday. The board took possession of the theatre on Feb. 5 on an eviction order for failure to pay ground rent.

Current reports are that B. & K. will probably take over the theatre and keep it dark.

Start Magazine Group

Under the supervision of Curtis Mitchell, editorial director of *Radio Guide*, a new group of magazines is being formed.

Ernest V. Heyn will leave his post as eastern director of *Photoplay* and *Movie Mirror* to edit the new publication, the first of which will be a magazine in the film field.

Build Denver Exchange

Denver, March 5.—Paramount is erecting a new two-story exchange building here to cost about $50,000. Advertising, shipping and storage departments will be on the first floor, with offices on the second floor.

"Klondike" on Dual Leads in San Francisco

San Francisco, March 5.—Attacks by both the Hearst papers failed to slow up "Klondike Annie." On a dual bill with "Here Comes Trouble" at the Warfield the Mae West film garnered $18,000, over par by $3,000, and the best business in town.

"Muss 'Em Up" was $1,200 to the good on a take of $15,700 at the Golden Gate. "The Story of Louis Pasteur" and "Woman Trap" pulled $13,000 at the Paramount. "Strike Me Pink," in its second week at the United Artists, grossed a par $9,000.

Total first run business was $76,950. Average is $74,400.

Estimated takings:

Week Ending Feb. 25:

"MUSS 'EM UP" (Radio)

GOLDEN GATE—(2,850), 25c-35c-40c, 7 days. Stage: Band. **Gross:** $15,700. (Average, $14,500)

Week Ending Feb. 26:

"MUSIC GOES 'ROUND" (Col.)
"HELLSHIP MORGAN" (Col.)

ORPHEUM—(2,440), 15c-30c-35c-40c, 7 days. **Gross:** $6,000. (Average, $6,800)

"STORY OF LOUIS PASTEUR" (F. N.)
"WOMAN TRAP" (Para.)

PARAMOUNT—(2,740), 15c-30c-35c-40c, 7 days. **Gross:** $13,000. (Average, $11,500)

"STRIKE ME PINK" (U. A.)

UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days, 2nd week. **Gross:** $9,000. (Average, $9,000)

Week Ending Feb. 27:

"DON'T GET PERSONAL" (W. B.)
"WHITE HEAT" (All-Star)

FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $5,000. (Average, $6,000)

"PETRIFIED FOREST" (W. B.)
"EVERY SATURDAY NIGHT" (20th-Fox)

ST. FRANCIS—(1,470), 15c-35c-40c, 7 days. **Gross:** $6,500. (Average, $7,000)

"KLONDIKE ANNIE" (Para.)
"HERE COMES TROUBLE" (20th-Fox)

WARFIELD—(2,680), 30c-35c-40c, 7 days. **Gross:** $18,000. (Average, $15,000)

Week Ending Feb. 28:

"ROYAL WALTZ" (Vienna)

CLAY—(400), 35c, 7 days. **Gross:** $1,000. (Average, $1,000)

"FANG AND CLAW" (Radio)
"POWDERSMOKE RANGE" (Radio)

EMBASSY—(1,400), 15c-25c-35c, 7 days, 2nd week. **Gross:** $2,750. (Average, $3,600)

Poli Seeking Tax Cuts

Bridgeport, March 5.—A notice of Superior Court action to seek a reduction of assessments on four parcels of property has been filed by Poli New England Theatres, Inc.

The theatres had filed notice with the Board of Relief last month for reductions in assessment amounting to more than $300,000 on the Palace, Majestic, Lyric and Globe sites and the site of the old Plaza. The Board did not allow the application.

Theatres End Ad Fight

Lincoln, March 5.—The long battle between the *Journal* and *Star*, local papers, on the one hand, and the Westland theatres on the other, has ended, with the theatres dropping their advertising in the local shopping guide, and going over to the papers. In return the dailies are giving the theatres' product needed publicity which has been lacking for a long time.

Fire Razes Theatre

Saluda, S. C., March 5.—The Bijou here has been completely destroyed by fire.

"Fleet" Gold Mine in Two Coast Houses

Los Angeles, March 5.—"Follow the Fleet" turned out to be a gold mine in two spots. It was $10,600 over par on a take of $13,800 at the Pantages and $6,000 to the good on a gross of $14,000 at the Hillstreet, a total take of $27,800 in its first week.

"The Story of Louis Pasteur," playing day and date at the Warner Hollywood and Downtown, took $13,000 at the former and $12,200 at the latter.. The first mentioned gross was $1,000 down and the second $200 up.

"Klondike Annie" was in the money on a gross of $21,500 at the Paramount. This was $3,500 to the good.

Total first run business was $95,150. Average is $6,150 without the Filmarte.

Estimated takings for the week ending March 4:

"IT HAD TO HAPPEN" (20th-Fox)
"EXCLUSIVE STORY" (M-G-M)

CHINESE—(2,500), 30c-55c, 7 days. **Gross:** $6,500. (Average, $12,500)

"THE INFORMER" (Radio)

FILMARTE—(800), 30c-40c, 7 days. 2nd week. **Gross:** $1,400.

'PROFESSIONAL SOLDIER" (20th-Fox)

4 STAR—(900), 30c-55c, 7 days. 2nd week. **Gross:** $2,500. (Average, $3,250)

"PIONEERS OF PALESTINE" (State Rights)

GRAND INTERNAT'L—(750), 35c-40c, 7 days. **Gross:** $1,750. (Average, $1,200)

"FOLLOW THE FLEET" (Radio)

HILLSTREET—(2,700), 25c-40c, 7 days. **Gross:** $14,000. (Average, $8,000)

"IT HAD TO HAPPEN" (20th-Fox)
"EXCLUSIVE STORY" (M-G-M)

LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $8,500. (Average, $14,000)

"FOLLOW THE FLEET" (Radio)

PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $13,800. (Average, $3,200)

"KLONDIKE ANNIE" (Para.)

PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Jay Whidden and band, F. & M. revue. **Gross:** $21,500. (Average, $18,000)

"THE STORY OF LOUIS PASTEUR" (F. N.)

WARNER BROS. (HOLLYWOOD)—(3,000), 25c-40c, 7 days. **Gross:** $13,000. (Average, $14,000)

'THE STORY OF LOUIS PASTEUR" (F. N.)

WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. **Gross:** $12,200. (Average, $12,000)

Tampa Union Elects

Tampa, March 5.—L. B. Nosti has been elected president of projectionists' Local 321. Other officers are: Scott Williams, vice-president; Thomas L. Crowley, secretary; W. E. Sullivan, business manager; W. J. Paleveda, treasurer. The executive board comprises the officers and Tony Rodriguez, G. W. Griffin, Pedro Martinez and W. T. Fleming.

McCormick on Coast

Los Angeles, March 5.—S. Barret McCormick, RKO publicity and advertising head, arrived here this afternoon. He is expected to remain a week.

"Song and Dance" Set

"The Song and Dance Man" will open at the Center next Wednesday, following the one week stay of "Love on a Bet."

Turner in Clinton Job

Clinton, N. C., March 5.—Howard Turner has been appointed manager of the State, now under construction.

Kuykendall Hits "Small Minority"

(*Continued from page* 1)

booking bills now before Congress. "The association is on record against present booking methods," he said, "but we believe the objectionable features to wholesale buying can be eliminated without prohibiting it as a whole."

The abolition of block booking would greatly increase picture costs, Kuykendall declared, pointing out that the M.P.T.O.A. is seeking the right to reject 20 per cent of films in block booking. "The association is quite agreeable to hearing the complaints of minorities, but the whole industry is being impeded by Bolsheviks who never will be pleased," he said. "It is very damaging and should not be tolerated any longer. Professional reformers are ever ready to hear these complaints and work them for their own ends," he declared.

Board Reelected

The board reelected its entire slate of officers before opening an informal discussion of ways to combat the block booking measures and support the Duffy Copyright Bill, now pending in Congress.

The following officers were reelected: Kuykendall, president; M. A. Lightman, Memphis; Col. W. S. Butterfield, Michigan; Julian Brylawski, Washington; Ben Berinstein, Los Angeles, and M. E. Comerford, Scranton, all vice-presidents; Ed Levy, general counsel; Morris Lowenstein, secretary; Fred Wehrenberg, board chairman.

Kuykendall ridiculed the methods of Ascap in its attempt to defeat the Duffy Bill at the House sub-committee hearings in Washington. Referring to the testimony of Rudy Vallee, Kuykendall said, "They're trying to croon the bill to death."

Names Receiver in Suit

Cincinnati, March 5.——Common Pleas Judge Dennis J. Ryan has named Irvin L. Roth receiver for Harry Rogers, to hold all property of Rogers' in the name of Berni-Rogers, Inc., which played the RKO Shubert recently with "Spices of 1936." The action was in connection with a suit against Rogers by Milton Schuster of Chicago, for $700 allegedly due. A settlement is expected.

Dubinskys Drop House

Kansas City, March 5.—The Dubinsky brothers have given up their lease on the Regent, downtown 15-cent house which they have operated for more than 15 years, because of high rental and a shift in pedestrian traffic. The Regent Amusement Corp., holders of the lease from the owners of the property, plan to reopen the house shortly.

Society Honors Fishman

New Haven, March 5.—Dr. J. B. Fishman, of the Fishman circuit, retiring president of the Connecticut M.P.T.O., has been elected to membership in Sigma Xi, honorary scientific society. Fishman is a research fellow in the Yale School of Medicine. His admission to the society is on the basis of work in the physiological chemistry department.

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Hearing Upon ITOA Appeal Is Postponed

Sale Tax Case Goes Over Until March 20

A hearing on an appeal from the N. Y. Supreme Court's order denying the I.T.O.A. application for an injunction to prevent the city from levying the two per cent sales tax on film rentals, which was scheduled for yesterday in the Appellate Division, was postponed to March 20 at the request of the city.

The application was made by Quinral and Harlou, Inc., operators of Brooklyn theatres, through Weisman, Quinn, Allen & Spett, attorneys for the I.T.O.A. The injunction sought would prevent distributors from collecting the tax from exhibitors, also. A separate action contesting the right of the city to tax film rentals is being pressed by distributors through the local United Artists exchange and is expected to be heard in the Appellate Division late this month.

Records Fall Before Onslaught of Quins

The Dionne Quintuplets got away to a flying start in their screen debut Thursday when their starring vehicle, "The Country Doctor," opened simultaneously in 326 theatres and

(*Continued on page 3*)

Generous Cohn

Hollywood, March 6.—Harry Cohn garnered one of the big hands of the evening at the Academy Awards dinner which broke up early this morning. Called upon by Frank Capra, Academy president, to present part of the awards, Cohn said:

"Last year we walked out of here with an armful of statuettes. This year to give other studios a break we decided not to make good pictures, and I think we pretty well succeeded."

A special award for distinguished service was a statuette to David Wark Griffith, who received a great reception, but which caused one wit to remark: "Instead of applauding him, it might be an idea for one of the studios to give him a job."

Treasury Is Against New Ticket Taxes, Is Report

WASHINGTON, March 6.—Treasury officials today were represented as opposed to any extension of the admission tax to lower brackets as suggested yesterday to the tax group of the House Ways and Means Committee.

In a memorandum discussing the various proposals, the Treasury is understood to have opposed this and several other tax changes which had been suggested as being inadequate to meet the need for new revenue.

The sub-committee, however, is considering all the proposals which have been laid before it and it is expected to draft preliminary legislation next week on which to hold hearings.

In a memorandum discussion of possible souces of additional revenue, Collector of Internal Revenue Helvering told the tax group that any reduction in the present 40-cent exemption would fall most heavily on the poorer portion of the population.

It was revealed that the suggestion for a reduction in exemption contemplated the dropping of the figure from 40 to 10 cents, which would provide an estimated yield of $80,000,000. This, with $15,000,000 or more now being collected, would make the theatre's contribution to the tax revenue something over $85,000,000 a year.

"If all tickets costing 11 cents or more were made subject to the present 10 per cent tax on admissions," the memorandum stated, "patrons of neighborhood film houses and the like would be made subject to the tax. There, the increase in Government's revenue would be obtained largely from the lower income groups."

Para. Houses Improve 15% In 2 Months

Paramount Pictures, Inc., showed an increase of 15 per cent in net operations during January and February, according to Y. Frank Freeman, vice-president in charge of theatre operation. It was pointed out that the gain was recorded in spite of unusually severe weather.

With the improvement in weather conditions as spring approaches, and the increase in good product from all companies, Freeman anticipates an even larger increase in theatre business in the next several months.

Warners Start 45 More Music Suits

Warner music companies yesterday filed 45 additional suits for alleged infringement of copyrights, here and in other sections of the country, which asked total damages of $155,400, in addition to accountings of profits in some instances. The new actions included 10 suits against New York hotels and night clubs, marking the first time that the Warner companies have brought actions against other than radio stations for the alleged infringements.

The suits were brought by Wattenberg & Wattenberg, attorneys for

(*Continued on page 4*)

Bank Night Is Again Upheld In Court Here

Harry Harris and Bank Night interests won a victory, the second in the last four months, when Judges Walling, Rayfield and Nolan in Special Sessions, Manhattan, yesterday dismissed a lottery complaint filed by Assistant District Attorney Dodge against the Gotham.

The first complaint was against the Washington and was thrown out last November by three other judges sitting in the same court. The Gotham action was instituted last December in

(*Continued on page 3*)

No Erpi Cuts Here Now, Says Official

No concessions in Erpi service charges to exhibitors here, such as those recently placed in effect in England, are in prospect at this time, an official of the company stated yesterday.

Western Electric of England recently eliminated, with few exceptions, the entire replacement and repair charges heretofore made to exhibitors in that country. The exceptions noted are the following, which, when they have passed their guarantee period, will be charged for at the prices established from time to time:

(*Continued on page 4*)

Standard Will Use Own Funds On "U" Option

More Money Is Reported Needed for Deal

Increased prospects of Standard Capital Co. exercising its option to acquire a controlling interest in Universal were reported yesterday following a meeting of Standard's board at which, it was reported reliably, authorization was voted for the use of additional funds of the company for this purpose. It was learned, however, that despite the new participation, the requisite financing has not yet been completed.

Prospects of the option being exercised have not been bright for the past few days, but the new financial development increases its likelihood again. The present status of the option suggests action one way or the other early next week. The option has one more week to run. To exercise it requires the deposit of $1,500,000 in cash as formal notice to a decision, and the deposit of $4,000,000 in Class A securities, bearing six per cent interest, within 20 days thereafter. Additional cash of upwards of $500,000

(*Continued on page 3*)

Music Rights Peace Forecast to MPTOA

MIAMI, March 6.—Warner Bros. have indicated that they they are willing to negotiate a compromise with film theatre owners over music rights, Ed Kuykendall, president of M. P. T. O. A., said here tonight at a session of the association's executive board.

"I feel sure that we can settle the matter, and that Warners are anxious to come to terms," Kuykendall said, and added, "we should reach an agreement soon without much difficulty."

The M. P. T. O. A. executive board closed its two-day session at the Mia-

(*Continued on page 4*)

Ohio Cuts Rise

Columbus, March 7. — The Ohio censors reviewed a total of 465 reels in February, and ordered eliminations in 47 of them. This compares with 661 reels reviewed and 16 eliminations in January.

During February the censors banned the animated cartoon, "The Amateur Fire Brigade."

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Gain in Loew's Net Foreseen by Journal

Loew's, Inc., is expected to better last year's net of $4.49 a share by approximately $1, bringing the net for the current fiscal year, ending Aug. 31, to about $5.50 per share on the basis of present conditions, according to an estimate by the *Wall Street Journal.*

The company entered the current fiscal year, starting Sept. 1, 1935, with the most expensive film inventory in its history, $29,482,479 against $24,001,631 in 1934 and $22,000,000 in 1929. Domestic gross income is said to be running better than 20 per cent ahead of a year ago and foreign income is picking up sharply.

Chaliapin with Selznick

HOLLYWOOD, March 6.—Feodor Chaliapin, Jr., son of the Russian opera basso, has joined Selznick International Pictures as assistant to Lillian Deighton in the research department.

Thomas Dinner Speaker

Lowell Thomas, radio commentator and writer, will be the principal speaker at the E. C. Grainger testimonial dinner at the Astor on Monday night. About 500 are expected to attend.

"Fauntleroy" at Miami

MIAMI, March 6.—"Little Lord Fauntleroy" opened at the State last night. The opening was quite a spectacular event with lights and police reserves to handle the crowds.

Insiders' Outlook

By RED KANN

Hollywood, March 6

TALES from the Hollywood hills:

Karl Spitz runs the Hollywood Dog Training School from which most of the studios hire their canine performers. It's getting so, what with temperament and such, that Spitz now asks each studio to strike off an extra script to give the chosen dog actor a chance to study the part. Spitz also employs an agent who operates exactly like others of his ilk and makes the rounds touting the praises of collies, bulldogs, wire hairs, et al, in his client's kennels. Any minute now word is expected that one of Spitz's dogs has turned down a job because it doesn't like the part. . . .

▼ ▼

Already told, but too amusing to pass up is the story of the commissary now building on the Metro lot. The engineer handling the steam shovel recently found himself on the beautiful "Romeo and Juliet" set where George Cukor is finishing the picture. Cukor has no liking for galleries while he works. The engineer had to leave. Shortly thereafter, the director found himself near the construction job and proceeded to watch. Then the engineer objected. . . .

▼ ▼

The head of one of the major factories walked into a restaurant the other evening, following a preview. Four satellites trailed along. Into his pockets, his fingers rummaging hither and thither, went the producer. Four matches struck into flame in as perfect a synchronization job as the colony has turned out. Instead of a cigar, however, the Big One had merely pulled out a handkerchief. . . .

▼ ▼

Joe Shea, who once worked for Dave Selznick and so ought to know, says Dave's plans to produce "The Garden of Allah" have had one immediate repercussion. Rentals at the well known Hollywood apartment house of the same name have jumped ten per cent. . . .

▼ ▼

An unconfirmed report, which defies nailing, insists that Joe Schmitzer, former president of FBO and Jefferson Prod., and now head of the Western Costume Co., is responsible for the persistent cycle of costume pictures. . . .

▼ ▼

John Ford, ace director, walked in on a producer with Harry Wurtzel, trailing.

"I see you've brought your agent along," observed the producer.

"Oh, no," replied Ford, "he's merely my interpreter." . . .

▼ ▼

The suggestion has been made that one way to stop the Hearst editorial attack on Mae West would be for Mae to announce as her next picture "The Life of Marion Davies." . . .

▼ ▼

Georgie Burns remarks of Hollywood:

"This is the one place where Gracie can't embarrass me." . . .

▼ ▼

Note for sweet accuracy's sake: Charlie Chaplin, slight research reveals, actually sang the jabberwocky in the cafe sequence of "Modern Times." This department did not openly declare he had not in its review, written after the opening in New York some weeks back, but it was cautious enough to cast a doubt. . . .

Delay U. A. Board Meet

The regular Friday meeting of the U. A. board was postponed yesterday until Monday. Mary Pickford, acting president, and George J. Schaefer, vice-president and general manager, will attend.

B. & K. to Pay $5.25

CHICAGO, March 6.—Balaban & Katz has declared a dividend of $5.25 a share on account of accumulations on the seven per cent preferred stock, payable April 1. It is said this payment will clear up arrears.

Fairbanks Wedding Set

PARIS, March 6.—Douglas Fairbanks and Lady Ashley will be married tomorrow at 11 o'clock.

O'Connor in Havana

HAVANA, March 6. — Edward O'Connor arrived here from Barcelona yesterday to assume new duties as manager of the local M-G-M exchange. Dave Lewis, who has been in the post for a number of years, will leave for New York in two weeks and from there will go to Japan, where he will take over the management of the company's office.

To Install Hearing Aids

National Theatre Supply has closed with the Interstate Circuit of Texas for the installation of Acousticon Theatrephone systems to aid the hard of hearing in 27 houses of the circuit. The systems are made by Dictograph Products Co., and distributed by National Theatre Supply.

Scientific Awards Triple Last Year's

HOLLYWOOD, March 6.—Scientific awards this year almost tripled last year's, establishing 1935 as noteworthy from the standpoint of technical development, Major Nathan Levinson declared at last night's Academy Awards banquet.

The scientific awards included: the certificate of merit in Class Two to Agfa-Ansco for infra red film and to Eastman Kodak for the Pola-screen. Six awards in Class Three (honorable mention) were to: M-G-M for anti-directional negative and positive development by means of jet turbulation and application; William A. Mueller, Warners, for dubbing method by which the level of dialogue automatically controls the level of accompanying music and sound effects; Mole Richardson Co., for development of solar spot lamps; Douglas Shearer and M-G-M sound department, for automatic control system for cameras and sound recording machines and auxiliary stage equipment; Erpi, for development of equipment to analyze and measure flutter from the travel of film through machines used in recording and reproducing sound; Paramount, for construction of transparency air turbine developing machine; Nathan Levinson for method of intercutting variable density and variable area sound tracks to obtain an increase in effective volume range of sound.

Pullman Co. Makes Sound Picture Test

CHICAGO, March 6.—Extensive tests were made here this week by the Pullman Co. to find out whether or not sound pictures can be shown successfully on trains.

The tests were made on an 18-mile strip of track near here and every sort of condition that exists in railroading was used to try out the plan. Stopping, starting, whistle blowing and screeching brakes were common occurrences as the trials were made. Feature pictures were shown to the railroad executives present in a standard club car. The results of the tests proved, it is said, that talkies can be shown advantageously to railroad passengers.

Sidney Cohen handled the demonstration, which used RCA Photophone equipment. It is reported that a company is being formed in Hollywood to handle this phase of the business exclusively. Just what arrangements for pictures will be made, will be announced in the near future.

The showing of the pictures is scheduled to start sometime this summer.

Tampa Gets Insurance

TAMPA, March 6.—Bank Night insurance which has appeared in various parts of the country has hit here. A plan to be launched soon proposes a premium of five cents per hundred dollars to patrons wishing protection in the event of winning while absent.

Warners to Meet Soon

With Harry M. Warner due from the coast tomorrow and Albert Warner slated to arrive from Miami on Monday, the postponed Warner board meeting will most likely be held Tuesday. Routine matters are to be discussed, according to a company official.

Bank Night Is Again Upheld In Court Here

(Continued from page 1)

Magistrate's Court, which referred it to Special Sessions.

After questioning Dodge, who admitted no additional charge was asked in order to participate in the game, the judges yesterday told the assistant district attorney not to make any further arrests since Bank Night does not involve a lottery.

Affiliated Enterprises of Denver and owners of Bank Night had John Keating come all the way from Colorado to attend the trial. Harris was represented by Hyman Chasler.

Harris has pending in the Bronx Special Sessions a similar complaint against the Bronx Opera House. This case has been postponed several times because of an appeal pending in the Appellate Division of the Bronx Supreme Court involving the Tremont. The Tremont is not a Harris house.

Attending yesterday's session were representatives of RKO, Loew's and Consolidated Amusements.

Giveaway Move in New Haven

NEW HAVEN, March 6.—Complaints received from social organizations in the city have prompted City Attorney M. Edward Klebanoff to call a conference for next week with Chief of Police Phillip T. Smith on Beano, Bingo, Bank Night, Cash Night and other similar games now in operation at theatres and clubrooms.

Legality of the various systems under the state lottery law will be considered. Ten theatres are now using the games.

The New Haven move follows by two days an order from Chief of Police McLean and City Prosecutor Toms banning cash games in Waterbury, and a similar order a fortnight ago in Bridgeport.

Adolph G. Johnson, Connecticut representative of Bank Night, reported today that, as a result of conferences with Mayor Frank Hayes of Waterbury, during which were discussed recent Supreme Court decisions in various states as to the legality of Bank Night, the Mayor had promised the resumption of this game within the next few days. No change has been reported in the Bridgeport situation and it is expected that the first test case will be brought in that city.

Films Much Cleaner, Mrs. Looram Reports

Productions of high character are rapidly driving salacious films from the screen, in the opinion of Mrs. James F. Looram, chairman of the M. P. Bureau of the International Federation of Catholic Alumnae, and director of the work of 100 women who preview films for the Legion of Decency.

Mrs. Looram said, "The Legion of Decency has played an outstanding role in cleaning up the films. Occasionally a salacious treatment of a situation is observable, but this is the exception rather than the general rule."

Records Fall Before Onslaught of Quins

(Continued from page 1)

cracked records wide open in several spots. Coast reports indicate that the picture, playing day and date at Grauman's Chinese and Loew's State in Los Angeles, grossed $5,058.45 at both, breaking the record for the two houses established only a few weeks ago on the opening day of "Modern Times," which accumulated $4,775.

Other box-office highs were set at the United Artists, Long Beach, Cal.; Keith, Portland, Me.; Palace, Bridgeport; Fifth Avenue, Seattle, and New, Baltimore. At Toronto, in the infantile stars' native Ontario, Government officials turned out for the charity premiere at the Uptown, and Dr. Allan Roy Dafoe, the babies' physician, addressed the audience. The Keith in Portland opened its balcony for a matinee for the first time in months.

The film opens at the Music Hall here next Thursday.

Warners Are to Enter Broadcasting Field

KANSAS CITY, March 6.—The plans of Warner Bros. to create a third broadcasting system on a national scale are well under way, H. M. Warner said here today. Details, according to Warner, are being worked out in New York. A third system, he said, is needed because the two present systems haven't a sufficient number of really good stations to fully supply the demand for the best type of entertainment. He feels that the added competition will result in an improvement of all programs.

"Entertainment is our business," said Warner, "it is only natural that we should enter broadcasting."

Standard's Funds For Use on 'U' Option

(Continued from page 1)

for immediate working capital requirements is also said to be needed.

Specifications in connection with the deposit of $4,000,000 of securities suggest the use of Liberty bonds or some similar security bearing a high rate of interest.

Standard, according to unofficial reports, is less than $1,000,000 away from its financial requirement at this time.

Continue Union Case

LOS ANGELES, March 6.—Judge Hartley Shaw of the appellate division of Superior Court yesterday continued until next Thursday the hearing of I. A. T. S. E. Local 150 against the Robb & Rowley circuit in Pasadena in their newspaper picket campaign dispute. The week's continuance was granted on request of the circuit's attorneys, who asked additional time to prepare arguments on the I. A. T. S. E. appeal.

Open New Canada House

TORONTO, March 6.—The rich mining country of Northern Ontario has another new theatre with the opening of the Palace, seating 1,100, at Timmins in the heart of the gold belt. The house is operated by Timmins Theatres, Ltd., of which Leo Mascioli, pioneer showman, is president.

Seeks Exit Film

Albany, March 6.—Under the provisions of a bill introduced in the Senate by Joseph D. Nunan, Jr., and referred to the Education Committee, the Censor law is amended by providing that each film theatre shall flash on the screen at the beginning of each performance a sign stating where fire exits are located, the content of the sign to be determined by the director of the censor board.

SEC Sets a Hearing Upon B. & K. Issue

WASHINGTON, March 6.—The Securities and Exchange Commission today set March 20 as the date for a hearing to be held on the application of Balaban & Katz Corp. to withdraw 26,126 shares of seven per cent cumulative preferred stock from listing and registration on the Chicago Stock Exchange.

It was explained that the withdrawal is sought because half of the stock has been called for redemption on May 1, and that the company intends to redeem the remainder on or before May 1, 1939. Holders of the stock, following the redemption this year, will number less than 300.

Because trading in the stock has been negligible, the exchange agrees with the company that, with half the outstanding shares redeemed, maintenance of the listing will not be justified.

United Detroit Gets Lease on University

DETROIT, March 6.—United Detroit Theatres will operate the new University, now under construction at McNichols Road and Livernois. Grover C. Wolf, attorney, representing Detroit Consolidated Theatres, a Sam Brown circuit subsidiary, and George W. Trendle, president of United Detroit, say the circuit has signed a 15-year lease on the house.

The theatre, which will seat 1,800 and will be among the important key spots in the city, will be completed early in May.

FWC Takes Over Two

LOS ANGELES, March 6.—Fox West Coast has purchased the Compton in Compton, from Feigenbaum & Rifkind. The house had most of the major product tied up in the territory. West Coast has also taken over operation of the Long Beach in Long Beach.

T. J. Bragg on Tour

TORONTO, March 6.—T. J. Bragg, secretary-treasurer of Famous Players Canadian Corp., is on a tour of inspection of the Canadian west, visiting theatres of the circuit as far as the Pacific Coast.

To Open at Woodcliff

Avra Amusement Corp. will open the new Broadway, Woodcliff, N. J., on March 13. Carl Steinmetz is manager and David Koch will handle the publicity.

Mass Picketing to Be Resumed by 306

Indicating a widening of the breach between Local 306, Allied and Empire unions, a mass picketing campaign by Local 306 is scheduled to get under way today at 147 independent theatres, it was reliably reported yesterday.

Efforts to merge the three unions during the past few months have met with little progress, it was stated. Allied has had a number of suits in the courts involving Local 306, while some of the theatre men holding contracts with Empire have instigated legal actions to forestall any amalgamation of operators' unions.

The I. T. O. A. is said to have sent out a call to all unaffiliated exhibitors to meet at the Astor Tuesday to discuss the reputed picketing move by Local 306. After a hectic cross picketing stanza some months ago, which resulted in more than 100 Local 306 men being haled into court for various reasons, a truce was declared.

Allied recently has been in the courts with actions tending to prove the validity of a 10-year pact the organization signed with the I. T. O. A. and which the union said included all members of the exhibitor group. Local 306 in some instances has supported defendant theatre men with whom it had contracts.

Germans Censor 201 In '35; U. S. Drops

WASHINGTON, March 6.—German censors passed 201 films during 1935, according to a report to the U. S. Department of Commerce from Acting Commercial Attache Douglas Miller in Berlin.

Of the films passed, Germany accounted for 94, the United States, 50; Austria, 17; France, 15, and eight other countries for the balance. England furnished only six pictures.

Of all films run in Germany in 1935, 46.8 per cent were of German origin, 24.8 per cent of American, and 28.4 per cent "other foreign" sources.

According to the report, the German censors rejected seven American pictures, four German, and four "other foreign" pictures, a total of 15.

In Berlin, there were 171 first runs, as compared with 211 the year before. There were 93 of German origin, 35 of American origin, and 43 "other foreign" origin, as compared with 126, 47, and 35, respectively, in 1934.

Both German and American films declined, while "other foreign" films showed a remarkable increase.

Sabath Asks Change In Bankruptcy Laws

WASHINGTON, March 6.—Federal bankruptcy statutes should be tightened because 5,000,000 small investors lost life savings totaling $20,000,000,000 through fraudulent manipulation of realty securities, Representative Adolph J. Sabath told a House Judiciary sub-committee here today.

Sabath, chairman of the House committee investigating real estate bondholders' reorganization, urged approval of his bill to prevent the alleged abuses of bondholders' protective committees. It would amend the Federal bankruptcy law to provide for a Federal conservator to pass on reorganization plans to protect investors.

No Erpi Cuts Here Now, Says Official

(*Continued from page* 1)

all valves used in Western Electric equipment; photo electric cells, exciting lamps, tungar bulbs and batteries. The concessions are effective as of Jan. 1, 1936, although they were announced only recently during the London visit of Whitford Drake, Erpi vice-president.

Western Electric, likewise, inaugurated rate concessions at the first of the year in Australia and New Zealand.

An Erpi official, questioned yesterday, said that while no new concessions on domestic charges are in view at this time, "substantial" reductions on service charges have been made here from time to time in the past. He added that the charges are based on the cost of doing business in each nation or territory and reductions in charges are guided by the same factors.

"Reductions are made wherever and whenever operating costs permit," he said.

Music Rights Peace Forecast to MPTOA

(*Continued from page* 1)

ami Biltmore Hotel with the announcement that a committee would be appointed to talk with producers regarding block booking and the legislative fight on the method which is now in progress in Congress. Neither the association nor the producers desire passage of the legislative measure which would make block booking illegal in the industry. Since such legislation has been introduced, the exhibitors apparently feel that they can reach a satisfactory agreement with the producers in return for assistance in fighting the bill.

Theatre owners have long objected to the small percentage—usually around 10 per cent—allowed them by producers under the present blind buying methods. They have indicated that a 20 percent rejection quota would be more satisfactory.

Witnesses Describe Cagney Negotiations

Los Angeles, March 6.—Henry Herzbrun, Joseph Arthur Ball, Joseph I. Schnitzer and Herbert Freston all testified before Judge Charles Bogue in Superior Court here today that no mention of a specific number of pictures was made at the Academy meeting in 1932 which preceded the drawing of the present contract between Warners and James Cagney. The testimony was given in a suit by Cagney to have the contract set aside. The witnesses stated that matters of salary and length of employment were discussed.

Freston further testified that Cagney stated that his only difference with the studio was the "question of dough."

The defense will probably close the case Monday and a decision from Judge Bogue is expected Tuesday.

Open Master Art Office

Boston, March 6.—A New England branch has been established here by the Master Art Corp. R. Rosenblatt is in charge.

Purely Personal

HARRY SHIFFMAN is counting the days before he takes that 12-day cruise. As it stands today, he has 13 more days to mark off the calandar.

•

Charles Koerner, RKO theatre division head in Boston, returned to his territory yesterday. He will come back here Tuesday.

•

Laurence Bolognino, executive head of Consolidated Amusements, has gone to Miami for a six-week rest.

•

Victor Moore, his daughter, Ora and son Robert, will sail this morning on the *Pennsylvania* for California via the Canal.

•

David E. Weshner, Warner theatre district manager in Philadelphia, is finishing up a Miami vacation.

•

Edward M. Schnitzer of Republic is planning to leave for the coast the latter part of next week.

•

Princess Natalie Paley will leave for Europe on the *Champlain* this afternoon.

•

Margot Haller, the German actress, leaves tonight on the *Deutschland.*

•

George Weeks is due back from a tour of G.B. exchanges next week.

•

Hy Daab left yesterday for a weekend at Atlantic City.

•

Earl Hudson is in town from Detroit.

•

Joseph Seider is due back from Miami next week.

•

Abe Leff of the Leff-Meyers circuit, returned yesterday from Miami.

•

Conrad Thibault, singer, is negotiating a Warner contract.

•

Allan Jones is slated to return to the coast today via plane.

•

Harry Goetz, arriving tomorrow, will stay the rest of the month.

•

. . . *Cincinnati*

Maurice Chase, special representative of First Division, has been promoted to manager of the Buffalo, N. Y., office. He has been succeeded by J. M. Johnston.

Reynold Wallach, assistant manager of the RKO Shubert, has been married to Dorothy Hamich of Bainbridge, Ga., at Newport, Ky.

George Elliott, who recently resigned as manager of Warner's' Pastime, at Coshocton, O., has moved to Jacksonville, Fla., but reports his future plans indefinite.

Hoffman Buys "Paper"

Hollywood, March 6.—M. H. Hoffman will produce "White Paper," a story by Joseph Grice, as one of the first films on his contemplated program of 30 features. Hoffman, Jr., purchased the story.

Warners Start 45 More Music Suits

(*Continued from page* 1)

Warner music subsidiaries, and the firm's correspondent attorneys in other sections of the country. The 45 new actions filed yesterday bring the total of suits instituted by the Warner companies since the first of the year to 86.

Defendants in the actions brought yesterday are: No. 1 Fifth Ave., Hollywood Restaurant, Hotel Plaza, Hotel Weylin, St. Moritz, Nut Club, Paradise Restaurant, Hotel St. Regis, Hotel New Yorker, Village Farm Barn, Stations WFEA, WCAU, KOMA, WKRC, WBNS, WSMK, WSPD, WADC, WMBG, WORK, WEST, WGAL, WGST, WDRC, WLBZ, WKBW, WHEC, WOKO, WJAS, WESG, WEBR, KSFO, WSJS, WDNC, WBIG, WMBR, WDAE, WDBO, WLAC and KMOX.

Two Canadian Bills Set on Music Group

Ottawa, March 6.—Two bills will come before the Canadian House of Commons at the present session to restrict or amend the operations of the Canadian Performing Rights Society, and some relief is expected for theatres from the proposed fee of 20 cents per seat per annum which the society has been required to hold in abeyance pending the outcome of legislation. The society has been collecting 10 cents per seat for several years.

Fernand Rinfred, Secretary of State, will shortly introduce a measure dealing with the copyright and performing rights situation while a private member bill has been submitted by William Esling, member for Kootenay West. No intimation has been given regarding the details of the proposed bills.

Pressburger Signed By U. A. for Product

London, March 6.—Murray Goldstone, United Artists' managing director in England, has closed a deal with Arnold Pressburger, head of British Cine-Alliance, Ltd., whereby Pressburger will make two pictures annually for U. A. distribution at the Alexander Korda studios here.

Pressburger has been a producer in Europe for a number of years, making films in Vienna, Paris, Rome and Berlin.

Coliseum Mortgage Payment Is Ordered

Judge Robert A. Inch, in Brooklyn Federal Court yesterday ordered Charles Kelby and Clifford Kelsey, trustees of Prudence Bonds Corp., to pay off the mortgage on the Coliseum, Broadway and 183rd St.

Payment will be made to the Central Hanover Bank & Trust Co., trustees under the indenture. The sum is $512,500. The motion was unopposed and was presented on behalf of the trustees by George Wildermuth.

Archainbaud Is Signed

George Archainbaud, veteran director, has signed a long-term Paramount contract. He will leave for the coast in a few days.

"Secretary" Pulls $47,500 at Capitol

"Wife versus Secretary" at the Capitol in its first week garnered $47,500. The building service strike cut into the take in this house as well as all other Broadway spots. Business at the Palace was fair with "Lady Consents" and "The Story of Louis Pasteur," getting around $9,000 for the stanza. The fourth week of "Modern Times" ended with approximately $25,000. The comedy goes off March 17 when it will be replaced by "These Three." The Rialto with "The Garden Murder Case" got slightly less than $8,000. "Walking Dead" at the Strand tallied close to $19,000.

Paramount is anticipating a rush business at the Paramount Wednesday when "Klondike Annie" supplants "Trail of the Lonesome Pine." The doors will be opened at 8:30 A. M. A double preview on Tuesday also is planned with Bob Weitman booking the Mae West film in for a 6 P. M. showing in addition to the regular midnight showing of coming features.

Younger Producers Battle Dramatists

A group of self-styled "younger managers" have begun a boycott move against the production of reading of plays by members of the Dramatists' Guild by way of asserting their impatience with the new minimum basic agreement adopted as of March 1 by the guild, which reduces the manager's participation in the sale of film rights to stage plays in favor of the author. The League of N. Y. Theatres said that while it had not authorized the move, many of its members were in favor of it. Virtually every recognized American playwright is a member of the Dramatists' Guild.

Spokesmen for the guild said yesterday that there was little likelihood of the provisions of the new agreement being changed as a result of the managers' protests.

Wall Street

Short Losses Mark Board Trading

	High	Low	Close	Net Change
Columbia, vtc ..	38	36⅞	38	—1
Columbia, pfd	47⅞	47⅛	47⅞	+ ⅝
Consolidated	6⅛	6	6	— ⅛
Eastman Kodak	167½	166¼	167	+ ¾
Loew's, Inc.	49⅞	49⅛	49½	.....
Loew's, Inc., pfd.	105½	105	105	+ ¼
Paramount	9¾	9½	9⅝	— ¼
Paramount 1 pfd.	72⅞	70½	72	—2
Paramount 2 pfd.	10½	10¼	10¼	— ¼
Pathe Film	8½	7⅞	7⅞	— ⅜
RKO	8⅞	8½	8½	— ⅛
20th Century-Fox.	31⅛	30⅞	31	— ¼
20th Century, pfd.	38⅜	38¼	38½	— ½
Universal, pfd ..	80¾	79⅞	80	—1
Warner Bros.	13⅜	12¾	12¾	— ¼

Fractional Gains on Curb

	High	Low	Close	Net Change
Sentry Safety	1	1	1	.....
Sonotone	3	2⅞	3	+ ⅛
Technicolor	32½	31¼	31¼	+ ⅛
Trans-Lux	4⅜	4⅜	4⅜	+ ⅛

General Theatre Bonds Up Slightly

	High	Low	Close	Net Change
General Theatre Equip. 6s '40....	27⅞	27½	27⅞	+ ⅛
General Theatre Equip. 6s '40 ctf	27¾	27	27½	+ ⅜
Keith B. F. 6s '46	96	96	96	— ¼
Paramount Pict. 6s '55	89½	88	88¾	—1¼
Warner Bros. 6s '39 wd	93¾	92	92⅛	—1⅞

(Quotations at close of March 6)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 57 NEW YORK, MONDAY, MARCH 9, 1936 TEN CENTS

Loew Houses In Bronx End Chance Games

Suspend Until Pending Cases Are Decided

Beginning today, all Loew theatres in the Bronx will discontinue Screeno and Bank Night, it was learned Saturday. About a dozen houses are affected.

The move, according to Loew executives, has been made at the request of city authorities who asked the circuit to cooperate until several cases pending in Special Sessions, Bronx, involving games, are completed, determining the legality of the giveaways.

Complaints by Assistant District Attorney Foley against the Grand and Elsmere are scheduled for hearing in Bronx Special Sessions on

(*Continued on page* 8)

Conference Called On Labor Problems

Problems relating to the local labor situation are scheduled to be discussed by major and independent circuit heads tomorrow at a special meeting at the Astor.

Harry Brandt, president of the I.T.O.A., has sent telegrams to all circuits asking that representatives be on hand for the session. Brandt did not disclose the purpose of the round-robin in the wires, but from other sources it was learned that this would be the topic to be aired.

Some exhibitors feel that the general building strike currently involving service employes may be extended to theatres. Precautionary measures

(*Continued on page* 8)

No Television Rights In Disney-RKO Deal

HOLLYWOOD, March 8.—Roy Disney told MOTION PICTURE DAILY yesterday that the new Disney-RKO releasing contract carries no television rights.

Disney said, "We are interested only in having our product shown in theatres. Any plans for television must necessarily be in the future, and we will consider the matter when and if it arises. The dispute on the subject was one of the reasons that we broke with United Artists, but we are meanwhile concerned entirely with theatre exhibition."

English See Agreement in Booking Row

KRS Delay After Suits End Pointed Out

By BRUCE ALLAN

LONDON, Feb. 29.—Postponement of consideration by the Kinematograph Renters' Society of the situation arising from the abandonment of Gaumont British actions for conspiracy against the society is believed by insiders here to indicate a get-together of the parties.

After the K. R. S. had refused to deal with Gaumont for the H. & G. theatres, alleging a booking combine, Twentieth Century-Fox resigned from the society.

Pressure from Twentieth Century-Fox, coupled with the anxiety of the K. R. S. not to lose the membership of that concern, are factors which many think likely to result in a compromise between the K. R. S. and G. B., based on recognition of the

(*Continued on page* 8)

Omaha Bishop Puts Ban on "Klondike"

OMAHA, March 8.—"Klondike Annie" was sharply attacked yesterday in a letter from Bishop Hugh Ryan of the Omaha Catholic diocese to the Legion of Decency. Catholics were forbidden to see the picture.

The picture opened yesterday at the Omaha. E. R. Cummings, district manager for Tri-States, refused to comment.

Works Two Ways

Avoca, Ia., March 8.—A. H. Lehman, manager of the Harris, is one exhibitor who made a terrific cleaning during the recent cold spell. As a matter of fact, he couldn't handle all the business that came his way. He's in the coal business besides being an exhibitor.

Reopen Many Spots in the K. C. Section

KANSAS CITY, March 8.—Theatre renovation and reopenings continue unabated in the Midwest area. J. A. Townsley will reopen the Ritz at Little River, Kan., shortly, following extensive improvements. The Majestic, A. H. Blank house at Fairbury, Neb., is being renovated at a cost of $6,000, including new sound equipment. Blank also has installed new sound in his house at Clinton, Ia.

Tuggle & Harwick will open the new Plaza at Neowho, Mo., within a few weeks. Harry Newton has taken over the Turon, Turon, Kan., from Lawrence Ely. The Regent Amusement Co. will reopen the Regent, downtown subsequent here, in about a week. The Dubinsky Brothers recently dropped their lease on the house. W. G. McKinney has opened his new 400-seat house at Topeka, Kansas. The Orpheum in Des Moines has set plans for improvements to cost

(*Continued on page* 11)

Can't Stop Applause

Kansas City, March 8.—Theatre managers disturbed by "clap-o-maniacs" should go easy with the broom handle in quieting them.

Judge Thomas V. Holland of the North Side Municipal Court March 6 ruled that film patrons can applaud when they please.

The manager of the Aladdin, G. L. Johnson, told the judge Lewis Lesnick, a young patron, disturbed other patrons when he clapped and loudly rattled ice cubes in a container while no one else was applauding. He asked Lesnick to stop. Lesnick refused, and Johnson said he had to strike him with a blackjack when Lesnick approached him threateningly. Lesnick contended he merely had been applauding newsreel pictures of Roosevelt and the American flag.

Judge Holland said other courts had held film patrons have the right to clap when they are enjoying a performance, and that Johnson shouldn't have struck Lesnick. He discharged the case.

Cancellation Concession Is Held Probable

Compromise on MPTOA's 20% Demand Is Seen

An increase of the 10 per cent cancellation privilege next season as urged by M. P. T. O. A. and other exhibitor groups is garnering support in some distributor quarters, it was ascertained on Saturday. As a result, the likelihood of an increase being made by either some or all major distributors is viewed unofficially as highly probable.

The M. P. T. O. A., which has taken the lead during the past few years in demanding a 20 per cent cancellation privilege, reiterated its stand at its annual board meeting held in Miami last week. Distribution executives who were asked on Saturday to state their attitude on an increase in the cancellation privilege displayed for the most part a willingness to bargain on the issue. Even those who were most emphatic in their assertions that additional cancellations were neither warranted nor likely to be granted, evidenced a willingness to "talk over" the subject with exhibitor representatives, should such a confab be requested. Other distribution officials flatly stated that a reasonable increase would work no serious hardship on their companies and conceded that it might prove to be good trade policy.

No support for an outright increase

(*Continued on page* 11)

Pettengill's Bill Up Again Today

WASHINGTON, March 8.—Opponents and supporters of block booking, who on Feb. 27 and 28 presented their arguments to the Senate Interstate Commerce sub-committee headed by Senator Neely of West Virginia, tomorrow will appear before a House Interstate and Foreign Commerce sub-committee headed by Representative Pettengill of Indiana to repeat the performance.

Unless the House group follows the example set by the Senate sub-committee and runs its sittings through the afternoon and evening it is expected several days will be required for the hearings.

Inasmuch as both factions laid all their arguments before the senators, it is anticipated the House hearings will develop nothing new and will be

(*Continued on page* 11)

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Selznick-Pioneer To Produce "Allah"

HOLLYWOOD, March 8.—David O. Selznick and Pioneer are affiliated in the production of "Garden of Allah" because Selznick has taken over a contract with Technicolor for the production of the picture which Pioneer was unable to produce due to the absence of Merian Cooper, John Hay Whitney and Cooper stated yesterday.

Whitney left here by plane tonight for the east, on his way to Europe. He will return here in April.

Wanger Rushes Schedule

HOLLYWOOD, March 8.—Walter Wanger expects to wind up his current list in May and to take a vacation in Europe. He now has four in work and expects to start soon on "Spendthrift" and "Simoon."

Distinctive Closes Deal

SALT LAKE CITY, March 8.—Distinctive Screen Attractions, Inc., has closed a deal with Academy for release here of "I Conquer the Sea."

To Talk ITOA Finances

The finance committee of the I. T. O. A. will meet Wednesday at the Lincoln. No membership meeting will be held this week.

Republic Buys "Portia"

HOLLYWOOD, March 8.—Republic has purchased "Portia on Trial," magazine serial by Faith Baldwin.

Insiders' Outlook

By RED KANN

Hollywood, March 8.

THERE is one producer, a big one, who recently refused to visit a summer theatre in the east where a play scout had happened across a vehicle suitable for a contract star. The producer thought he would be embarrassed by being recognized. The play later came into New York under another title, clicked moderately and was purchased by the same producer for $65,000 as against the original $15,000. The hike made no difference, he later added, because the public had stamped the play with its seal of approval. . . .

▼

Exactly how much of a segment of the public saw the property is debatable; it may have played to 50,000 or 60,000 people during its run, or fifty to sixty cents a head premium over the first available price. This is another demonstration of the mystifying point of view with which all producers approach the New York stage and whatever it may have to offer. Like other nonsensicalities which prevail in this business, producers know that many plays striding the boards are kept alive by constant injections of hypo expressly for the purpose of meeting the Authors' League mandate of fixed minimum performances to the end that the film rights immediately thereafter may be sold. . . .

▼

The argument goes that public performance in New York surrounds such material with an aura of something or other that carries weight with the public. This department maintains now, as it has for years, that this frequently is so much bunk in the case of the majority of plays acquired; that the average play means nothing to the huge expanse of the nation which stretches out from the west bank of the Hudson and that the practice, well established over the years to the complete satisfaction of the shoestring stage producer, is costing many thousands more than properly the accumulation of material should.

▼

The custom continues a thriving one and ties in quite definitely with the Hollywood type of competition which, in turn, ties in with the social and caste system. Competition here is made up largely of ambition to acquire not necessarily what a producer may need or can use for the maximum in results, but to prevent another producer from getting it. This is accepted broadly as a coup and smart operation. By infiltration and conversation, it heightens social standing since it creates comment, dubs the principal as clever and makes him attractive to have around at parties. . . .

▼

Because Hollywood is emphatically insular and provincial despite the presence here of men and women in the arts, the social system thoroughly dominates the scene. The twists which the obeisance before it takes, therefore, continue to be varied and amazing. Grabbing a player from Metro, for example, is viewed as great stuff, presumably because it chagrins the puissant Louis B. Mayer. The successful bidder in competition for a play which has excited attention, under the big, bigger, best principle prevailing in Hollywood, is hailed in terms of conquering adulation. . . .

▼

In the creative center of an international entertainment it might be expected that a more definite commercial consciousness would rule. In some cases, this is so; in most, certainly not. Proving the amazing indifference to reactions of the world on the other side of the hills are two incidents of many; these happen to be fresh. One has to do with a leading producer here. He had a story to break. His publicity man, unlike the chap on one lot who asked where Reuter's might be found, this press agent, at least, knew the Associated Press served a large percentage of the nation's newspapers. "Twenty-five minutes for the A. P.?" stormed the producer. "That's too much. If they can't get it in ten, the hell with them." The local papers, however, got all the time their reporters required, but it's been to hell with producer on A. P.'s part thereafter. . . .

▼

The second of these slightly fantastic tales, likewise, deals with one of Hollywood's aces who has just completed what is hailed, partisan-like, as one of the biggest, most terrific, etc., etc., attractions ever to wind its way through any camera. His press agent, aware of the visit of the editor of a large national monthly, did the proper thing and sought to have the picture screened. Eventually he won out, but not without verbal scars and steaming blood pressure. The reason, so Hollywood-like, was merely the producer's promise that a local paper with a couple of thousand circulation would see it ahead of all other comers. . . .

▼

The explanation is simple, all too simple. In both instances, the producers, entrapped willingly or otherwise in the Hollywood social and prestige setup, were hot for the line or handful of lines on home ground that would put their names and their activities on local tongues. Out in the world where the tickets that make all of this possible are bought, second run is good enough. In Hollywood it must be pre-release or nothing and it's never nothing. Those who think in terms of business, and they are few, know the situation, concede it is all wet, shrug their shoulders and continue on their way. So it goes here. . . .

Big Turnout Coming To Grainger Dinner

Important exhibitor operators and distributor representatives from as far as Chicago will be on hand tonight at the Astor for the testimonial dinner being tendered E. C. Grainger, retiring eastern sales division head for Twentieth Century-Fox.

Among those scheduled to attend will be John Harris, Pittsburgh; Meyer Schine, Gloversville, N. Y.; Meyer Fine, Cleveland; Lester Kreiger, Cleveland; William Goldman, Philadelphia; Moe Silver, Albany, and numerous branch heads of Twentieth Century-Fox in the east.

All important local independent and major circuits will be represented in the 500 slated to attend. Lowell Thomas will be the principal speaker.

RKO Planning a Big Play on Quintuplets

RKO, which has booked "The Country Doctor" in 51 of its 100 theatres, is giving the quintuplets a big play, dating the film for full week stands in most instances.

The picture opened in a number of out-of-town spots over the week end and in the Palace, Rochester, broke the house record. During Easter Week, the metropolitan RKO theatres will day-and-date. There is a strong possibility "The Country Doctor" will be held over in a number of situations. It is expected that the film, which opens Thursday, will go three weeks at the Music Hall.

Fairbanks Is Married

PARIS, March 8.—Douglas Fairbanks and Lady Ashley were married here yesterday morning in the Eighth Ward City Hall by Mayor Gaston Drucker. Ambassador Straus was witness for Fairbanks.

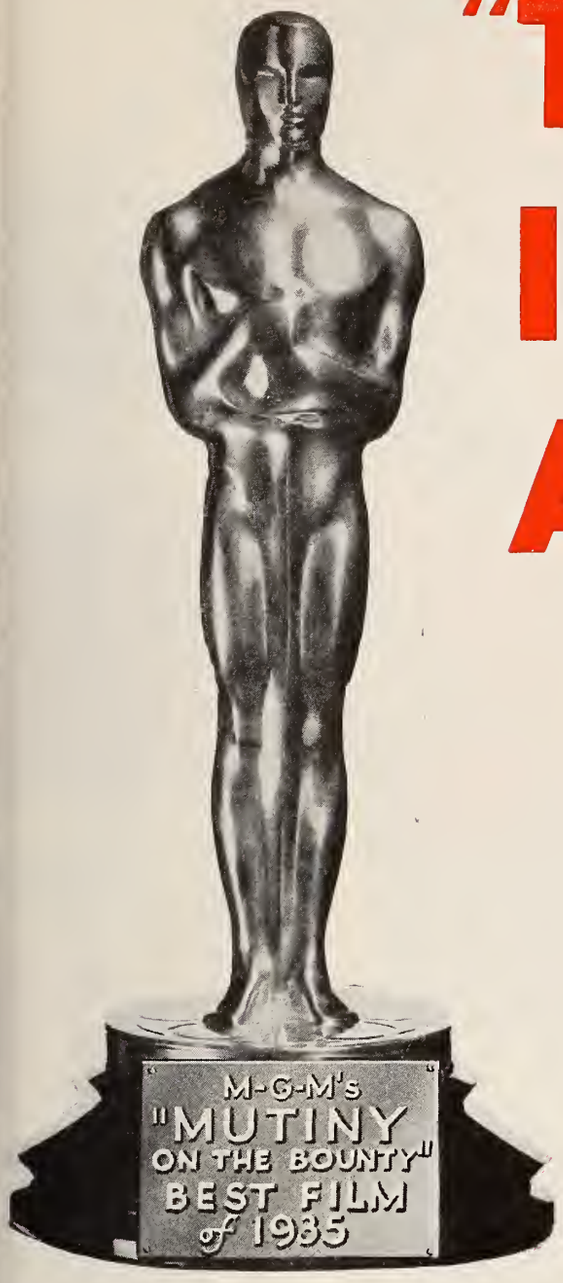
Music Hall at $75,000

A typographical error listed the gross for the second week at the Music Hall as $84,000 when the take should have read $75,000.

Marx in Salt Lake Job

SALT LAKE CITY, March 8.—E. H. Marx has been named branch manager here for the National Theatre Supply Co.

"THAT MAN IS HERE AGAIN!"





It's no novelty for Mr. and Mrs. Leo to win the Academy's Annual Award for the Year's Best Picture, but they're *thrilled* to be first again this year. And with such a glorious attraction as "Mutiny On The Bounty."

(What fun theatres will have to bring it back right quick for a Prize Return engagement!)

HATS OFF TO THEM!

To producer Irving Thalberg, to the stars Charles Laughton, Clark Gable, Franchot Tone and the cast, Herbert Mundin, Eddie Quillan, Dudley Digges, Donald Crisp and to the director Frank Lloyd and to the Associate Producer Albert Lewin. And to all who helped make it great!

A Short Answer To the Exhibitors' Prayer For More 'Leather Pushers'



TALK ABOUT 'STRIP' ACTS!

That Palooka strip will act as your 'advance man' to thousands of local readers. Only 6 years old and already a champion—in circulation and promotion. They've written editorials, formed Joe Palooka Clubs, held Palooka birthday parties and pulled scores of other swell stunts that you can cash in on.

JOE PA

Steps Out

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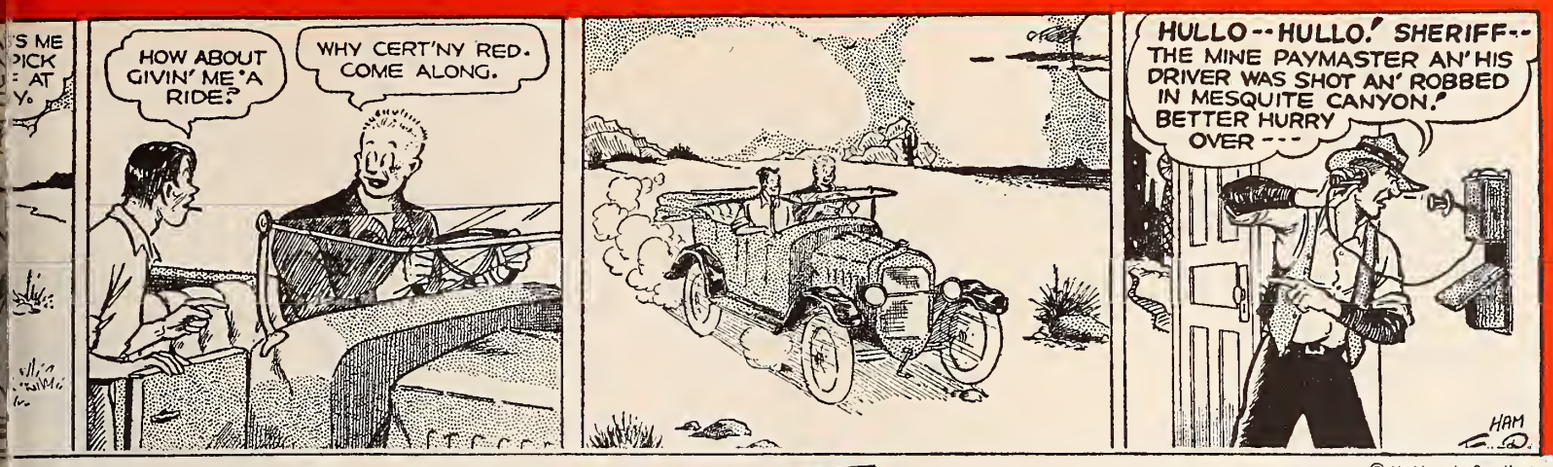
VI

WHEN IS A 'PALOOKA' NOT A PALOOKA?
Answer:—When he's
ROBERT NORTON
picked for the part from 500 candidates



OPERATING UNDER THE SAME MANAGEMENT
of 'Knobby' Walsh, the Palooka pal and manager, played by Vitaphone's famous
SHEMP HOWARD

Directed by Lloyd French



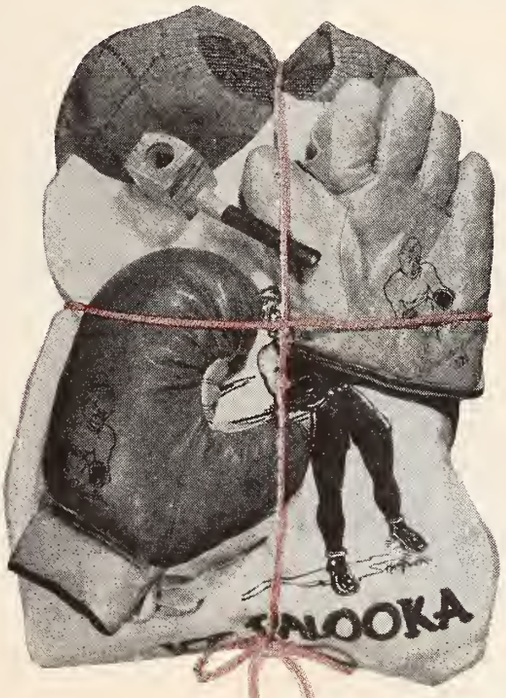
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OOKA

erica's Most Popular Comic Strip

SHORTS

(The Vitaphone Kind)



nd jeer the lads who don't grab this new ack-to-laugh series—featuring the world- s who brought a new kind of wallop to Think of the 250 major newspapers that 's syndicated strip day after day, month k of the 35 million people who read it; endous natural build-ups for every release f self-starting promotion tie-ups . . . then every thinking showman is set to get

OF THE JOE PALOOKA SERIES,

PETE"—COMING MARCH 14th FROM

APHONE

LOOK . . . IT'S ALL TIED UP!

Joe Palooka Pipes

Joe Palooka Sweaters

Joe Palooka Sweat-Shirts

Joe Palooka Boxing-Gloves

Joe Palooka Baseball Gloves

Only a few of the dozens of national dealer tieups completely outlined in the special promotion plan now on the press!



LOU LITTLE, *Coach of Columbia University's 1934 Rose Bowl champions:*

"Little Lord Fauntleroy showed me that competitive spark of a real, he-boy—and that's what a football coach looks for."

Lou Little



KEN STRONG, *All-America halfback at N. Y. U. and New York Giants' football star:*

"He may be a little light but that boy looks like a real quarterback to me."

Ken Strong



GUS SONNENBERG, *former All-America tackle at Dartmouth and ex-heavyweight wrestling champion of the world:*

"No one is going to toss that boy around. If they'd give me a chance, I could make a wrestler out of him."

Gus Sonnenberg



GEORGE ROBERTSON, *famous automobile race driver:*

"Just the right size for a riding mechanic, now, and plenty of the daring that makes a man at the wheel of a fast automobile a great driver. I'd like to sign him up when he grows up."

Geo. H. Robertson



JOSEPH J. (TWO-GUN) MURPHY

"That kid has the stuff to make a great thief catcher. He'll be a G-Man before he's twenty. I know how that stuff reacts on a real boy."

Joseph J. Murphy



BIG BILL EDWARDS, *famous football star and sportsman:*

"Looks like a slashing, blocking back to me, but with his brains he'd be the quarterback and captain of any team he plays on."

Bill Edwards



ELMER OLIPHANT, *former West Point All-America halfback:*

"Little, maybe, but a real leader, who can fight his own battles. He's the kind of boy I'd like to make into a football back."

Elmer Q. Oliphant

Here are th
preview thai

A group of men from th
men who are noted fo
viewed "Little Lord
in acclaiming "Faun
ster and hailed the
had ever seen!

"A box-office
round!"

"One of the fine
Louella O.

SELZNICK

Little
FAUN

FREDDIE
DOLORES CO

C. AUBREY
MICKEY ROONE

Produced by

Directed

's about a
different!
sport and industry...
age and daring ... pre-
" and were unanimous
alwart and manly young-
one of the finest films they

in the first
- *Daily Variety*
s of any era!"
Universal Service
TIONAL

ORD
EROY
OLOMEW
BARRYMORE
JY KIBBEE
STEPHENSON
SELZNICK
MWELL

JACK DEMPSEY, *heavyweight champion with the heavy punch:*

"Looks like he'd fill out as a real champion. He throws a good punch now and weight will strengthen him. Good prospect for the championship in 1945."

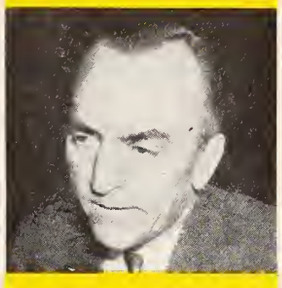
Jack Dempsey



CAPTAIN EDDIE RICKENBACKER, *ace of American aces in world war:*

"I'll bet he grows up to be a flier. He certainly is a boy with courage and judgment. I like him."

E. V. Rickenbacker



GORDON WILSON, *traveling engineer, New York Central System Twentieth Century Limited Service:*

"I'd like to take him into the cab with me now. Good eyes, calm manner and courage. The kind of a boy we need in railroading."

G. T. Wilson



FLOYD GIBBONS, *war correspondent and soldier of fortune:*

"Little Lord Fauntleroy will grow up to be a real he-man, for he certainly is a real he-boy. Maybe he'll be a war correspondent. My mother made me wear curls and a patent leather hat and it sure hardened me with the gang I travelled with.

Floyd Gibbons



ARTIE McGOVERN, *famous trainer of Babe Ruth, Gene Sarazen and others:*

"The Little Lord is an all-American boy. He's in great shape and ready for a useful manhood."

Artie McGovern



JACK ZIMMERMAN, *pilot of T.W.A.'s famous Sky Chief:*

"Good flying material in that kid. He'd make a swell pilot. Poise, courage, judgment—he's got them all."

J. J. Zimmerman



Released thru

UNITED ARTISTS

English See Agreement in Booking Row

(Continued from page 1)

H. & G. deal in a new form and on the return of G. B. to membership of the K. R. S.

In the latter event the distributors' would again be 100 per cent strong.

Walter Runciman, president of the Board of Trade, said in the House of Commons that the Government was considering the question of setting up a committee to inquire into the working of the Films Act.

Agitation for the revision of the act has been intensive for some time. British production interests want amendments imposing a minimum cost clause to quota films, and exhibitors ask a reduction of the present quota.

Runciman's statement removes fears very general in the industry that the advocates of increased stringency in the quota law had already won the Government to their way of thinking.

* * *

Republic's European and Eastern business will in future be centralized here, instead of in Vienna. William Satori, from Paramount Berlin office and L. E. Kalker, British representative of Republic, will be located in offices over British Lion headquarters.

Loew's Bronx Houses Stop Chance Games

(Continued from page 1)

March 17, and on April 6 a similar action against the Paradise will be heard before three judges in the same borough.

Theatres dropping Screeno are the Boston Road, Victory, Paradise, Grand, Elsmere, Spooner and Burnside. Eliminating Bank Night are the Boulevard, National and Fairmount.

Reinstatement of the games is contingent on the decisions, a Loew official stated. If they are found to be legal they will be put back, he said.

Consolidated Amusements recently did away with various types of games in all its Bronx theatres. This circuit's attitude is the same as Loew's about bringing them back.

On Friday Harry Harris won an important victory when Manhattan Special Sessions dismissed a Bank Night complaint against the Gotham. Previously a similar issue against the Washington had been dismissed in the same court, by three other judges.

Conference Called On Labor Problems

(Continued from page 1)

must be taken, it is said, in order to ward off such a move. Other theatre men are of the opinion that picketing is scheduled to break out again after a truce of several months.

The major circuits last October signed a 10-year pact with Local 306 after months of dispute over a new basic wage scale. While some independents likewise have joined the I.A.T.S.E. affiliate, the union is reported dissatisfied with the progress it has made in lining up new theatres. Plans to merge Allied, Empire and Local 306 are understood to be definitely off, despite reports to the contrary.

About two years ago a move was instituted by a Chicago group to organize theatre ushers, porters, doormen and other help, but nothing ever came of it. It is felt by some theatre operators that the current building strike may lead to a revival of the former unsuccessful plan.

No Picketing Planned, Says 306

Representatives of Local 306 on Saturday denied any picketing moves were planned by the union at 147 independent theatres. Reports had it that such a step would be taken today.

Meanwhile, committees representing the union and the I.T.O.A. met Saturday at the Astor to talk over the situation.

Out Hollywood Way

Hollywood, March 8.—Leonard Goldstein shoving off for New York early next week. . . . Ned Depinet all aquiver over that Disney-to-Radio deal. . . . Harry Ross of Rose Federal Checking Service in from Miami for a month's stay. Unlike most eastern visitors, he admits a primary purpose of the trip is sunshine. . . . Harry Goetz on a trip to Gotham. . . . Jules Levy will be around for a time. King Fisher back from London and New York. . . . Merian Cooper to set Pioneer's next on his arrival here shortly now. . . . Howard Dietz did and then again he did not want to go east. . . . Howard Strickling goes next month. Maybe by boat. . . .

Jean Arthur and her husband, Frank H. Ross, Jr., planning six-week vacation in Honolulu. . . . Gail Sheridan, Irene Bennett and John Morley, youngsters at Radio, have their options lifted. . . . Betty Gordon and Frank Edmons, dancers in "The Great Ziegfeld," married. . . . Clarence Brown back from business trip to Salt Lake City. . . . Mitzi Cummings, M-G-M scenarist, to spend four weeks in Honolulu. . . . Claude Rains off to Connecticut for short vacation on his farm.

Richard Boleslawski, director; Phil Ryan, production manager; Bob Ross, unit manager; Sturges Carne, art director, and his assistant, Lyle Wheeler, and Virgil Miller, head cameraman, looking over "Garden of Allah" locations near Yuma for Selznick International.

Isabel Stein, assistant to Lindsley Parsons at Republic, has roses on her desk and a diamond on her finger. . . . She will be married soon to Ralph V. Matlin, financial reporter. . . . Jackie Heller, band leader, to do specialty number in Paramount's "Florida Special." . . . George O'Hara, star of silent films, working as a gag man at Paramount on "Three Cheers for Love."

George Walcott gets new term pact at M-G-M. . . . Spanky McFarland's contract extended for five years. . . . Robert Z. Leonard in hospital recovering from three fractured ribs. . . . He fell on "The Great Ziegfeld" set. . . . Royer, designer, re-signed by Twentieth Century-Fox.

✣

Casting—Allen Jenkins borrowed from Warners by Twentieth Century-Fox for "Turmoil." . . . Don Amechie, radio star, cast in this picture. . . . Slim Summerville in "White Fang," same studio. . . . Scotty Beckett, Joan Simpson, Dudley Haines and William Griffith added to "Little Boy Blue," Chic Sale short at M-G-M. . . . John Buckler and Lawrence Grant cast in "The Unguarded Hour," M-G-M.

Fred H. Warren cast in "San Francisco," M-G-M. . . . George E. Stone, Craig Reynolds and Addison Richards in "Ballots for Bullets," Warners. . . . Georgia Caine in "The Angel of Mercy," Warners. . . . June Brewster, Mayo Methot and Brenda Fowler in Walter Wanger's "The Case Against Mrs. Ames." . . . Eddie Conrad and Francis MacDonald in "Big Brown Eyes," same studio.

Patsy Kelly and Basil Rathbone signed for "Private Number," Twentieth Century-Fox. . . . Reginald Denny, Jr., aged four, signed for "Romeo and Juliet," M-G-M. . . . James Burke in "Something to Live For," Paramount. . . . John Sheehan and Sid Saylor added to "One to Two," Radio. . . . Reginald Barlow, David Clyde and Daisy Belmore in "Girls from Mandalay," Republic. . . . William Collier, Sr., signed by Walter Wanger for "The Case Against Mrs. Ames."

✣

Directors—Alfred E. Green borrowed by Universal from Warners to direct Margaret Sullavan in "It's a Small World." . . . John R. Stahl's first at M-G-M "Parnell," starring Joan Crawford. . . . Hal Law to co-direct with Charlie Chase on "Wrong Number."

✣

Writers — Commander Frank Wood gets new writing contract at Radio. . . . Guy Endore working on script of "Riddle of the "Dangling Pearl," Radio, and Henry Johnson assigned to adapt "Bunker Bean," same studio.

✣

Title Changes—Hal Roach changes title of "Bank Night" to "Wrong Number." . . . "Half Angel" new title for "Lightning Strikes Twice," Twentieth Century-Fox. . . . "Dancing Pirate" permanent title of Pioneer's Technicolor film.

K. C. Unions Select Men for Convention

Kansas City, March 8.—Operators' Local No. 170 and Stagehands' Local 31 have each appointed committees of six to handle general arrangements for the biennial convention of the I.A.T.S.E. and the M.P.O.A. of the U.S. and Canada, which will be held here the first week in June.

R. R. Dillon, business representative, heads the operators' committee. Other members are L. L. Stewart, R. E. Topper, J. H. Morgan, C. L. Sargent and Joe Arnone.

Felix B. Snow, I.A.T.S.E. divisional representative, is chairman of the stagehands' group, which includes also J. R. Sanderson, Ed Purcell, Glen Milligan, Ed Maier and C. Donovan.

Variety Club

Des Moines

Des Moines, March 8.—Variety Club's annual election results follow: W. E. Banford, chief barker; Stanley Mayer, first assistant barker; G. Ralph Branton, second assistant barker; Harold Cohen, wagoner man; Louis Patz, property man.

The new directors are: Harry Hiersteiner, E. J. Tilton, Lee Durham, Harry Weinberg, John Woodren and L. C. Friedman.

New members recently received are Tom McKeen, Frank Thomas, E. M. Canty, M. D. Mitchell, Max Weintraub, Harry Wengel and Joe Jacobson.

Indianapolis

Indianapolis, March 8.—Variety Club will present its first annual charity show at midnight, March 31 in the Lyric. According to Wade Willman, chairman of the committee in charge, the program will include 10 acts of vaudeville and a showing of "Kind Lady." Use of the theatre and participation of the performers is through the courtesy of Charles M. Olson of the Lyric management.

Ole Olsen and Chic Johnson, the Olsen and Johnson vaudeville headliners, spent practically a week-end with the Variety Club. On one day they were guests of honor at a party and presented a performance at midnight. On another night they were guests in the clubrooms at a birthday dinner for Marc J. Wolf, club president. Club members attended the Lyric, where the comedians are playing, and then returned to the club for a buffet supper.

Chicago Indies May Refuse Chaplin Film

Chicago, March 8.—Independent exhibitors and the smaller circuits here are reported refusing to buy "Modern Times" since United Artists sold it to B. & K., giving them extended clearance. The exhibitors claim that when B. & K. would not buy U. A. product, they took it at high prices and expected to get a chance at the Chaplin film.

It is thought the situation may affect future deals where clearance is asked. Considerable excitement is expected when the selling of "Modern Times" gets started in full swing, as well as when the clearance problem comes up for settlement.

To Appeal on "Ecstasy"

Samuel Cummins of Eureka Prod. plans to appeal to the Appellate Division of the Supreme Court for a temporary injunction before trial, following the denial by Justice Collins of the application for such a stay. Eureka seeks to prevent Metropolis Pictures from using the word "Ecstasy," in the title, "Ecstasy of Young Love." The latter picture, originally scheduled for the 55th St. Playhouse, was not shown there, but opens at the Bijou today. Eureka is now preparing its Czechoslovakian film, "Ecstasy," for early release.

Datig Quits Paramount

Hollywood, March 8.—Fred Datig resigned yesterday as Paramount casting director. No successor to his post has been named as yet. Datig has not announced his future plans.



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Cecile



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Yvonne



Marie

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THE KEYSTONE
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For instance: S. R. O. before 1 p. m. at the Capitol, Lawrence, Mass. Biggest business since "Sunnyside Up" (10 years ago)!

Rockefeller Claims Hearing Again Off

Hearings on exceptions to the allowance of the Rockefeller Center claims against RKO at $9,100,000, which were scheduled for tomorrow, will be postponed again for another week.

The claims, which are based on RKO's liability under its defaulted Rockefeller Center leases, and which include the construction costs of the Music Hall and Center and the reduction of leased office space in the RKO Bldg., were recommended for allowance by Special Master Thomas D. Thacher in the amount named. Irving Trust Co., the RKO trustee, and its counsel, Donovan, Newton, Leisure & Lumbard, are prepared to contest the allowance on several grounds. However, efforts to effect a compromise or settlement of the claim are being continued by RCA, Atlas Corp., Lehman Bros. and RKO. Advancement of these efforts may forestall, either for a time or permanently, the hearing of the trustee's exceptions to the allowance of the claim as recommended by Thacher. This is believed to explain the numerous postponements of this hearing which have been made.

The claim makes Rockefeller Center the largest unsecured creditor in the RKO reorganization proceedings. The claim ultimately will have to be treated in a plan of reorganization for RKO, but the failure to develop a plan has correspondingly retarded efforts to compromise or settle the claim.

Loew's Not to Dual Outstanding Films

Although the circuit's policy is dual features in all Greater New York theatres, with the exception of the State, which plays vaudeville, Loew's will not twin bill a number of outstanding pictures.

"Rose Marie," now playing the various neighborhood houses, is not being dualled, nor will be "Wife vs. Secretary" and "Modern Times" as soon as available dates are set.

"A Tale of Two Cities," "Strike Me Pink" and "Mutiny on the Bounty" have previously been booked without support.

Similar bookings by RKO were the order of the day for "Top Hat" and will likewise follow for "Follow the Fleet," which begins a full week's run on March 20, and "The Country Doctor," which will play seven days during Easter Week.

Neither circuit intends to bring back vaudeville, which was ousted in numerous situations for dual programs.

Gerstle Picks a Name

HOLLYWOOD, March 8.—Associated Cinema Studios is the name chosen by Mark L. Gerstle for his new company which recently bought the Freeman Lang Enterprises.

Rebuilding of offices already has started and plans are being made for a new research and laboratory to handle film and radio transcriptions. Offices will be opened in San Francisco.

Title Clyde Comedy

HOLLYWOOD, March 8.—Andy Clyde's latest comedy for Columbia is titled "Share the Wealth." Del Lord directed.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Everybody's Old Man"

(Twentieth Century-Fox)

HOLLYWOOD, March 8.—Irvin S. Cobb, in his first starring picture, comes through most commendably and his picture as enjoyable entertainment is geared nicely to a popular formula.

This is a remake of "The Working Man" in which George Arliss starred for Warners some years ago and has to do with the traditional fight between two food kings. It tells how Cobb, with his homely philosophy pits his own company against his dead rival's for the purpose of aiding the latter's two children to salvage their enterprise from disaster and their gin racked lives from collapse while at the same time it permits him to teach his own nephew business tolerance and greater acumen. The rival's son and daughter, played by Johnny Downes and Rochelle Hudson, naturally do not know who their benefactor actually is until the end. Neither does nephew Norman Foster know Cobb has gone over to the competitor's camp. The Pollyanna type of yarn works out to everyone's satisfaction including the romance between Miss Hudson and Foster.

Cobb reveals a definite screen personality and it may be that part of the mantle of the late Will Rogers which Darryl F. Zanuck here strives to throw around him may fit. There is no way of forecasting such an eventuality until the public casts votes in this and succeeding pictures.

Downes shows considerable promise as the profligate youngster who makes good and Miss Hudson and Foster are pleasing as the love interest.

James Flood's direction is natural and warm from the screenplay by Patterson McNutt and A. E. Thomas.

Production Code Seal, No. 1,911. Running time, 84 minutes. "G."

KANN

"Too Many Parents"

(Paramount)

HOLLYWOOD, March 8.—Played principally by children, this comedy drama has a different appeal as family entertainment.

The story centers on George Ernest, Billy Lee, Sherwood Bailey and Douglas Scott, four youngsters sent to a military school for the convenience of those charged with raising them. Ernest, son of Lester Matthews, a busy engineer, is the school leader. Matthews never writes his son and Ernest, because of the chiding by his schoolmates resorts to faked letters. The climax of the picture is reached when Ernest is exposed and demoted. Attempting suicide because of the disgrace, Ernest is saved by the timely return of his father for a happy ending.

Director Robert MacGowan has built the school life sequences convincingly and works sympathetic interest for Ernest. The supporting cast includes Francis Farmer, Doris Lloyd, Henry Travers and Porter Hall, adults, and Carl Switzer, a youngster, who scores heavily singing one number rendered during the school show sequence.

Virginia Van Upp and Doris Malloy wrote the screenplay from stories by Jessie Lynch Williams and George Templeton and A. M. Botsford produced it intelligently enough.

The elements of humor and pathos are offered to indicate good, general audience reception.

Production Code Seal, No. 2,037. Running time, 71 minutes. "G."

Looking 'Em Over

"Robin Hood of El Dorado"

(M-G-M)

Herein is recounted, in entertaining fashion, the almost legendary story of Joachim Morietta, a Mexican peon of the California of the golden days of 1848, when Americans swept into the territory, and the Mexicans virtually were swept out. Warner Baxter, in the title role, does handsomely by the portrayal of the farmer who turned bandit and sought an entirely justified revenge for wrongs done him and his family.

There is much in the picture to stir the sympathies of audiences, and much to stir their pulses in the rapid-fire action of a lawless era and hard-living area. The film's tragic ending in the death of Morietta is

(Continued on page 11)

Chaplin Gets $26,000 2nd Week on Loop

CHICAGO, March 8. — "Modern Times" continued to lead the Loop in its second week at the United Artists. An improvement in the weather helped all along the line. The take on the Chaplin picture was $26,000, over normal by $9,000.

"Desire" at the Chicago, with Earl Carroll's Vanities on the stage, garnered a strong $35,500, which passed normal by $3,500. "Dangerous Waters" was $1,000 up on a gross of $14,000 at the State-Lake.

Total first run business was $124,300. Average is $117,000.

Estimated takings:

Week Ending March 3:

"TALE OF TWO CITIES" (M-G-M)

ROOSEVELT — (1,591), 30c-40c-60c, 7 days. **Gross:** $7,700. (Average, $11,000)

Week Ending March 5:

"LOVE ON A BET" (Radio)

PALACE—(2,509), 25c-35c-50c, 7 days Stage: "Laugh It Off" Revue. **Gross:** $15,000. (Average, $19,000)

"DESIRE" (Para.)

CHICAGO—(4,000), 35c-50c-68c, 7 days Stage: Earl Carroll's Vanities. **Gross** $35,500. (Average, $32,000)

"MILLIONS IN THE AIR" (Para.)

ORIENTAL—(3,490), 25c-40c, 7 days Stage: "Redheads vs. Blondes" revue **Gross:** $15,000. (Average, $15,000)

"LADY OF SECRETS" (Col.)

GARRICK—(900), 25c-35c-50c, 7 days **Gross:** $5,700. (Average, $5,500)

Week Ending March 6:

"IT HAD TO HAPPEN" (20th-Fox)

APOLLO—(1,400), 25c-35c-50c, 7 days **Gross:** $5,400. (Average, $4,500)

"MODERN TIMES" (U.A.)

UNITED ARTISTS—(1,700), 35c-50c-68c 7 days, 2nd week. **Gross:** $26,000. (Average, $17,000)

"DANGEROUS WATERS" (Univ.)

STATE-LAKE — (2,776), 20c-30c-35c, 7 days. Stage: "Radio City Follies." **Gross** $14.000. (Average, $13,000)

Wall Street

Little Activity on Big Board

	High	Low	Close	Net Change
Consolidated Film	6	6	6	.....
Eastman Kodak	167	167	167	.....
Loew's, Inc.	49⅞	49⅛	49¾	+ ¼
Loew's, Inc., pfd.	105	105	105	.....
Paramount	9⅝	9½	9½	— ⅛
Paramount 1 pfd.	72	70½	72	.....
Paramount 2 pfd.	10⅜	10¼	10¼	.....
Pathe Film	8¼	8	8	+ ⅛
RKO	8½	8¼	8⅜	— ⅛
20th Century-Fox	31	30¾	30¾	— ¼
20th Century, pfd.	38¾	38½	38½	.....
Universal, pfd.	80	80	80	.....
Warner Bros.	12⅝	12¼	12⅜	— ⅜

Curb Issues Off Slightly

	High	Low	Close	Net Change
Sentry Safety Control	1	1	1	.....
Sonotone	2⅞	2⅞	2⅞	— ⅛
Technicolor	31⅝	31⅛	31⅛	— ⅛
Trans Lux	4⅜	4⅜	4⅜	.....

Bonds Off Fractionally

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	27⅞	27¼	27⅞	.....
General Theatre Equip. 6s '40 ctf.	27¼	27	27¼	— ¼
Paramount Pictures 6s '55	89	87½	87½	—1¼
Warner Bros. 6s '39 wd	92½	91⅞	92	— ⅛

(Quotations at close of March 7.)

Reopen Many Spots in the K. C. Section

(Continued from page 1)

about $100,000. The house is leased by the Des Moines Consolidated Theatre Corp.

Reopen in Cleveland Area

CLEVELAND, March 8.—The Majestic, closed for many years, will reopen about April 1 under the management of Ben Nadler. Max Kaplan has sold the Grand Central here to J. L. Stein.

Other changes in the area include the opening of the New Ohio in Akron, owned by a group of city business men. The Garden at Portsmouth, O., has opened after improvements costing $50,000. The Murphy at Wilmington, O., will be improved, the refurbishing to cost about $15,000. Don Meyers has reopened the Comstock at Comstock, Neb., and the Gayety at Arcadia. Abe Sadoff has resumed control of the Granada at Sioux City, Ia., from E. E. Seff. Jack Rose and Alex Manta have taken over the Roxy at La Porte, Ind. Hal Opperman and Edward G. Zorn plan a new modern house at Pontiac, Ill.

Several Detroit Changes

DETROIT, March 8.—John Tatu and Victor Petriks, owners of the Casino, plan a 1,000-seat house, the Northtown, here. Sol and Max Krim are planning two 1,500-seat neighborhood houses, with work to begin within 60 days. A. Barnes has taken over the Gem here from Ray Schreiber.

To Build in N. E.

BOSTON, March 8.—Theatre changes in New England include: the planned building of a 1,000-seat house at West Haven by Michael Cascioli; the acquisition of the Peacedale at Peacedale, R. I., by Steve Broidy; improvements on the Carlton, Edward M. Fay house in Providence.

New House in South

HOUSTON, March 8.—D. P. Rathbone, local operator, will build a $13,000 house at Pasadena, Tex., giving the town its first film theatre. C. J. Goodwin has opened the Swan, new house at Bastrop, La. Mississippi Theatre Co. has bought the Ritz at Ferriday, La. The Oasis at Marion, N. C., will be remodeled.

Cancellation Right Seen as Possibility

(Continued from page 1)

to 20 per cent was uncovered among distributors, however. The general opinion of those viewing an increase in a sympathetic light was that a compromise, probably at 15 per cent, would be fair to distributors and probably would not be spurned by exhibitors.

Distributors sympathetic to an increase pointed out that the cancellation privilege is being used less and less to avoid playing pictures because of their objectionable moral features or for local unsuitability, and attributed this to the improvements registered in product under the Production Code Administration and the Legion of Decency lists. The cancellation privilege, for the most part, they said, is employed to "duck the clucks" and even this has been lessened to a considerable extent as a result of the widespread use of double features, which makes room for sub-par production quality if the playing terms are right.

Distributors, it was said, have also been compensated for this use of the cancellation privilege by the extended playing time and return engagements for exceptional product, made possible by the cancelling of "clucks." A five per cent increase in cancellations, it was said, would not be a severe one for most distributors, as a result, even though the full 15 per cent privilege was taken advantage of uniformly by exhibitors, which is hardly likely. Qualifications for becoming eligible for the increased cancellation, moreover, probably would be such as to improve credit relations between exhibitor and distributor, it was pointed out.

An increase would also be an effective answer to agitators for block booking abolition within and without the industry.

Looking 'Em Over

"Robin Hood of El Dorado"

(Continued from page 10)

softened by the indication that his death was inevitable in the preservation of law and order in the territory.

Morietta is happy on his small farm, with his affectionate wife, until drunken miners, seeking his land, attack and murder his wife. He kills the attackers, then on advice of Bruce Cabot, his friend, seeks peace on his brother's farm. Again trouble, an unwarranted quarrel and his brother is hanged; he whipped. Then he joins the bandit gang headed by J. Carrol Naish, becomes its leader, arms it and strengthens it, makes his headquarters in a hidden valley, and is at once the scourge of California, with a large price on his head.

Cabot, whose life he had saved, defends him, until a young girl is killed in a stagecoach holdup. Cabot himself leads the posse, which in a stirring battle sequence, wipes out the gang, Morietta escaping, wounded, to die on his wife's grave.

Production Code Seal No. 1,707. Running time, 86 minutes. "G."

"Two in Revolt"

(*Radio*)

The story of a horse and a dog, both thoroughbreds, their escape into the open and leadership of their wild fellows, and their return to civilization and a suspense-laden racetrack conclusion, this is an unusually interesting and appealing picture. The human element, with its romance and complication, is a necessary but not too prominent adjunct to the story. The beautiful scenic effects against which the film has been photographed add much to the effectiveness.

John Arledge, as a trainer, and Louise Latimer, as the daughter of the owner of the stables, carry out the romantic human element. Warrior, the horse, and Lightning, the dog, are born at the same time and become fast friends. The colt is carefully trained for future racing honors, while the dog, incurring the displeasure of the owner, becomes the leader of a wolf pack. The horse, escaping from gamblers who sought to steal him, takes to the hills and heads a band of wild horses. The gamblers capture him again, the dog helps him to escape, then leads the searching Arledge to the horse, who has become tangled in the rope about his neck. Taken to the big race through the pursuasion exercised by his dog friend, Warrior wins as Lightning races out on the track to lead him on. The victory causes Miss Latimer's father to relent in his opposition to the marriage of his daughter and Arledge.

Glenn Tryon directed from a story by Earl Johnson and Thomas Story. Jack MacKenzie handled the camera.

Previewed without production code seal. Running time, 65 minutes. "G."

Pettengill's Bill Up Again Today

(Continued from page 1)

largely a rehash of the discussion of the respective merits of block and selective booking.

With the Patents Committee planning to hear representatives of the picture industry this week if possible, Washington bids fair for several days to be overrun with film men. The Sirovich hearings, however, will hold the center of the stage so far as publicity goes, as they have for the past two weeks through the committee's policy of featuring "guest stars."

So far, the Neely sub-committee has taken no action with respect to block booking legislation, and is not expected to make a report to the full committee for some days.

"U" Borrows A. E. Green

HOLLYWOOD, March 4.—Universal has borrowed Alfred E. Green from Warners to direct the next Margaret Sullavan picture, tentatively called "It's a Small World." The story is an original by Lewis R. Foster.

Purely Personal

ADELA ROGERS ST. JOHN'S new story, "The Clock Turns Back," has been purchased by DOUGLAS FAIRBANKS, JR., and is scheduled to be his second for Criterion.

•

VYVYAN DONNER, Fox Movietone News fashion editor, spoke to the school of Industrial Art at a recent meeting of the Adult Education Division.

•

JOHN MANHEIMER of the I.T.O.A. was in Albany last week on the bill relating to admission of children into theatres.

•

JOE MOSKOWITZ is all a-dither over those wires he's receiving on the reports from all over the country on "The Country Doctor."

•

SPYROS SKOURAS, WILLIAM T. POWERS and IRVING BARRY arrive from the coast today.

•

E. J. MORIARTY, counsel for Erpi, will arrive from California on the *Santa Paula* tomorrow.

•

ARMSTRONG LIVINGSTON'S "Light Fingered Ladies" has been acquired by Chesterfield.

•

MIKE MARCO is due from the coast in three weeks.

•

. . . London

VICTOR ORSATTTI here—to open a London office.

MACK GORDON and HARRY REVEL here, song writing.

PETER WITT, lately a director of Reunion Films, joined foreign department of Twentieth Century-Fox.

•

. . . Los Angeles

BEN FISH, western division manager of United Artists, is in Denver for a two-week survey.

EARL HARMON is opening a theatre in El Segundo. He has not chosen a name for it yet.

HARRY GOLDFARB, who operates the National in National City, Neb., in town booking.

SAM KLEIN, operator of the Adams in San Diego, spending several days in town.

RAY OLMSTEAD back from selling trip in Arizona.

L. J. MILSTEIN, manager of the M-G-M exchange, back from two-week vacation.

•

. . . Seattle

FRANK L. NEWMAN, SR., and AL ROSENBERG, president and vice-president of Hamrick-Evergreen theatres, have just returned from the Fox West Coast sessions in Los Angeles.

J. T. Sheffield, head of the Sheffield-Monogram exchanges, has left for Salt Lake City and a tour of other branch offices in the west.

BEN F. SHEARER of the B. F. Shearer Theatre Equipment Co. and his wife are vacationing at Palm Springs.

JOSEPH ROSENFIELD, city manager for Evergreen in Spokane, was a visitor at the company's Skinner Bldg. offices here.



And pretty soft for you, too ... with that big National Screen Service organization ... more than 800 strong ... working for you day and night ... planning your screen advertising ... keeping track of your bookings ... with a seat-selling trailer for every picture you book ...

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Nichols Turns Back Academy Writer Award

Frank Capra Replies For Academy Members

HOLLYWOOD, March 9. — Dudley Nichols has refused to accept the Academy award for the best screen adaptation of 1935 on "The Informer" and has clarified his action in a letter which reached Academy heads today. Nichols' action is the most drastic thus far in the continued warfare between the Screen Actors' and Writers' Guilds and the Academy for producer recognition.

The Writers' Guild would make no official statement today. Donald Gledhill, executive manager of the Academy, has steadfastly insisted that the Academy, as a non-political organization, would forward awards to the winners regardless of what the receivers did with them, and without personal resentment if the winners refused to accept.

John Ford, the director of "The

(Continued on page 6)

L. J. McCarthy Made Aide to R. C. Rhoden

KANSAS CITY, March 9.—L. J. McCarthy, district manager of Fox Midwest, has been made assistant to Elmer C. Rhoden, president and general manager. McCarthy will do the film buying and will relieve Rhoden of other executive details.

Martin Finkelstein, booker for M. B. Shanberg before Shanberg sold the houses to Fox, and holder of that job with Fox Midwest, becomes district manager in charge of Greater Kansas City houses.

Edward Shanberg, brother of M. B. and booker, has taken charge of the out-of-Kansas City part of McCarthy's territory.

F. E. Ritter who joined Fox Mid-

(Continued on page 10)

Grainger Goes West For Product Talks

Universal's annual sales convention will be held in May at a date and place to be decided in the near future, James R. Grainger, general sales manager, said yesterday.

Grainger left for the coast last night immediately after attending the testimonial dinner to E. C. Grainger. The Universal sales head will confer with studio officials on new season's product plans before returning east to complete arrangements for the company's annual sales convention.

Grainger Feted at the Astor By Exhibitors and Salesmen

E. C. Grainger, who retires as eastern division sales manager of Twentieth Century-Fox on April 15 to become general manager of the Feiber & Shea circuit, played to a full house last night at the Astor, where well wishing exhibitors and diplomatic film salesmen gathered in proud numbers by way of a testimonial to the rare transition.

Claude Saunders of Ross Federal Service clocked the house at 623 paid testimonials, which included Jack Springer, about the receipt of whose tariff some doubt was expressed by Joseph Lee, treasurer of the dinner committee. The attendance, regardless, was of sufficient impressiveness to send Mort Shea home pondering the advisability of booking Grainger over the circuit for a mess of one week stands instead of following through with the original plans of putting him behind a home office desk.

The key note of the evening, naturally, was the seeming oddity of a sales manager turned exhibitor, and it was sounded early by the Fox Movietone News crew who were permitted to speak during the soup course because word had just reached them of a war in progress in Ethiopia, for which they left early in the hope of incorporating it in a forthcoming issue of the newsreel, according to Louis Ni-

(Continued on page 6)

Para. Fee Appeals Are Again Delayed

Hearings on five appeals from Federal Judge Alfred C. Coxe's decision on the allowance of fees for Paramount reorganization services, which were scheduled to be held in the U. S. Circuit Court of Appeals here yesterday, were postponed to April 6 with the consent of the five appellants because counsel for several of them had to be in Washington before the U. S. Supreme Court this week.

The appeal hearings scheduled were those of Root, Clark, Buckner & Ballantine, counsel to the Paramount trustees, whose application for a fee of $750,000 was reduced to $200,000; Cook, Nathan & Lehman, attorneys for the Paramount stockholders' protective committee, whose application for a fee of $250,000 was allowed at $115,000; Kuhn, Loeb & Co. and their attorneys, Cravath, de Gersdorff, Swaine & Wood, whose applications were denied in toto, and the stockholders' committee appeal on behalf of its auditors, Coverdale & Colpitts, whose application for $51,000 was allowed at $27,860.

Cooper Sees Color Picture Costs Cut

HOLLYWOOD, March 9.—"We expect that after our fourth production the cost of color pictures will be no more than that of black and white films," Merian C. Cooper said today.

Pioneer is making a close check on comparative costs, and so rapidly is the color process coming under control that shooting schedules now are no longer than on monotone pictures. The cost of raw film always will be higher, but this is a negligible item on the expense sheet. In the past the

(Continued on page 10)

Production Holds At 37 Third Week

HOLLYWOOD, March 9.—Thirty-seven features were before the cameras last week, the third consecutive week this figure has held.

Short subject production has fluctuated, with all studio shorts departments dark, according to the week's survey. The preceding week, short subject production hit a record high with seven one and two-reelers in work.

M-G-M continued to lead the field with eight features in work. Warners ran a close second with seven.

Columbia has two features on the sound stages, five in preparation and five in the cutting rooms. M-G-M had eight, zero and 13; Paramount, six, four and nine; Radio, four, two and zero; Roach, zero, one and one; Twentieth Century-Fox, five, three and five; Universal, two, two and one; Warners, seven, zero and six; independents, three, two and one.

No short subjects were in work, but Columbia had two in preparation and three editing. M-G-M had four and five; Roach, one and three; independents, two and zero.

Temporary Stay On "Ecstasy" Granted

Justice Irwin Untermyer of the Appellate Division of the N. Y. Supreme Court yesterday granted to Eureka Prod. a temporary injunction restraining Metropolis Pictures from using the word "Ecstasy" in their film of "Ecstasy of Young Love." Eureka, through its attorney, Henry J. Pearlman, contended the use of the word was unfair practice, in view of Eureka's film, "Ecstasy," Czechoslo-

(Continued on page 10)

Culkin Drops Federal Film Board Scheme

Pettijohn, Cabot Talk On Block Booking Bill

By BERTRAM F. LINZ

WASHINGTON, March 9.—The declaration by Representative Culkin of New York that he has abandoned all efforts to secure the enactment of legislation creating a Federal film commission, marked the opening today of hearings on block booking before the Pettengill sub-committee of the House Committee on Interstate and Foreign Commerce.

Appearing before the group to discuss his measures, Culkin admitted he was more interested in the creation of the commission than in any other phase of the situation, but added, "I do not think civilization is advanced far enough to put that bill on the books."

Urging that the industry should be made a public utility, Culkin pointed out that railroads, telephones and power already are in that category and that films are held to be utilities in England and France.

Seeking a picture of the situation

(Continued on page 8)

RKO to File Briefs In Sale Tax Dispute

RKO will file briefs in opposition to the levying by the city of the two per cent sales tax on film rentals as amicus curiae in the appeal by United Artists from the city comptroller's ruling that film revenue is subject to the tax.

Permission to file the briefs was granted by the appellate division yesterday, which will hear the United Artists' appeal late this month or early in April. Goldwater & Flynn, special counsel for Keith-Albee-Orpheum, will prepare the briefs in the interests of both the local Radio exchange and the company's theatre subsidiary. The United Artists' appeal is regarded by distributors as a test case in the city's move to apply the sales tax to film rentals.

"Country Doctor" On Loew-Poli Dual Bill

"The Country Doctor," will be double featured on the Loew's-Poli circuit, this week, although "Wife Vs. Secretary" will play the same circuit singly. "Paddie O'Day" is supplementing "Country Doctor" at the Poli

(Continued on page 10)

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Ampa Truth Dinner Play in Rehearsal

Ralph Rolan, vice-president of the March of Time, and Gordon White, Ampa president, are in the midst of rehearsals for the show they are producing, which will be the leading feature of the Ampa Naked Truth dinner-dance at the Hotel Astor Saturday night.

The play, which will lampoon the industry, was written by Charles Williams and Marcy Klauber, writers for Educational, and Charles Curran of Donahue & Coe. Hugh Cameron, Walter Fenner, Fred Hillebrand and Arthur Kay are playing the leading masculine roles, whilst Alice Rinehart has the feminine lead. The musical accompaniment was prepared by Jimmy Burns.

Kent, Hossfeld Here Soon

Percy Kent, head of National Theatres realty division, and Milton Hossfeld, who has been named assistant to E. L. Alperson, film buyer, are scheduled to arrive from the coast next week to make their headquarters in New York.

PHOTOGRAPHER—
EXPERT TIMER, for copying negatives in production. One who has specialized in this work and can make good copies fast on 35 mm. film and enlarge them on paper. State experience, lowest salary, former employers and how long in each place. Box 900, Motion Picture Daily.

Insiders' Outlook

By RED KANN

Hollywood, March 9.

SURROUNDED by his pipes, and walls adorned with handsome photographs of his polo stable, Walter Wanger muses over the celluloid estate and speculates if the time has not arrived for an assertion of what he regards as the industry's inalienable rights. There's a phrase for you. In political history, it's been known to have had the mob sobbing. Wanger, a good showman and on his toes, has an appreciation of publicity values and by no means is to be scored or overlooked for it. Not in this business. . . .

▼

And so, interrupted by casting directors, Raoul Walsh, opening and closing doors and telephone arrangements for a bit of polo at Riviera in the afternoon, United Artists' latest acquisition expounded this:

"I remember when I first broke into show business, which is quite a number of years ago. It was anathema in polite society to be mentioned in connection with the film industry. Today, motion pictures have captured the world's imagination as well as its interest. New York and London society now make it a season here in Hollywood. It's smart to be around film people.

"It seems to be, therefore, and since swaddling clothes and disrepute have long since been dropped that the industry should have developed enough guts to refuse to be kicked around the way it is. I am not referring to dirt in pictures. I don't think anything not in good taste belongs, but efforts to block the normal progress of producers toward better and more courageous things is something else."

▼

"Are you referring to the trouble over 'The Forty Days of Musa Dagh' and 'Paths of Glory'?", appeared the logical question. Replied Wanger:

"Yes, for one thing. I know about the attitude of the Turkish and French governments. Yet suppose all of us agreed to stand the gaff of our product banned in one foreign country. It might be a good idea to withdraw and to see if that nation can get along without American films. This would establish the right of the industry to proceed on its way and to make an even better grade of film."

▼

It registered as convincing, but Wanger knew he was largely theorizing. For Paramount to essay "Paths of Glory" as Humphrey Cobb wrote it with its castigation of French army tyranny would unleash a diplomatic howl that would extend far beyond France's borders and imperil not only the specific producer's output there, but the entire industry's as well. For Irving Thalberg to produce "Musa Dagh" as Franz Werfel wrote it would outrage Turkey, but the pressure would go beyond and into all channels where Mustapha Kemal and Istanbul could marshal their influence. Yet the problem is both knotty and vexatious, for, as Wanger accurately points out, the continued hampering of Hollywood by international complications definitely retards progress. It reaches within domestic borders as well, in that a "Paths of Glory" confined to the domestic market would endanger the distribution of American production in France. . . .

▼

Now that he is proceeding on a unit basis, Wanger sees only merit in such a system. In a local interview, he pointed out recently:

"Most of the big, the successful films of the past two years have been made under the unit system, and it is now the individual picture, rather than the mass product, that counts. And it's immediately known when you have a good picture. . . . But when a studio is grinding out 50 pictures a year, its head man can't even find time to talk to the people on the payroll. His studio accumulates contract players, writers, directors, all 'on call.' They have to do what they're told, regardless of whether they're suited to it or not, and when a story comes along that is adapted to them, they're tied up on something else. They all become part of a racket. It's the wrong psychology from an employment standpoint." . . .

▼

And then this:

"A producer should be capable of selecting his own talent, his own stories. He should have a background in the business. He should know exhibition first."

Let's take a look. He says the unit system brought forth the big films of the past two years. There is Louis B. Mayer over at Metro, for instance. He's been doing pretty well and he has only producers. The studio head responsible for 50 pictures has been diagnosed many times before; he's more to be pitied than envied. Agreement with Wanger on that point. But when he talks about major plants accumulating talent, he ought to remember he's following the same line, modestly to be sure. Experience in exhibition, of course, is of value. Undeniably so. . . .

▼

Through his telescope, Wanger sees other bits of this and that which strike him as wrong. Read:

"There are too many executives in the big film studios. Everybody should do more of his own work. There is probably no other business where incompetents can hold on so long and where they can find so many places to hide out. It's astounding what mistakes film executives can make and still have their companies survive. Yet the demand for pictures is so great, the probable percentage of profit so terrific [there's that word again] and the market so wide, that 'boners' which would wreck other industries still get by in Hollywood."

Pointing the nozzle away from Hollywood and toward New York, he continues:

"In the past 15 years, sales methods in every other business but pictures have been revolutionized. But here, though personnel has changed in the production end, particularly since the introduction of sound, the same old heads of companies continue in power, the same outdated ideas of merchandising and exhibiting persist. That is what has retarded artistic advance.

"New York sales forces have proved time and again that, as dictators of picture tastes and talent, they are worthless. What New York office would have given Grace Moore a new chance in a musical after two previous flops at M-G-M? Who back there could have predicted the phenomenal success of 'Mutiny on the Bounty'? Your eastern sales force wants 52 copies of what was the most successful last year, ignoring the obvious fact that no audience desires a duplicate of something it has seen before, any more than a woman wants to buy last season's hat."

▼

If he persists in talking in this vein, Wanger will find his social status seriously impaired. . . .

Theatre Activity In South Hits New Peak

Theatre activity in the south is now at its peak with major and independent circuits participating in new building and acquisitions, according to home office sales executives returning from trips to the territory.

Expansion plans are taking some of the larger circuits into the smaller towns and at the same time bulwarking surrounding situations, the sales executives state. New structures are now going up in open situations. Kincey & Wilby is said to have taken over about half a dozen houses in the last three months. Other circuits likewise have added to their holdings.

LeRoys on Way East

HOLLYWOOD, March 9.—Mervyn LeRoy and Mrs. LeRoy left here today on the first leg of a trip to Europe and return.



Annette



Cecile

"THE COUNTRY DOCTOR"



Yvonne



Marie

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20th CENTURY FOX

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NO MATTER HOW



JIMMY STARR SAYS: "RATING: SPLENDID...PRODUCER EDMUND GRAINGER DESERVES A BOW FOR THE SMARTNESS OF PRESENTATION...CAROLE LOMBARD IS AT HER BEST, WHILE PRESTON FOSTER IS A CINCH TO HIT THE RAVE CLASS...WALTER LANG'S DIRECTION IS FIRST RATE.... 'LOVE BEFORE BREAKFAST' SHOULD BE ON EVERYBODY'S MOVIE MENU!"



WALTER WINCHELL SAYS: "I SAW SOME OF CAROLE LOMBARD'S NEXT PICTURE, 'LOVE BEFORE BREAKFAST,' AT THE ROXY PREVIEW. YOU CAN SAFELY LIST IT AMONG THE HITTRACTIONS!"

"LOVE BEFOR
IS STILL A SOCK

YOU LOOK AT IT!



"A PARADE OF HILARIOUS SCENES... ONE OF THE MOST BOMBASTIC COURTSHIPS THE SCREEN HAS EVER RECORDED... A RAPID FIRE SCREEN COMEDY... ALL GRAND FUN AND THERE ARE NO DULL MOMENTS!"
---SHOWMEN'S TRADE REVIEW



"STACKS UP AS THE KIND OF ATTRACTION FOR ANY AUDIENCE... THE KIND OF SHOW THAT'S ALL FUN!"
---MOTION PICTURE HERALD

BREAKFAST"

IN THE EYE!

A UNIVERSAL PICTURE

E. C. Grainger Honor Guest At The Astor

(Continued from page 1)

zer, toastmaster. Lou Lehr, first speaker to be called upon, warned the honoree that "the hand of fellowship of tonight will be the salesman's fist of tomorrow", and he was followed by Laurence Stallings, who gloated that Grainger soon would be paying the high prices for film that he's always told exhibitors his own stuff was worth.

Lowell Thomas was reminded of Stallings' yarn on the manner in which an Ethiopian warrior observes St. Valentine's day, warning Grainger that while the tribute was his at the moment, tomorrow he would be the victim. Nizer, harking back to the good, old days of exhibition, B. C., (Before Cocalis), saw Grainger's transition from sales executive to exhibitor as a perilous one, because "Grainger hasn't learned to cry yet". Harry Brandt, following, offered to teach him how, qualifying by confessing that he had paid for his winter trip to Florida by his last cry in Grainger's office.

Other speakers on the dais included E. W. Hammons, Austin C. Keough, A. W. Smith, Jr., James O'Laughlin, Saul Rogers, Ed Raftery, Milton C. Weisman and J. R. Grainger. Telegrams were read from Sidney R. Kent, detained at Washington; John D. Clark, at the Twentieth Century-Fox studio, Hollywood; Jules Levy, N. L. Nathanson and W. F. Rodgers.

Among those present were:

Meyer Adelman, H. S. Alexander, Ben Amsterdam, Harry Arthur, Harry Bailely, Tom Bailey, Lee Balsley, Wm. E. Barry, J. G. Beilin, J. Benas, Nat Beier, Jack Bernhardt, Wm. Berry, O. C. Binder, J. Birnbaum, Ed. B. Block, Clayton Bond, Eddie Bonns, Harry Brandt, Leo Brecher, H. H. Buxbaum, Harry Buxbaum, Jr., Al Christie, Sam Cocalis, George M. Cohan, Jr., Max Cohen, Ira H. Cohn, E. H. Collins, Larry Cowan, Al J. Davis, Harvey Day, Harry Decker, Sam Dembow, Jr., I. Dreeben, A. F. Driscoll, Sol Edwards, Jay Emanuel, Richard Ettelson, Harold Eldredge, Si Fabian, Roger Ferri, Meyer Fine, Nat Finkler, Ed Finney, Al J. Fischer, Sam Fox, Jerome Friedlander, Louis Frisch, Hon. Richard J. Galvin, Sam Germaine, Morris Gerson, Nat Goldberg, Nathan Goldstein, Wm. Goldman, Maurice Goodman, M. F. Gowthorpe, Tobey Gruen, Roy Hains, Phil Hodes, Joe Hornstein, M. B. Horowitz, Samuel Hyman, Morris Jacks, Felix Jenkins, Ben Joel, W. R. Johnson, Jerome J. Jonas, Gilbert Josephson, Leo Justin, Harry Kalmine, Ben Kalmenson, Hon. M. Kamsler, Lou Kaufman, A. J. Kearney, J. Kelbin, A. C. Keough, Wm. Kramer, Morris Kravitz, Lester Krieger, Wm. J. Kupper, Moe Kurtz, Milt Kussell, Lou Kuttler,

Harry Lawrenson, Timothy Leahy, O. Lederer, Arthur Lee, Joe Lee, Abe Leff, Sam Lefkowitz, Irving Lesser, Eugene Levy, Norman Louis, Abe Lichtman, I. Lincer, Clarence Loewe, H. J. Lorber, George V. Lynch, Irving Maas, Chas. E. McCarthy, Vincent R. McFall, W. I. McKay, Claude McGowan, S. W. McGrath, K. P. McNaughton, Harry Margolis, Al Mendelson, Fred Meyers, Louis Meyers, Harry Mersay, W. C. Michel, Sam Mishkin, Frank Miske, Robert Mochrie, I. G. Montgomery, Walter Moore, C. C. Moskowitz, Jos. Moskowitz, Edgar Moss, Ed Mullins, John Murphy, F. T. Murray, Dennis F. O'Brien, Ed. F. O'Leary, J. J. O'Leary, Chas Olive, Chas. O'Riley, Leon D. Netter, Burt Nevins, Chas. Nolte, Louis Notarius, Jerry Novatt,

Walter Pacy, Ed. M. Peskay, Louis Phillips, Eugene Picker, Bert Popkin, Ralph Poucher, Wm. Powers, Norman Prager, Lou Preston, Fred C. Quimby, Hyman Rachmill, Ed. C. Raftery, Henry Randall, A. Rapf, Walter Reade, Arch Reeve, Harry Reinhardt, Irving Renner, Herman Reiper, Sam Rinzler, Herman Robbins, George Roberts, John Roberts, Milton Rogasner, Leon Rosenblatt, Max Rosenblatt, Ben Rosenberg, Jack Rosenthal, David A. Ross, J. B. Rossheim, Harry Royster, Herman Rubin, F. Ruddock, A. C. Sanders, Morris Sanders, Bert Sanford, Claude Saunders, B. Scheer, Louis N. Schine, Ted Schlanger, Hon. Sol Schloss, Ed. M. Schnitzer, A. Schwartz, Chas. E. Seaman, David Shapiro, Andy Sharick, Jack A. Shea, Harry Shiffman, Frank Shiffman, Jack Sichelman, Henry Siegel, Moe Silver, R. B. Simonson, Sydney Singerman, Jack Skirboll, George Skouras, Morris Smolen, Jack R. Springer, Jack W. Springer, Sam Stecker, Luke Steger, Chas. Steinman, Moe Streimer, E. Stuart, Herman Sussman, Wm. Sussman, Truman H. Talley, Harry Thomas, Harry Thoms, Joseph H. Tooker, Ed. Thorgesen, Stuart, Al Suchman, Herman Sussman, Wm. P. G. Tuckerman, Jack Ungerfeld, Joe Ungbar, Samuel Varbalow, I. Vample, Morton Van Praag, George Walsh, Harry Waxman, David Weinstock, Louis Webber, Irwin Wheeler, Sam Wheeler, Clinton White, Gordon White, J. R. Wilson, Earle Wingarte, Sig. Wittman, Jack Wolff, I. Wormser, Pete Woodhull, Earl L. Wright, A. C. Young, B. Zinnetbaum, Al Suchman.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Snowed Under"

(Warners)

HOLLYWOOD, March 9.—A farce comedy which draws upon the elemental slapstick methods to put over its many and hilarious socks, this is a fast-moving vehicle with plenty of fun in dialogue, action and situations. The picture has a nonsensical quality that should appeal to mass patronage.

F. Hugh Herbert and Brown Holmes did the screen play from the Lawrence Saunders novel, cleverly preserving all of the humor content of the original. It is the story of a playwright, George Brent, snowed under by snow—and women. In this situation he is first pestered by Patricia Ellis, a hero-worshipper. He has hardly sidetracked her when in comes Genevieve Tobin, ex-wife No. 1, who has been sent by Porter Hall, producer, to be Brent's inspiration for a necessary third act to his latest play. The situation becomes absolutely hectic when alimony-seeking ex-wife No. 2, Glenda Farrell, arrives, accompanied by her lawyer, John Eldredge and Sheriff Frank McHugh, plus a jug of applejack.

A blizzard isolates the whole party. By their antics the players quickly take on the character of inmates of an insane asylum. With ludicrous experiences happening to all, and with snow slides occasionally burying individuals or entire groups, Brent finally finishes his script and falls in love again with Miss Tobin. Miss Ellis considers lawyer Eldredge a pretty good catch and Miss Farrell, now certain that the alimony will be forthcoming, looks romantically upon McHugh.

The production is smartly directed by Raymond Enright, and played in the same key by the entire company in a manner which keeps the laughs coming fast and furiously without regard to rhyme or reason. For those who like their fun in broad and copious quantities this should please mightily.

Production Code Seal No. 1,811. Running time, 60 minutes. "G."

"Cappy Ricks" to Levine

HOLLYWOOD, March 9.—Nat Levine has closed with Peter B. Kyne for the production of five "Cappy Ricks" stories. The pictures will be made at the rate of one a year for the next five years. The first will go into production next fall to be released on the 1936-37 Republic program.

Sonotone Net $77,182

The report of Sonotone Corp. for the year ending Dec. 31, 1935, shows a net income of $77,182 after all deductions. This provides for 10 cents a share on 682,533 shares (par $1) of common stock, and compares with a 1934 income of $71,278, or 11 cents a share on 629,329 common shares.

Arthur Lee on Coast

HOLLYWOOD, March 9.—Arthur Lee of G. B. arrived here today with a print of "Rhodes." With Jeffrey Bernerd, company distribution head, Lee will set the local opening of the film.

20th-Fox European Meet Set in April

The annual international sales meet of Twentieth Century-Fox is scheduled to get under way next month with the arrival in London of Sidney R. Kent, president. Kent is slated to sail for England on April 17 and upon his return in May he will be accompanied by Walter J. Hutchinson, foreign manager, who is now cleaning up his affairs abroad before he moves permanently to this country.

Schuessler Asks Release

HOLLYWOOD, March 9. — Fred Schuessler, RKO casting director, has asked release from his current contract. It is reported that Schuessler, if his resignation is accepted, will take a similar post with either Paramount or U. A.

Open Houston House

HOUSTON, March 9.—The Eastwood, third suburban house to be opened here since Christmas, was opened with elaborate ceremonies. The house, seating 1,100, is one of the Hoblitzelle circuit.

Ricketson Back Home

DENVER, March 9.—Rick Ricketson, head of Fox Intermountain, has returned from the coast, where he attended a meeting of all National Theatre operating heads.

Decker Leaves Coast

LOS ANGELES, March 9. — Samuel Decker, Detroit manager for First Division Exchange, entrained homeward tonight following two weeks here.

Nichols Turn Back Academ Writer Awar

(Continued from page 1)

Informer," who, like Nichols, was n present at the awards dinner, said would be pleased to accept the b direction award.

The full text of Nichols' letter the Academy follows:

"My awareness of the honor giv to the screen play of 'The Inform and my gratitude to those individu who voted the award, only make th letter the more difficult, but as o of the founders of the Screen Wr ers' Guild, which was conceived revolt against the Academy and bo out of disappointment with the w it functioned against employed tale in any emergency, I deeply regret am unable to accept the award. accept it would be to turn my ba on nearly 1,000 members of the Wr ers' Guild, to desert those fello writers who ventured everything the long drawn out fight for a genui writers' organization, to go back the convictions honestly arrived and to invalidate three years' work the guild which I would like to loo back on with self respect.

"My only regret now is that I d not withdraw my name from the non ination, thus avoiding this most en barrassing situation.

"This rejection can in no wi prejudice the other 'Informer' award I realize the awards were voted b a generous membership who had n thought of personal partiality political intent. But a writer wh accepts an Academy award tacitl supports the Academy and I believ it to be the duty of every scree writer to stand with his own an strengthen the guild, because ther is no other representative autonomou organization for writers which aims a justice for employer and employ alike and which is concerned solel with the betterment of the writin craft."

Academy President Replies

Replying to the published Nichol statement, Frank Capra, Academ president, was quoted today as fol lows:

"Membership has no connectio with the Academy awards and neve has had in all the eight years durin which they have been conferred. Th awards constitute dignified recogni tion of the year's worthiest work b a representative group of writers, act ors, production executives, technician and directors. The statuette is a sym bol of this organization. The balloting does not in any way take into accoun the personal, political or economi views of nominees, nor the gracious ness with which they may be expecte to receive the recognition. It was and of course, remains, the opinio of the Academy membership that th screenplay of 'The Informer' writte by Mr. Nichols was the outstandin achievement in its field during th year, and was an artistic accomplish ment of which American motion pic tures may well be proud."

IT'S HEAVEN

TO HEAR THE SCREEN'S GOLDEN-VOICED TENOR

PHIL REGAN

SINGING SONGS THE WHOLE WORLD WILL LOVE

Laughing IRISH Eyes

with

WALTER C. KELLY
EVALYN KNAPP

Directed by JOSEPH SANTLEY
Supervised by COLBERT CLARK
Screen Play by
OLIVE COOPER, BEN RYAN, STANLEY RAUH
Original Story by
SIDNEY SUTHERLAND, WALLACE SULLIVAN
Produced by NAT LEVINE

Hear
REGAN
SING
"ALL MY LIFE"
"LAUGHING IRISH EYES"
"BLESS YOU, DARLIN' MOTHER"
"LONDONDERRY AIR"



THE Film DAILY

"LAUGHING IRISH EYES"
with Phil Regan, Walter C. Kelly, Evalyn Knapp 73 mins.

Republic

POPULAR NUMBER RIGHT DOWN TO EARTH WITH SWELL ACTION-LOVE STORY AND REGAN A HIT.

This one rings the gong for the b.o. as well as for the hero fighter-singer in the ring, and for the pop houses of all classes it is gaited to please their audiences of all types. And we are free to state that it carries more real human appeal and downright entertainment than a big slice of the more pretentious productions. It has fine emotional punch—fast tempo—excitement and breezy action—dandy love story—and carries a suspense kick right up to the last frame. Add to this a real comer in Phil Regan and who has been built up in a part that fits him perfectly, and you have an attraction for the masses such as your screen gets too seldom. And the lad can really sing, with a heart-warming Irish tenor, and an ability to act intelligently that is scarce in our singing actors. Plenty of personality that the femmes will go for. The hero is brought over from Ireland by the girl's dad, a fight promoter, who thinks he has in tow a famous champ, not knowing that the lad has licked the champ in a street brawl and has been passed off by the Irish manager as the real champ. Regan agrees to the deception so he can follow the girl (Evalyn Knapp) back to the United States, his only interest being in her. She has plans to make him a great radio draw with his voice, and builds him up accordingly while her dad grooms him for the big fight, still believing him the Irish champ. Then all sorts of fast and suspenseful complications building to the fight climax with a most satisfactory ending for all hands. You can shout about this as grand entertainment for the entire family and you'll have no kick-backs. For Irish communities a clean-up.

REPUBLIC PICTURES

"Swell"
—FILM DAILY

Culkin Drops Federal Film Board Scheme

(Continued from page 1)

before hearing testimony, the sub-committee asked for opening statements from Stephen B. Cabot, honorary vice-president of the M. P. Research Council, and Charles C. Pettijohn, counsel for the M. P. P. D. A.

Going over the ground which he traversed during the Senate hearings, Cabot discussed the growth of the industry, its influence and the effect of pictures on young people. Again he referred to the promises of the industry to clean house and its alleged failure to perform, and declared, "It is clear that the industry so far is insincere or unable to reform itself from within."

Claims Public Has No Choice

Block selling is not wholesale selling, Cabot said, because in wholesale selling the buyer at least has a sample of the product. "In this industry, in order to get some good pictures, you have to pay for some very inferior pictures at the same time," he alleged.

Cabot repeated his arguments that under block booking the people of the community have no voice in the selection of pictures, and that the exhibitor is powerless. "If the exhibitor were free to respond to the need and wishes of his patrons he would not refuse to meet their desires," he held. "He would quickly lose patronage if he did."

Discussing the present situation, Cabot admitted: "It is only fair to say that during the past year pictures have improved. However," he added, "the opponents of this bill now say that they have at last cleaned house and can be depended upon to keep it clean. What guarantee do they give us that they will continue to keep their house clean?"

A slight pruning of the "colossal" salaries paid by the industry may be necessary if the bill is enacted, Cabot admitted, but contended the advantages would far outweigh the disadvantages.

Distribution is a mechanical problem which is not considered in the bill, Pettijohn declared in presenting the distributors' side. Thirty thousand miles of film must be distributed among 16,500 theatres every day, he pointed out.

"Not Mass Production Industry"

Answering Cabot's charge that in other industries the buyer is shown samples of the product, Pettijohn declared that this is not a mass production industry and that often the producer doesn't know what he has until the picture is completed.

Stressing the contention that the film industry is one of mass entertainment, he told the sub-committee that the smallest theatre gets the same pictures as the first run de luxe house, often at a price which is no more than the depreciation charge of the print. Again he explained that the bill would raise distribution costs and be reflected in higher admissions. On the ground of moral tone, he argued that exhibitors would continue to buy box-office attractions and asserted that the good pictures would still be difficult to move, laying before the committee the table he presented on the Senate side to show that Mae West had not been cancelled and "Alice in Wonderland," "Abraham Lincoln" and other good films had been.

If a bill of this nature is to be passed, he asserted, block buying as well as block selling should be outlawed, otherwise the houses which now have protection against powerful competitors would be left high and dry, although he added, under any method of selective buying the exhibitor with the most money will get the best box-office pictures.

To Force Out Bad Pictures

Assertions by Pettijohn that the bill would not raise the moral tone of the pictures shown were challenged by Congressman Culkin, who contended the placing of responsibility on the exhibitor would force the elimination of bad pictures in favor of good ones. Culkin called the attention of the sub-committee to the recent St. Louis criminal suit, which, he said, was devoted more to "personalities" than to criminal activities, and declared that in the eyes of the Government the industry is controlled by a monopoly.

The Pettengill bill, he said, will give selective power to the local exhibitor, protect him from monopolistic practices, destroy the "vicious and indefensible" practice of block booking, and eliminate the system of blind selling. Culkin read into the record the totals of the Legion of Decency List of last December, showing that out of 1,130 pictures, 528 were given "A" rating, 512 "B" rating and 90 "C" rating. "At least 50 per cent of the pictures are anti-social," he said.

In view of the fact that there is no chance of enacting his bill providing for a Federal commission, the Congressman said, he favored his other bill, which would prohibit compulsory block booking and amend Section 2 of the Clayton Act to apply to leases and licenses, or the Pettengill bill, which he said was introduced partly at his suggestion.

Charges Films Discredit U. S.

"I am more concerned about the passage of this legislation than I am for the credit of sponsoring it," he said, although, he added, some amendments should be incorporated in the Pettengill bill. Any one of the pending measures, he said, would put into effect the reforms he advocates.

Culkin assailed the industry as "misrepresenting" America abroad and asserted our film exports have killed all respect for the United States. He said that he had 114 petitions with more than 5,100 signatures, asking enactment of the legislation.

The Pettengill bill will not prevent the sale of single pictures, it was declared by Henry R. Atkinson of the legal group of the Research Council, who read the statement submitted to the Senate committee explaining the provisions of the measure. Atkinson was closely questioned by Representative Cooper of Ohio as to how the bill would keep undesirable pictures off the screen in the absence of censorship and said local censorship could be set up.

Representative Connery of Massachusetts, appearing as a "friend of the films," urged enactment to improve the moral tone of pictures and to break the alleged monopoly which exists, after which Representative White of Idaho also pleaded for enactment.

Abram F. Myers, Allied general counsel, traced his testimony before the Senate committee, and declared the bill would improve the tone of pictures. The producers, he charged, do not force unfit films into their own first run houses but do force them into the neighborhood houses. Cancellations mean nothing, he said, and launched into a vigorous attack on block booking.

Support for the measure was given by the attorney general in an informal opinion prepared by Harold M. Stephens, assistant attorney general. It was incorporated in the record, and held that the proposed legislation "should be upheld by the courts."

The hearing will continue tomorrow and Wednesday and then will adjourn until next week.

12-Unit Bill

Torrington, Conn., March 9.—A 12-unit program, consisting of a double feature and 10 shorts, will be introduced at Warners' Palace, a second run house here. A similar program was instituted in Derby this winter.

M-G-M Seeks Dismissal

Los Angeles, March 9.—Loeb, Walker & Loeb, attorneys for M-G-M, have filed a motion in Federal court here asking dismissal of a suit brought by J. Pratt Irby for damages allegedly caused him by the M-G-M production, "Have a Heart." Irby is manufacturer of an iced confection which is known by the same name, and he claims that the M-G-M picture is an infringement of his exclusive right to the words. He seeks damages totaling $20,000 and costs. The motion holds that the Irby patent is for a different class of merchandise. Hearing of the case has been set for March 12, before Judge Albert Lea Stephens.

Supply Board to Meet

Directors of the Independent Theatre Supply Dealers' Ass'n., Inc., will hold a one-day meeting Friday at the organization's headquarters here. Discussions will pivot about the coming annual convention in June at Chicago.

Attending the March 13 session will be B. F. Shearer, Seattle; Ken Douglas, Boston; Joe C. Hornstein, New York; Clem Rizzo, Philadelphia; A. F. Marone, Pittsburgh; George McArthur, Detroit; and Joe Graham, Denver.

"Times" Big in Frisco

San Francisco, March 9.—"Modern Times" got off to such a fast start at the United Artists that it was necessary to close the box-office from time to time for the first two days. Prices were advanced five cents for matinees. It looks as though the gross for the week will reach $17,000.

Coast Pool Extended

Los Angeles, March 9.—The one-year pool between the RKO Hillstreet and the Pantages, Hollywood, has been extended for an additional year, with RKO in charge of buying and operation. This was the purpose of Nate Blumberg's trip here.

Defense Rests Case In Cagney vs. Warner

Los Angeles, March 9.—Defense in the Cagney vs. Warner trial closed here this afternoon with testimony by Herbert Freston and Ralph Lewis, Warner counsel. The testimony was a categorical denial of the Cagney charges with nothing new added.

The case will be submitted to Judge Charles I. Bogue Tuesday afternoon for judgment.

Coast Houses to Dual

Los Angeles, March 9.—Loew's State and Grauman's Chinese will adopt a double feature policy following the run of "The Country Doctor." M-G-M's "Wife vs. Secretary" is the film set to inaugurate the new policy.

Al Colombo Promoted

Hollywood, March 9.—Al Colombo was today promoted by RKO to head of its music department. He succeeds Fred Fleck who is advanced to a production berth.

Bert Perkins Is Dead

Bert Perkins, 45, and widely known exploiteer, passed away in Miami last week and has been buried in Providence, his home town.

He was with M-G-M for a number of years and for the past eight years had been with Warners. Perkins became ill last spring while on an assignment in Detroit, and although he had taken a Mediterranean trip he never recovered sufficiently to report for work again. He is survived by his widow, Edwina.

Harry Browne Passes

Word was received yesterday at the U. A. home office of the death over the week-end of Harry Browne, a salesman in the Atlanta exchange. Browne was reported killed in an automobile accident. Further details were lacking.

Arthur McCoy Dies

Ottawa, March 9.—Arthur McCoy, recently appointed manager of the Tivoli Theatre at Kingston, Ont., and formerly with the Capitol here, is dead. A brother, Thomas, manages the Regent here.

Herman F. Jans Dead

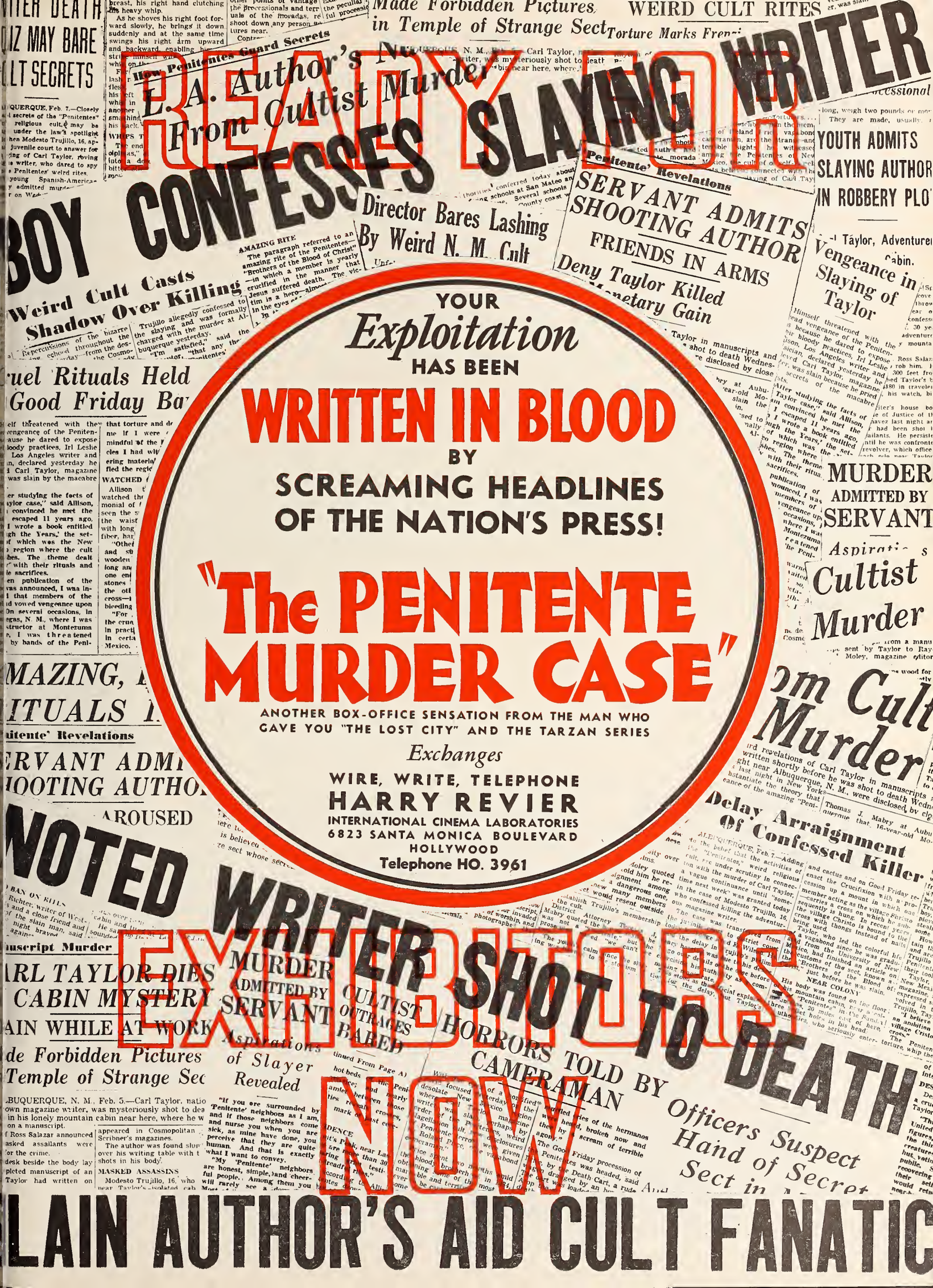
Herman F. Jans, former independent producer and at one time head of Jans Prod., died yesterday. He had been inactive for the past five years.

Jones to Do "Othello"

Hollywood, March 9.—Robert Edmond Jones will produce and direct "Othello" in New York in November under sponsorship of Max Gordon. Walter Huston will play the title role, and his wife, Nan Sunderland, will play Desdemona. Jones plans to leave Hollywood as soon as his work on Pioneer's "Dancing Pirates" is completed, which will be about the first of May.

KAO Board Meet Set

The board of directors of KAO will meet Thursday to set a date for the annual stockholders' meeting. A financial report being completed by Price, Waterhouse will be approved at the meeting and later sent out to stockholders.


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HAS BEEN
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OF THE NATION'S PRESS!
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Weird Cult Casts Shadow Over Killing
Director Bares Lashing By Weird N. M. Cult
SERVANT ADMITS SHOOTING AUTHOR
FRIENDS IN ARMS
Deny Taylor Killed Monetary Gain
Penitente' Revelations
Made Forbidden Pictures in Temple of Strange Sect
WEIRD CULT RITES
Torture Marks French
YOUTH ADMITS SLAYING AUTHOR IN ROBBERY PLOT
Vengeance in Slaying of Taylor
MURDER ADMITTED BY SERVANT
Cultist Murder
Delay Arraignment Of Confessed Killer
Officers Suspect Hand of Secret Sect in
Aspirations of Slayer Revealed
CAMERAMAN
MURDER ADMITTED BY SERVANT
CULTIST OUTRAGES BARED
HORRORS TOLD BY
Cruel Rituals Held Good Friday Ba
NOTED
AROUSED
CABIN MYSTERY
AIN WHILE AT WORK
de Forbidden Pictures
Temple of Strange Sec
Revelations
SERVANT ADMI
HOOTING AUTHO
Manuscript Murder
RL TAYLOR DIES
CABIN MYSTERY
MAZING,
ITUALS
om Cult
Murder
Thomas J. Mabry at Aubu
Mo
Taylor, Adventure
Cabin.
MURDER
ADMITTED BY
SERVANT
Aspirations
Cultist
Murder
LAIN AUTHOR'S AID CULT FANATIC

L. J. McCarthy Made Aide to R. C. Rhoden

(Continued from page 1)

west when Rhoden did, as booker, will continue to book for H. E. McClure's Topeka district. Shanberg and Finkelstein will book their own pictures, and Buddy Brown, formerly assistant manager for Fox at Hutchinson, has been brought in to the central offices to book for Jameyson's Wichita district.

This makes five, instead of four, districts, with Lon Cox in charge in Southern Illinois.

Temporary Stay on "Ecstasy" Granted

(Continued from page 1)

vakian production soon to be released.

"Ecstasy of Young Love" opened yesterday at the Bijou, but, according to Pearlman, the title was changed to "Young Love" beginning with the 6 P. M. show. The trial of Eureka's action against Metropolis, seeking damages for misrepresentation, is expected to get under way within two weeks. The court declared the picture at the Bijou might be run if the word "Ecstasy" was eliminated.

Garmes Is Signed Again

Lee Garmes has again been signed by Charles MacArthur and Ben Hecht to act as co-director and cameraman. The next picture is tentatively titled "The Monster."

RKO Men Meet on Coast

SAN FRANCISCO, March 9.—About 40 coast sales staff members attended a one-day conference held at the St. Francis, with Ned E. Depinet and Jules Levy presiding.



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GREAT EVENTS OCCUR AND INTERNATIONAL PERSONAGES RESIDE

Single Rooms from $4
Double Rooms from $6
all with bath of course

Mr. R. L. Pollio, Manager

THE Mayflower
WASHINGTON, D.C.

Purely Personal

SONJA HENIE, the Norwegian champion skater, arrives on the *Ile de France* today en route to Hollywood where she may do a picture. Also incoming on the same boat are ALEX YOKEL, back from the London opening of "Three Men On A Horse"; JOSEPH FRIEDMAN, London representative of Columbia; ROBERT STERN, Variety's Paris correspondent, and M. BUERK of Osso Films.

•

Y. FRANK FREEMAN, Paramount vice-president in charge of theatre operations, left for the south over the week-end to confer with Paramount operating partners. He will be away about 10 days, visiting the company's principal affiliates in the southern states.

•

CHARLES STERN, southern division manager for U. A. got back yesterday from a seven-week tour of exchanges under his supervision. He is somewhat ebullient over the deals he captured on the trip.

•

WILLIAM E. ATKINSON, former receiver for Fox Theatres, returned yesterday from a month's vacation in the West Indies. He will leave today for his home in University, Va.

•

CHARLES SKOURAS is due to visit these parts again in about three weeks. SPYROS and MRS. SKOURAS, WILLIAM T. POWERS and IRVING BARRY returned from the west coast Sunday.

•

ED OLMSTEAD is expected from the coast next week to assume new duties as Columbia publicity head at the home office.

•

HARVEY B. NEWINS will leave next Monday for Asheville, N. C., for a couple of rounds of golf between business sessions.

•

GRADWELL SEARS returned yesterday from the coast. A. W. SMITH, JR., preceded him by a few days, having taken the air route.

•

MARC LACHMAN, just back from Hollywood, has moved his offices from the Paramount Bldg. to Park Ave.

•

LOUIS FRISCH and LOU WEINBERG returned yesterday from two weeks at Miami. Are their faces brown?

•

JOCK LAWRENCE, head of United Artists' publicity on the coast, left for the studios over the week-end.

•

LOU ANGER is in from Hollywood. JOSEPH M. SCHENCK is scheduled to arrive later.

•

RICHARD A. ROWLAND denies those reports linking him with a Paramount deal.

•

HERBERT J. YATES will sail tomorrow for England on laboratory matters.

•

FREDDIE BARTHOLOMEW, still weak from a bad cold, visited the U. A. home offices yesterday.

S. CHARLES EINFELD is all het up over the week-end business garnered by "Colleen" at the Strand. So much so that he's sent out telegrams to the press telling of the "standing room" crowds and that the picture "looks like one of the biggest hits of all Warner musicals."

•

JOE HORNSTEIN, who returned yesterday from a week-end in Atlantic City, almost scored a hole in one. A gentle breeze could have done the trick, but the elements conspired against JOE.

•

PURNELL PRATT left for the coast yesterday. Instead of reporting at Republic he will check in at RKO where CHRISTY CABANNE will direct him in his next film.

•

Former Senator JAMES A. REED has returned to Kansas City after spending a few days in town conferring with Warner lawyers on the St. Louis case.

•

NAT LEFTON and JACK JOSSEY of the Republic Cleveland exchange arrived yesterday for distribution conferences with W. RAY JOHNSTON.

•

E. L. ALPERSON, now vacationing in Miami, gets back next Monday.

•

LESLIE E. THOMPSON returned yesterday from a Miami vacation.

•

PHIL REGAN is back from a tour of personal appearances.

•

. . . Denver

ROBERT SELIG, formerly at the Fox exchange, has been made office manager and booker for G. B., succeeding LEE RINKER, who resigned.

ROSS LABART will open his new theatre in Salida, Col., soon.

ABLE DAVIS, manager of the Salt Lake City Mercury exchange, is traveling through southern Colorado and New Mexico.

LON T. FIDLER, general manager and president of the Denver and Salt Lake City Distinctive Screen Attractions, Inc., has returned from a month in Salt Lake City.

MAURICE LOWREY of Los Angeles is now on the selling staff of the U. A. exchange.

BEN FISH, district manager for U. A., is visiting AL HOFFMAN, local manager, with W. B. BROMFIELD, publicity manager in the middle west.

•

. . . New Orleans

DICK SAMUELS has been named manager of the Palace. He succeeds H. J. HURY, who has been transferred to Montgomery, Ala.

DOLORES COSTELLO BARRYMORE spent two days here as the guest of the local exchange manager on her way back to the coast from Warm Springs.

MARK A. FULLER has purchased the Lyric at Baldwin from J. RYSON.

R. J. STEPHENS has closed the Maringusin in the Louisiana town of that name.

D. B. FISHER has acquired the Lake at Lake Providence, La.

M-G-M Club Will Dance

M-G-M's Pep Club will hold a dinner-dance at the Astor on March 27. The affair will be staged in the roof garden.

Greta Garbo Sails Today

STOCKHOLM, Sweden, March 9.—Greta Garbo will leave here tomorrow aboard the *Drottningholm* for New York.

Cooper Sees Color Picture Costs Cut

(Continued from page 1)

main expense charged against color has been the result of ignorance, according to Cooper. Extensive experiment with lighting and textures have of necessity been charged to individual productions instead of research. This, according to Cooper, shortly will be unnecessary.

Next year's Pioneer program will include a fantasy, if Cooper's present plans materialize, but he will not attempt anything like "King Kong" on this year's schedule.

"Country Doctor" On Loew-Poli Dual Bill

(Continued from page 1)

Bridgeport house and will be followed by the "Wife Vs. Secretary" single feature program.

The Loew's home office explained the policy with the statement that while "Country Doctor" is recognized as an outstanding picture, not more than three or four features a year are considered strong enough to play New England spots such as the Poli locations on a single bill.

Lincoln Bans "Annie"

LINCOLN, March 9.—County Attorney Max Towle, local censor, has banned "Klondike Annie" after seeing lobby displays at the Stuart, and declares he will seek an injunction to prevent the showing. Jerry Zigmond, city manager for Lincoln Theatres Corp., has referred the action to the producer, suggesting that objectionable material be deleted from the film.

Wall Street

Short Losses Mark Board Trading

	High	Low	Close	Net Change
Columbia, vtc	37	37	37	—1
Columbia, pfd	48	47¾	47¾	— ⅛
Consolidated	6	5⅝	6	.....
Consolidated, pfd.	18¼	18¼	18¼	— ⅜
Eastman Kodak	165	163	163	—4
Eastman, pfd	165	165	165	+2
Loew's, Inc.	49⅛	48½	48½	—1¼
Loew's, pfd	104⅞	104⅞	104⅞	— ⅛
Paramount	9⅜	9⅛	9⅛	— ⅜
Paramount 1 pfd.	72¼	70¾	70¾	—1¼
Paramount 2 pfd.	103⅜	101⅞	101⅞	— ⅛
Pathe Film	8	7¾	7¾	— ¼
RKO	8¼	7⅞	8	— ⅜
20th Century-Fox	30½	30	30	— ¾
20th Century, pfd	39	37¾	38	— ½
Universal, pfd	80	80	80	.....
Warner Bros.	12⅛	11¾	11¾	— ⅝
Warner, pfd	55	55	55	....

Curb Issues Off Slightly

	High	Low	Close	Net Change
Sentry Safety	15/16	15/16	15/16	—1/16
Sonotone	3	2¾	2¾	— ¼
Technicolor	30¾	29¾	29¾	—1¾
Trans-Lux	4¼	4⅛	4⅛	— ⅛

Gains Spot Day In Bonds

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	30	29	29½	+ ½
General Theatre Equip. 6s '40 ctf	30	28	28	— ⅝
Keith B. F. 6s '46	95	95	95	—1
Loew's 6s '41 ww deb rights	102 31/32	102 1/32	102 1/32	—3/32
Paramount B'way 3s '55	56½	56½	56½	.....
Paramount Pict. 6s '55	88¾	88½	88¾	+ ¾
RKO 6s '41 pp	76	76	76	+1
Warner Bros. 6s '39 wd	91⅛	90	90	—2

(Quotations at close of March 9)

OVER 4000 SUPREX TYPE ARCS ARE NOW IN OPERATION



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THE Suprex High Intensity Arc has been acclaimed as "the outstanding achievement of years" in the field of motion picture projection.

The development of this improved type of carbon arc by the National Carbon Company Research Laboratories puts High Intensity Projection within the economic reach of theatres of small and moderate size.

The advantages of High Intensity Projection are:

A snow white light that gives clarity and depth to black and white productions, and natural color values in color features and sequences.

A brilliancy of screen illumination which allows sufficient supplementary lighting in the theatre for comfortable vision from the moment of entrance.

Take advantage of the patronage drawing power of this superior projection light.

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"HIT and RUN DRIVER"

is the Greatest Exploitation Short Subject that has ever swept the Nation!

IT GETS EXTRA RECEIPTS!

This Short Subject is drawing more people into theatres than any short now being shown! That's a large statement but you'll find out for yourself. Circus it, sensationalize your lobby, advertise it, make use of the ready-made exploitation.

IMAGINE SUCH TIE-UPS!

1. SCRIPPS-HOWARD newspapers will cooperate with theatres in towns where they have newspapers.
2. You will receive a supply of a special poster prepared by the AUTOMOBILE MANUFACTURERS ASSOCIATION which you will receive gratis.
3. THE NATIONAL HEADQUARTERS of the A.A.A. AUTO CLUBS have requested local AUTO CLUBS to lend their support when the picture is being shown.
4. NATIONAL SAFETY COUNCIL BULLETIN BOARDS in 15,000 of the largest plants and factories throughout the country will display a special poster plugging HIT AND RUN DRIVER.
5. POLICE CHIEFS—AMERICAN LEGION Posts and MOTOR VEHICLE COMMISSIONERS throughout the country have been advised by their national officials to get behind local showings.

(See Campaign Book for other tie-ups)

NEWS & EDITORIAL FLASHES!

"Every theatre in the United States, Canada, Mexico and everywhere else where there are roads and cars ought to show HIT AND RUN DRIVER . . . punchy, remarkable and an indelible lesson to drivers and the general public". . .
—*Omaha News-Bee*

"One of the most timely compelling features of its kind ever made . . . interesting and filled with drama"...*Washington Times*

"One of the most effective safety editorials dramatized on the screen . . . one of the year's most important short films". . .
—*Kansas City Journal-Post*

Jolts The Trade Press

"Will make your hair stand right out on end, either end . . . George Walcott is Robert Taylor plus"...
—*New York Morning Telegraph*

". . . a pip . . . the guy who could sit unmoved through it is the guy who could cheat a lie detector . . . George Walcott gives a great performance"...
—*Hollywood Reporter*

"Superb . . . a builder of screen prestige . . . should be put before the eyes of every driver and pedestrian in the world". . .
—*Motion Picture Herald*

"Absorbing . . . cleverly built up . . . drives home . . . George Walcott a real 'find' "...
—*Film Daily*

"Forceful . . . human drama . . . told with a stark realism...cannot fail to impress"...
—*Motion Picture Daily*

GET PRESS-SHEET TODAY!

A complete campaign book is ready for you. Get it and see how easy it is to put this attraction over for real profits! "Hit-and-Run Driver" is the fourth of M-G-M's famed "Crime Doesn't Pay Series" typical of the practical,show-building quality of M-G-M's money-making Shorts.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 59 NEW YORK, WEDNESDAY, MARCH 11, 1936 TEN CENTS

Columbia May Start Making Films Abroad

Friedman Here to Talk Over the Details

Columbia is discussing plans to produce in England, it was revealed yesterday with the arrival on the *Ile de France* of Joseph Friedman, in charge of sales for the company in England and the continent.

Although Friedman would not discuss the Columbia plans for making pictures in London, Joseph Seidelman, head of the company's foreign activities, stated that this was the purpose of Friedman's trip.

Accompanying Friedman were Alex G. Pincus, president, and Charles A. Buerk, a director of Colodis, S. A., the parent company for Osso, which distributes Columbia product in France, Belgium and North Africa.

Seidelman, Friedman and Pincus will leave next week for Hollywood to confer with Harry and Jack Cohn. It was stated that at the coast meetings details pertaining to the number of pictures, the studio to be leased and

(*Continued on page* 16)

Federal Board May Get NRA Function

WASHINGTON, March 10.—Legislation vesting the Federal Trade Commission with functions formerly conducted by the NRA may be incorporated in a bill extending the powers of the commission, under consideration today at an executive session of the Senate Interstate Commerce Committee.

Suggested by Senator King of Utah, the plan would enable the commission to cooperate with trade and industries in the adoption of voluntary agreements for the conduct of business. Any agreements made with the commission might provide for "the

(*Continued on page* 18)

W. E. Reports 1935 Net of $2,620,279

Western Electric sales increased to $105,417,000 for 1935, a gain of approximately 15 per cent over the previous year. This, with other income from subsidiaries and affiliated companies, produced a net of $2,620,279 which was carried to surplus. This compares with a deficit of $7,751,548 for 1934.

Total assets of $273,666,079 are listed. For 1934 the total was $306,294,326.

Temporary Stay Halts City's Sales Tax Levies Upon Films

A temporary stay restraining both the city and distributors from levying or collecting the two per cent sales tax on film rentals was granted to the I.T.O.A. yesterday by the Appellate Division, pending the determination by that court of an appeal from the city comptroller's decision holding film rentals to be subject to the tax.

The I.T.O.A. action was brought by Harlou and Quinral, Inc., operators of Brooklyn theatres. Hearing on their appeal has been placed on the Appellate Division calendar for March 20. The theatres' opposition to the sales tax is independent of that being conducted by distributors, who recognize an appeal being taken by the United Artists exchange as a test case.

Congressmen Seem Averse To Move Against Booking

WASHINGTON, March 10.—The apparent disinclination of members of Congress to become involved in controversies over trade practices was seen today in questions asked by members of the Pettengill sub-committee in charge of block booking legislation.

Assured by representatives of the producers and independent exhibitors that the economic question was the most important one involved and that film improvement would be secured only indirectly, Representative Cooper of Ohio declared that if this were so, millions of people throughout the country have been deceived, for most of the communications reaching him on the subject have stressed the moral question.

The testimony of a number of women opposed to the legislation was heard. They were unanimous in the declaration that the organizations which they represent were obtaining the films they wanted with little difficulty. At this point Chairman Pettengill remarked that it now appeared that the "only question is whether it is necessary to implement local public opinion by some legislation or whether it can be done in some other way."

Witnesses who objected to the bill, all of whom had appeared before the

(*Continued on page* 15)

Duffy Fights Ascap Stand On Copyright

By CLARENCE LINZ

WASHINGTON, March 10.—Representatives of Ascap, who for the past two weeks have attacked screen and other users of their material before the House Patents Committee, were attacked in turn today as the committee began to hear Ascap's opponents on copyright legislation.

It became apparent early today that if as much time were to be given each opposing group as has been granted Ascap, the taking of testimony would not be completed before the end of April and it would be practically impossible to enact any legislation this session.

Reversing the usual practice of hearing proponents of legislation first, it was not until today that the committee consented to listen to Senator Duffy of Wisconsin, author of the bill passed

(*Continued on page* 15)

Speigelberg Will Decide Steuer Fee

Supreme Court Justice Speigelberg will act as referee in the determination of fees to be paid Max D. Steuer for legal services to the M. & S. circuit in a recent contractual dispute with RKO.

Steuer was retained by M. & S. when the circuit brought its case before a group of arbitrators. He spent several weeks on the matter and presented a bill for $150,000. M. & S.

(*Continued on page* 16)

Legion Approves 13 Additional Pictures

Of 20 pictures added to the National Legion of Decency List during the past week, 13 were classified as unobjectionable for general patronage, six were grouped as unobjectionable for adults, and one was noted as objectionable in part.

The additions of the week, and their classifications, were: Class A, Section 1, Unobjectionable for General Patronage— "The Call of the Prairie,"

(*Continued on page* 16)

Jersey Moves For 10% Tax On Theatres

Levy Expected to Yield $2,000,000 Annually

TRENTON, March 10.—A 10 per cent tax on the gross receipts of all amusements has been agreed upon by a joint House and Senate Emergency Relief Committee, it was revealed here today.

The new levy is estimated to produce $2,000,000 and is based on reports by the Department of Commerce that amusement receipts in the state totaled in excess of $19,000,000 last year.

With the introduction of the tax measure in the Assembly tonight, sufficient votes have been pledged to pass the levy under suspension of the rules to prevent opposition organizing against it. The tax would go into effect April 15 and would be payable monthly.

Charitable and religious performances would be exempt. Legislators today declared the tax would be ap-

(*Continued on page* 18)

Fligelstone Named President of CEA

By BRUCE ALLAN

LONDON, March 10.—T. H. Fligelstone, former vice-president, today was elected president of the C.E.A. without opposition at the annual meeting of the organization. Charles P. Metcalfe defeated E. J. Hings for the vice-presidency.

The London Home Counties Branch moved to amend the rules so as to include among the objects of the association the provision that "film rentals paid by members shall not exceed the maximum sums fixed from time to time by the council." The result of a vote on the question is not expected to be available for some time to come.

About 1,000, a record number, were present at the banquet tonight at Grosvenor House.

Lichtman, Quimby, Both Sick with Flu

Al Lichtman, special assistant to Nicholas M. Schenck, and Fred C. Quimby, short subject sales head for M-G-M, are in the sick bay with the flu.

Lichtman has been home since last Thursday and is not expected back at his office until next week. Quimby, who was down with the flu, on the

(*Continued on page* 18)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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Warners Institute 21 New Music Suits

An additional 21 actions alleging infringement of Warner music copyrights were filed against radio stations in various parts of the country yesterday by Warner music publishing subsidiaries. The new suits ask a total of $90,750 damages.

With the filing of yesterday's actions the total number of Warner music infringement suits pending against radio stations was raised to 97. The Warner music companies also have instituted actions against 10 New York hotels and cafes. Radio stations which were named as defendants in the actions filed yesterday are KSCJ, KTRH, WHAS, KVOR, WBRC, WALA, KLRA, WSBT, WREC, WCAO, WBT, KWKH, WQAM, WFBL, WSJS, WWL, WJR, WOCL and WSOC.

Warners stated yesterday that a total of 239 radio stations have been licensed to broadcast its music.

Consolidated Net Is Up

Consolidated Film Industries reported a net profit for 1935 of $1,077,450, after depreciation, interest, Federal income taxes and other deductions. The report compares with a net of $917,160 for 1934.

MPPDA Meeting Set

The annual meeting of the board of the M.P.P.D.A. will be held March 30. Reports from Will H. Hays and all department heads will be presented, covering the year's activities.

Insiders' Outlook

By RED KANN

Hollywood, March 10.

GRABBING orthodoxy by the throat and silencing its last protesting gurgle, Louis B. Mayer, easily first candidate for emperor of Hollywood if anyone should consider such a political philosophy, has furnished this correspondent with his journey's outstanding surprise. L. B. knows his dramatics, off and on celluloid, but, within this knowledge, never has sprung a viewpoint more punctuated with revolution and departure from the accepted than that which now follows. . . .

▼

He would completely overturn the existing order of sales, predicating his theory on the gentle and considerate observation, often slightly overlooked, that the exhibitor has the right to live. Where, as all and sundry are aware full well, the theatre operator now guarantees the distributor that the latter will come out and both share when there are grosses to share, Mayer would do this:

Fix the exhibitor's profit, after taking full cognizance of rent, overhead, carrying charges and the like. Guarantee him his net.

Set up a rising scale—after the theatre's end—and compute the distributor's earnings from that point on.

In other words, place the gamble on the distributor, not on the exhibitor, and let the draw of the product determine the issue. . . .

▼

Mayer talking now:

"This is the answer on returns to the producer and distributor on pictures like 'Mutiny on the Bounty.' Why shouldn't the producer get his just reward for pictures of such calibre? The plan, guaranteeing the exhibitor his normal profit, will profit the producer in direct ratio to the quality of the product he turns out. If merit is lacking, it is the producer who would take it on the chin, and he should. The one stipulation I would make would concern the honesty of the exhibitor which, of course, must be beyond question. The idea would apply to A houses and to B theatres as well." . . .

▼

All of this came about through a question. It was: "What is the reward for making superlative attractions in a double feature market?" Mayer's answer was: "I don't know. We are getting our share, but it is not all that we should." The verbal revolution followed immediately thereafter. Whatever roars develop from Leo's New York lair when this reaches such eyes as Al Lichtman's and Felix Feist's, not to overlook Bill Rodgers', Eddie Saunders' and Tom Connors', may be mere shouts and murmurs by comparison with exhibitor reaction. Be patient. . . .

▼

Since Metro's costs, by popular acknowledgment, top all others in this gold-paved countryside, inquiry about the speculative outcome of more and more expensive negatives stacked up as a logical something to ask the generalissimo of the Metro domain. "They're mounting and mounting"—this with emphasis—"but I don't know where it all will end," was Mayer's judgment. "I do know, on the other hand, that whatever is in this business is in the product. You may not have heard that we once destroyed a $500,000 negative because we were not satisfied with the results and did it over again. The picture was 'Prosperity' with Marie Dressler. The rest is history." . . .

▼

English competition is being felt in Hollywood, it is Mayer's opinion. He sees the industry there growing and finds as a contributing factor of import the manner in which the British government stands behind its film business. "In this country, the Government blocks the industry," he remarked, thereby emphasizing his long-known allegiance to the Republican party. His reference was to taxation, but our own interest was far more directly concerned with the status of production, present and future, as Mayer envisioned it. . . .

▼

He is, of course, inordinately and justifiably, proud of his company's record in the hazardous field of manufacturing entertainment. Facts to prove his point fall easily from ready lips. "We have survived the death of Lon Chaney, of Marie Dressler, our biggest drawing card, and Thalberg's virtual inactivity for eighteen months due to sickness. With the most formidable array of starring talent in Hollywood, we are continuing our endeavors along those lines. This Metro family sticks together, as you are aware. Shearer, Crawford, Garbo and the others have been on this lot for years. Yet it is my opinion, that, in addition to the veterans, we have on hand an equally impressive group of newcomers. Take a look for yourself. There are Eleanor Powell, Rosalind Russell, Freddie Bartholomew, Luise Rainer—wait until you see her in 'The Great Ziegfeld'—Bill Powell and the new starring team of MacDonald and Eddy. What other studio can point to a record of such star development?" . . .

▼

On manpower, Mayer was as decidedly emphatic. When he declared there was no replacement for brains, he trod on ground that brooked no argument. "We have plenty around here, but I would hire more if I knew where to find them. This aggravating, worrisome job of making pictures is no single man's task. Alert thinking power is an invaluable and necessary adjunct. It's one of Hollywood's greatest problems—to find it. There couldn't possibly be too much of it on any one lot. I've been at this a long time. I know." . . .

Cagney Cancellation Arguments Offered

LOS ANGELES, March 10.—Ruling that the evidence bears out the claim of James Cagney that Jack Warner promised that the studio would not require more than four Cagney pictures annually, Judge Charles I. Bogue today heard argument of counsel on the legal aspects affecting the cancellation of the Cagney contract.

W. I. Gilbert, Cagney attorney, cited numerous cases in which the courts have cancelled contracts signed with oral reservations. J. Ray Files answered this argument by making a plea for the sanctity of written instruments. Judge Bogue interrupted him, stating that the evidence in the case indicates that neither of the parties seemed to hold contracts sacred, and supported this statement by recalling the testimony of Warner in which he admitted tearing up previous Cagney contracts.

Following the conclusion of the Files argument tomorrow, it is possible that Judge Bogue will render final judgment in the case from the bench.

Fabian to Continue Amateurs After Row

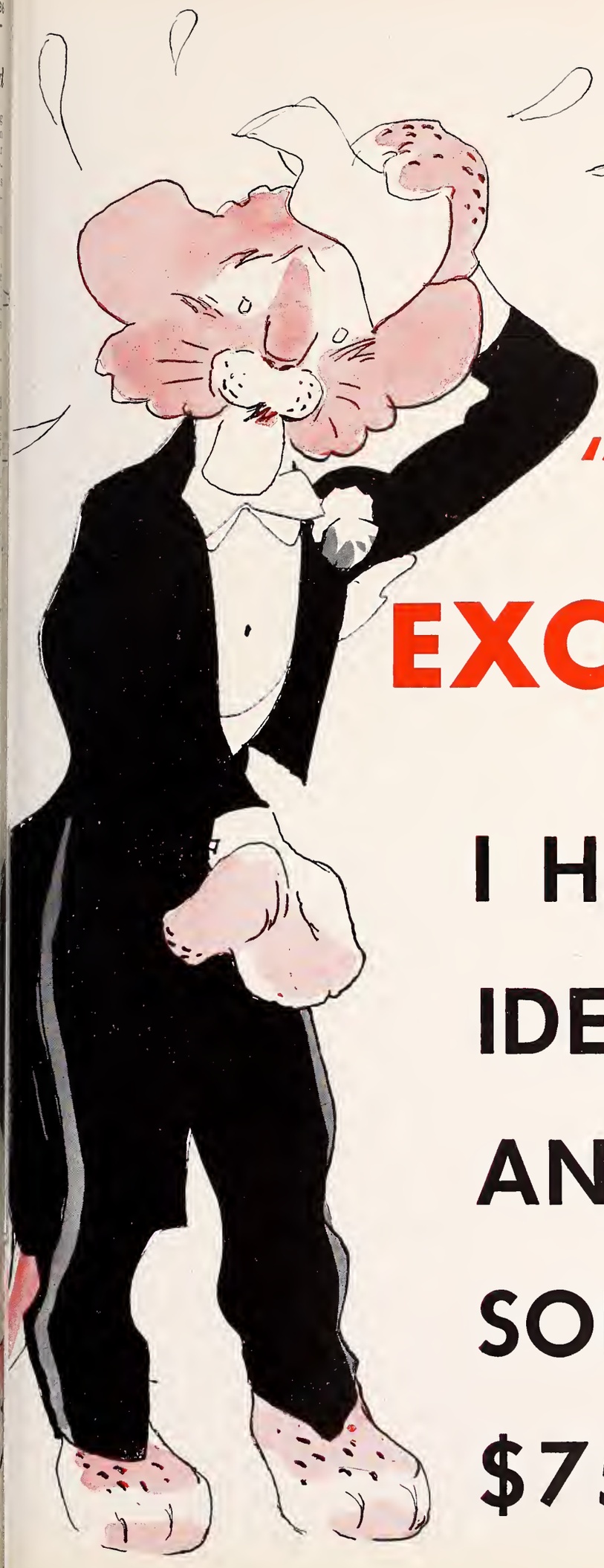
Amateur shows will be continued at the Fox, Brooklyn, despite the noisy demonstration at the theatre Monday night which was followed by the arrest of eight persons, Simon Fabian, operator of the house, stated yesterday.

Fabian regards the non-professional talent as a big drawing card and has no intention of discontinuing the performances. The shows are broadcast every week.

In addition to this type of show, Fabian tonight will put on "Husbands and Wives," with professional talent, to be broadcast over WOR.

Kelly Going to Mexico

Arthur W. Kelly, vice-president of U. A. in charge of foreign sales exclusive of England and the continent, will leave Saturday for Mexico City on the first lap of a six-month tour of branches under his supervision. From Mexico City he will go to Panama and then Havana. Walter Gould, who recently returned from a seven-month trip to South America, will accompany Kelly.



"SOME EXCITEMENT!

I HAD AN IDEA . . . . AND I JUST SOLD IT FOR $750,000$\underline{00}$!"

"The idea strikes me as the finest bit of motion picture promotion that has come out of Hollywood!"

says William J. Mahoney, Jr.,
Managing Editor,
THE MONTGOMERY (ALA.) ADVERTISER



"And that's just a sample of the mail that began to pile in—"

Like the line at your box-office when you play an M-G-M picture, the idea grew bigger and bigger until today it represents

$750,000

WORTH OF NEWSPAPER PROMOTION IN BACK OF ONE PICTURE!

It's even more interesting as you go along—



"SHE'S GOT $750,000. AND IT'S ALL FOR YOU!"

SMALL TOWN GIRL

is the first of my "CAMPAIGN SERIES" *pictures for 1935-36!*

PUBLISHED AS A SERIAL STORY

(*Complete novel length*)

in 143 of the leading big and little city newspapers in the United States and Canada!

IT IS THE GREATEST NEWSPAPER PROMOTION TIE-UP (*direct to your public*) EVER ACCOMPLISHED IN THE HISTORY OF ANY INDUSTRY!

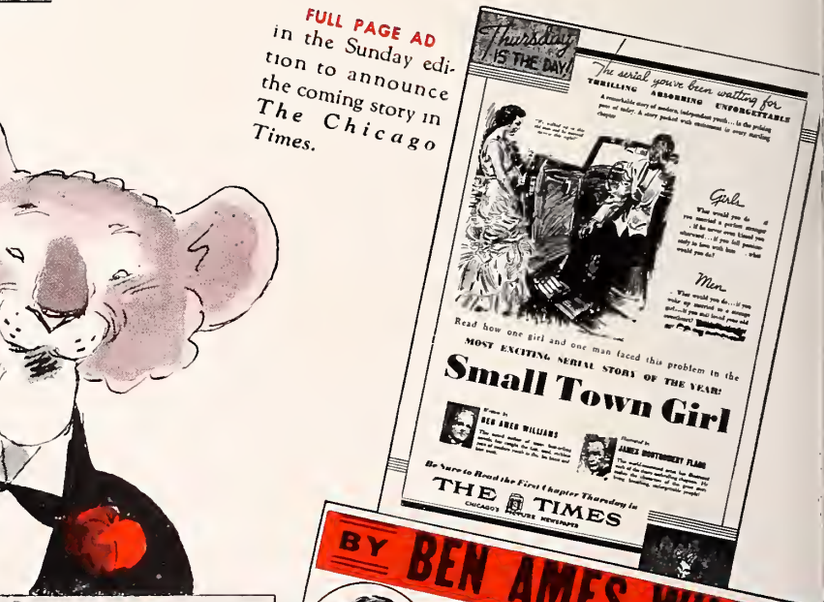
143 GREAT PAPERS AND PROMOTED IT to 28,970,000 readers!



FULL COLOR AD just one of the campaign to announce the start of the story in *The Pittsburgh Press.*



TWO COLOR AD to announce the start of story plus Chapter 1 — both on Page 1 of *The Seattle Times.*



600 TWO SHEETS—and 1 sheets as above used for delivery trucks and posting all over New York City by The Daily Mirror. The big city loves this "small town girl"!

FULL PAGE AD in the Sunday edition to announce the coming story in *The Chicago Times.*



TRUCK BANNERS—as used by the entire fleet of delivery trucks of *The Minneapolis Star.*



SPECIAL TWO COLOR POSTERS used on the entire fleet of hundred of delivery trucks of *The Chicago Times!* High power promotion!

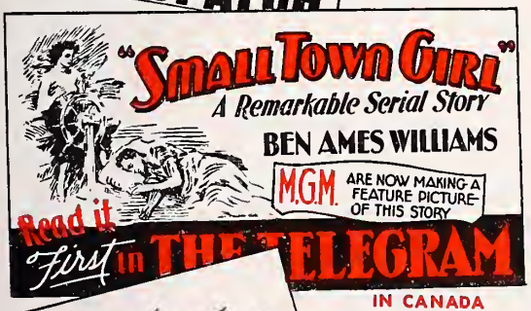
ADVERTISED



24 SHEET SMASH—for a newspaper serial story. No wonder the story went over in sensational fashion! The Dallas News used 27 stands; 25 for The Fort Smith Record; 11 for the Denver Rocky Mountain News; 11—Evansville Press; 10—Indianapolis News; 36—Baltimore Sun; 15—Syracuse Post Standard; 50—Cincinnati Post; 24—Portland Oregonian; and hundreds more!



ST. LOUIS POST-DISPATCH shoots the works! At left sample of window, news-stand and tack card!



IN CANADA still more showmanship. Above brilliant full-color card—just one of many items used by *Toronto Telegram.*



4 PAGE TABLOID HERALD—hundreds of thousands of them used by the *Des Moines Tribune, Knoxville News-Sentinel* and *Dallas News.*

Newspapers of the nation set a blistering pace for showmen to follow! These lads in the newspaper business are master-showmen as evidenced by the smash campaigns they put in back of the SMALL TOWN GIRL serial story. The examples illustrated here were reproduced in practically every city. Nothing left undone to make the nation read this story! **AND THIS PROMOTION REPRESENTS $750,000 OF NEWSPAPER SPACE AND OTHER FORMS OF ADVERTISING!**

LOOK OVER OUR SHOULDER WHILE WE READ OUR MAIL!



"We have gone at it in a big way, believing implicitly in its value and worth to us and also with the desire to do our part in publicizing so that your firm may benefit when the story goes on the screen."
—*Boston (Mass.) Traveler*

"The publicity material already received is the best, I believe, that I have ever seen sent out for a serial. We expect to use a good deal of it."
—*The Lexington (Ky.) Herald*

"I think your company is to be congratulated on the extremely effective methods you are employing to promote your pictures and I think I can add it is doing a much finer job along these lines than any company in the business."—*S. H. Fabian, Fabian Theatres*

"I am more than willing to fall in step with the idea as I feel the way you have set it up, it has real value beyond that usually obtained from ordinary movie serializations."
—*Mort Blumenstock, Warner Bros. Circuit*

"I should like to tell you that I think this plan of yours of tying up with leading newspapers for the presentation of quality story material that is to be made into motion pictures is one of the finest publicity thoughts I have ever had passed on to me to aid in selling pictures."
—*J. J. Parker, Broadway Theatre, Portland, Ore.*

"I take this opportunity of advising you that this story created no end of interest among our readers. Many persons advised us that it was the best story we had published in months." —*Winnipeg (Can.) Free Press*

"I am planning to spend a considerable amount of money in the promotion of this in billboards, radio, sampling, in addition to getting out about two thousand dodgers about the story which will be distributed throughout the State of Maryland." —*Baltimore (Md.) Sun*

"Let me take this opportunity to compliment you and M-G-M on the very fine program of promotion arranged for this story."
—*Mansfield (Ohio) News-Journal*

THE PICTURE IS COMING TO YOU—read on!

HERE ARE THE PAPERS

that will have run the story when you get the picture!

MOTION PICTURE PROMOTION THAT MONEY COULDN'T BUY!

The list on the facing page is impressive with names of the country's leading newspapers. Many of them have never before even considered a tie-up of this nature. M-G-M's "Campaign Series" pictures are of such stature, and their presentation in serial form by high-priced authors and artists is so glamorous that they are regarded by first-class newspapers as real circulation builders. With these stories running for 20, 30 or 40 days and these newspapers attaining a nationwide coverage never before even approximated, it's no wonder M-G-M's "Campaign Series" is hailed by exhibitors everywhere as one of the most important showmanship ideas in many years.



RADIO FLASH!

Newspapers left nothing undone to promote the reading of this story. M-G-M supplied the radio dramatizations to all papers . . . the papers did the rest . . . millions listened...which accounts in part for the neat circulation increases reported by many papers when the story started!

GREATEST OF ALL NEWSPAPER HOOK-UPS!

ALABAMA
Birmingham News
Mobile Register
Montgomery Morning and Evening Advertiser

ARIZONA
Phoenix Republic

ARKANSAS
Ft. Smith Record
Pine Bluff Commercial

CALIFORNIA
Bakersfield Californian
Hollister Free Lance
Los Angeles Times
Monterey Peninsula Herald
Salinas Index-Journal
San Diego Union
San Francisco Chronicle
Santa Cruz Herald
Santa Maria Times
Watsonville Evening Pajoronian

CANADA
Brandon (*Manitoba*) Sun
Calgary (*Alta.*) Albertan
Charlottetown (*P. E. I.*) Guardian
Chatham (*Ont.*) News
Edmonton (*Alberta*) Bulletin
Fort William (*Ont.*) Times-Journal
Glace Bay (*N. S.*) Gazette
Halifax (*N. S.*) Herald
Hamilton (*Ont.*) Spectator
London (*Ont.*) Free Press
Montreal (*Quebec*) Weekly Standard
Nanaimo (*B. C.*) Free Press
Ottawa (*Ont.*) Citizen
Regina (*Sask.*) Leader-Post, Ltd.
St. Johns (*Newfoundland*) Evening Telegram
Sherbrooke (*Quebec*) Daily Record
Sydney (*N. S.*) Post Record
Toronto Evening Telegram
Truro (*N. S.*) News
Vancouver (*B. C.*) Province
Winnipeg (*Man.*) Free Press Co., Ltd.

COLORADO
Denver Rocky Mountain News

CONNECTICUT
Waterbury Democrat

DISTRICT OF COLUMBIA
Washington Star

FLORIDA
Jacksonville Journal
Miami Morning & Evening Herald

GEORGIA
Atlanta Constitution

ILLINOIS
Champaign News-Gazette
Chicago Daily Times
Peoria Journal Transcript

INDIANA
Evansville Press
Indianapolis News
Terre Haute Tribune & Star

IOWA
Davenport Daily Times
Des Moines Register Tribune

KANSAS
Wichita Eagle

KENTUCKY
Lexington Herald
Louisville Herald Post

MARYLAND
Baltimore Sun
Cumberland Evening Times

MASSACHUSETTS
Boston Traveler
Lawrence Telegram

MICHIGAN
Alpena News
Battle Creek Moon-Journal
Detroit Free Press
Flint Journal
Lansing State Journal
Petoskey Evening News

MINNESOTA
Minneapolis Star
Winona Republican-Herald

MISSOURI
Kansas City Star
St. Louis Post Dispatch

NEBRASKA
Omaha World Herald

NEVADA
Las Vegas Age
Nevada State Journal

NEW YORK
Albany Eve. News
Binghamton Sun
Buffalo Times
N. Y. Daily Mirror
Rochester Times Union
Syracuse Post Standard

NORTH CAROLINA
Charlotte Observer
Durham Morning Herald
Rocky Mount Eve. Telegram
Wilmington Star-News
Winston-Salem Journal

NORTH DAKOTA
Fargo Forum

OHIO
Akron Times Press
Chillicothe News-Advertiser
Cincinnati Post
Cleveland Press
Columbus Citizen
Fremont News
Mansfield News-Journal
Sandusky Star-Journal
Toledo News Bee
Youngstown Telegram

OKLAHOMA
Daily Oklahoman (*Okla. City*) & Times
Tulsa World

OREGON
Portland Oregonian

PENNSYLVANIA
Altoona Tribune
Erie Dispatch Herald
The Telegraph (*Harrisburg*) Newspapers
Philadelphia Eve. Public Ledger
Pittsburgh Press
Scranton Republican
Wilkes Barre Eve. News

SOUTH CAROLINA
Charleston Eve. Post

SOUTH DAKOTA
Aberdeen American

TENNESSEE
Chattanooga News
Knoxville News-Sentinel
Memphis Commercial Appeal
Nashville Tennessean

TEXAS
Amarillo News
Beaumont Enterprise-Journal
Dallas Morning News
El Paso World-News
Houston Post
San Antonio News
Wichita Falls Times Record News

UTAH
Deseret (*Salt Lake City*) News

VIRGINIA
Norfolk Ledger Dispatch
Richmond Times Dispatch

WASHINGTON
Aberdeen World
Bellingham Herald
Bremerton Daily News Searchlight
Centralia Daily Chronicle
Everett Daily Herald
Daily (*Olympia*) Olympian
Seattle Times
Spokane Chronicle
Tacoma Times
Walla Walla Union
Wenatchee Daily World
Yakima Morning Herald

WEST VIRGINIA
Charleston Gazette
Clarksburg Telegram
Fairmont Times
Grafton News
Buckhannon (*Grafton*) Record
Martinsburg News
Morgantown Eve. Post
Wetzel (*New Martinsville*) Republican

WISCONSIN
La Crosse Tribune
Wisconsin (*Madison*) State Journal
Milwaukee Journal
Racine Journal Times

SMALL TOWN GIRL *The first of M-G-M's "CAMPAIGN SERIES"*

AND NOW IT COMES TO THE SCREEN–

just as 143 newspapers complete their publication and promotion of the story!

SMALL TO



"Okay boys! Make your date with the Small Town Girl—the baby with a $750,000 idea!"



WN GIRL

Starring

Janet GAYNOR

Robert TAYLOR

with

BINNIE BARNES • LEWIS STONE
ANDY DEVINE • ELIZABETH PATTERSON
FRANK CRAVEN • JAMES STEWART

FROM THE BOOK BY BEN AMES WILLIAMS • DIRECTED BY WILLIAM A. WELLMAN
PRODUCED BY HUNT STROMBERG • A METRO-GOLDWYN-MAYER PICTURE



—and then comes

"ROBIN HOOD OF EL DORADO"

1—A GREAT PETER B. KYNE SERIALIZATION!

In line with its policy of top names for its "Campaign Series," M-G-M engaged Peter B. Kyne to make a novelization of "Robin Hood of El Dorado."

2—NOW BEING READ BY MILLIONS!

Peter B. Kyne's serial story, illustrated by the famed magazine artist, Herbert Morton Stoops, appears daily in leading newspapers throughout the nation.

3—CREATING READY-MADE AUDIENCE!

The same intensive promotion that M-G-M put behind "Small Town Girl" insures an audience of uncounted millions for "Robin Hood of El Dorado."

4—WARNER BAXTER AND BIG CAST!

Including Ann Loring, season's discovery, Bruce Cabot, Margo, J. Carroll Naish. Directed by William A. Wellman. Picture based on Walter Noble Burns' novel.

5—WATCH M-G-M's "CAMPAIGN SERIES"

"Small Town Girl" and "Robin Hood of El Dorado" set a new high in showmanship. Great Productions with Great Casts masterfully promoted. Watch them grow!

Duffy Fights Ascap Stand On Copyright

(Continued from page 1)

last session by the Senate, who denied the allegation of Gene Buck, Ascap president, that the bill had been dictated by the broadcasters and the power trust and rushed through the Senate.

"The five men who drafted this bill were absolutely impartial," the Senator asserted. "They had no axe to grind. There is nothing to the silly charge that the power trust had anything to do with this bill; it has received very emphatic approval from many sources, except, of course, some groups which have a selfish interest in some phases of the existing law."

Duffy Aggressive

Almost from the start, Senator Duffy carried the fight into Ascap territory, showing the committee a number of letters on Ascap stationery threatening small operators of restaurants, dance halls and similar places with suits unless licenses were taken out, to prove, he said, that Ascap has done "some of these things they say they don't do."

The Senate measure, he claimed, will not deprive authors of any privileges they now have, and all the rights of the author to assign his property as he sees fit are provided for, and those rights are provided for the author rather than the publishers. The much-assailed provision including in the right to produce a picture the right to exhibit was defended by Duffy as a safeguard for exhibitors from being held up by authors attempting to collect at both ends and is designed to prevent an author who has granted film rights from preventing exhibition.

Declaring Ascap has monopolized the hearings so far in a manner which "might give the impression they are the only ones concerned," Duffy defended the proposed elimination of the $250 minimum damage clause, pointing out that no other country has such a penalty in its copyright law and that to leave the determination of damage penalties in the hands of the courts would prevent intimidation of users of music.

Infringement Guarded Against

"From the loud lamentations by representatives of the society, one would think my bill gives the composers no redress," he commented. "It contains adequate provision for infringements, but removes a blackjack which enables the society to levy an unconscionable sum on users of music."

He added that the bill amply protects against piracy, including injunction clauses, provisions for actual damages and recovery of infringers' profits, and punitive damages. Instead of limiting the recovery for infringement, he said, copyright owners "would have the right to sue for as much as $1,000,000." He charged that the $250 minimum clause has been "flagrantly abused."

"I think it is incorrect in considering copyright to consider only the persons who get the copyright," he told the committee. "I don't think the courts would hold that you must not consider the great mass of people who are the consuming public. It is up to Congress to see that the consuming public has some protection."

Duffy declared he believed Buck, Nathan Burkan and E. C. Mills of Ascap mistaken in their statements about the use of the $250 clause. "The people of my state are very resentful and I think there is a reason for it," he said. He challenged the claim of the three that the clause will put Ascap out of business.

Members of the committee clashed with Duffy on his advocacy of adherence to the Berne Convention on the ground that a number of European countries now discriminate against American authors and composers. Chairman Sirovich also objected because under the convention the importation of books printed abroad would be permitted, although Duffy contended that the Department of Labor had estimated that not more than 350 people would be affected by such importations.

Representatives of the broadcasters will appear before the committee tomorrow to reply to charges of Ascap officials that they are trying to get music for nothing and have practiced widespread piracy.

Congressmen Seem Averse To Move Against Booking

(Continued from page 1)

Senate sub-committee, were agreed that block booking is a trade practice of no importance to those who are seeking better films, and, it was declared by Mrs. Samuel A. Ellsworth of Worcester, Mass., few people outside the industry know what block booking is, and that organizations frequently vote condemnation of it without knowing what they are voting on.

"Full cooperation in removing objectionable pictures," was reported by Mrs. Alonzo Richardson of the Atlanta Board of Review. She asserted that "many mothers use theatres as day nurseries."

Likened to Book-of-Month Club

Declaring that conditions now are far different from those of a year ago when the Pettengill bill was introduced, Mrs. Edward Barsham of Wilmington compared block booking of pictures to Book-of-the-Month Clubs, pointing out that in neither instance did the purchaser know exactly what he was getting, but depended upon the reputation of those with whom he was dealing.

Macon, Ga., theatre managers have cooperated fully with her organization to improve the quality of films, it was said by Mrs. Pilcy Chestney of the Better Films Committee of that city, while Mrs. Ellsworth told of the success which has been achieved by the Worcester Board of Review, much to the gratification of Representative Holmes, sub-committee member who, as mayor of Worcester, created the board.

Stressing the contention that block booking is a problem for the industry, Mrs. Francis J. Flagg, of Newton, Mass., declared that a change in the distribution system would not necessarily eliminate the films which the women's organizations are fighting.

Admitting that enactment of the legislation may result in an increase in the cost of films to the exhibitor, Nathan Yamins of Fall River, Mass., president of Allied, told the sub-committee that his independents were willing to pay more because they believed that they would make more money and asserted that in the end the film cost per year would be no greater. He described block booking from the independents' point of view, telling the committee that the exhibitor was forced, in 50 per cent of the cases, to take all or none of a block of features and, in addition, was required to take shorts and, if the producer had one, a newsreel.

The four points on which the independents are attacking block booking, he said, are that it is un-American, forces the buying of poor box-office films, deprives the exhibitor of worth while product from sources other than his blocks, and compels the playing of pictures against which there may be a strong local objection, but which he must play or pay for.

Yamins was questioned at length by committee members concerning the mechanical details of distribution and the allocation of films to affiliated houses. He explained, adding finally, "the only issue is whether the system of block booking involves an unfair trade practice and whether a continuance of that practice has such an effect on the public as to require legislative action."

Yamins Lauds Distributors

The distributors have a good distributing system, the witness admitted, but, he charged, the producers are less efficient and a few men in Hollywood determine what shall be seen by the people in the east, from where the money to make pictures comes.

Yamins interrupted his testimony to admit a talk by Miss Katherine Lyford of Boston, representing the Massachusetts Civic League. Miss Lyford read to the committee the statement which she presented at the Senate hearings, after attacking the statements made by the group of women who testified against the bill earlier in the day. In answer to a question of Representative Cooper as to whether the elimination of block booking will mean the elimination of bad pictures—a query he has propounded to practically every witness—Miss Lyford expressed the opinion that it would be the "first step" toward such a result.

Probe WPA Theatre

BOSTON, March 10.—An investigation started at State WPA headquarters here will probe into the activities which disrupted the Federal theatre program in Massachusetts, resulting in the suspension of Hiram Motherwell, regional director, and Laurence Hanson, state director.

Frank Lloyd Re-Signed

HOLLYWOOD, March 10. — Frank Lloyd has been signed to a new three-year contract with Paramount. He will head his own producing unit and is slated to make four a year.

20th-Fox and S. & C. Trial Is Postponed

Although scheduled to get under way before a jury in the N. Y. Supreme Court yesterday, the suit filed by Twentieth Century-Fox against Springer & Cocalis for $18,000 allegedly due on overages from six pictures on a 1934-35 contract was put over until today because of a crowded calendar.

The distributor claims that the overages were to have been settled on each picture played while the circuit contends the contract was cumulative. Both Sam Cocalis and Jack W. Springer signed the pact.

E. C. Grainger, eastern division sales head for Twentieth Century-Fox, is slated to be the first witness when the case goes on. Harry H. Buxbaum, Joe Lee and Moe Sanders of the New York exchange are also prepared to take the stand. Cocalis and Springer will be the first witnesses for the defense.

Because of the litigation, the circuit this year did not buy Twentieth Century-Fox.

J. T. Comerford Gets New Executive Post

SCRANTON, March 10. — John T. Comerford, nephew of M. E. Comerford and brother of the late M. B. Comerford, has become supervisor of all Comerford neighborhood houses from Forest City to Plymouth.

Comerford formerly was manager of the Orpheum, Wilkes-Barre.

Other changes made by Frank C. Walker, vice-president, follow:

William Walsh, manager of the Strand and former assistant at the Penn, named manager of the Orpheum; Paul Burke, assistant at the Strand, named assistant at the Orpheum; Edward Lawler, Burgess of Larksville and assistant manager at the Irving, named manager of the Strand; William Keating, assistant at the Sterling, named assistant at the Strand; William Holmes of the Orpheum named assistant manager at the Irving.

Comerford will be given a testimonial dinner in Wilkes-Barre within the next two weeks.

Chicago Bank Night Pulls 10,000 Crowd

CHICAGO, March 10.—With $1,100 as the Bank Night prize at the Avalon recently, more than 10,000 people attended. Through the use of the matinee plan this great number of admissions were taken in and broke all records for one day's business there.

At 4 o'clock in the afternoon all available Warner theatre men at the home office had been pressed into service to help handle the crowds.

"Fauntleroy" Is Held

The first two spots to play "Little Lord Fauntleroy" will hold the picture a second week, according to U. A. The theatres are the State, Miami Beach, and the Erlanger, Philadelphia.

Milbury in Clinton Spot

L. A. Wilmot Milbury, who will give up operation of the Topaz, Highbridge, N. Y., has taken a lease on the Music Hall, Clinton, N. J., which he will begin operating next month.

Columbia May Start Making Films Abroad

(Continued from page 1)

the stars to appear in the films will be decided upon.

Friedman intends to spend four weeks on this side of the ocean. In a day or so he will go to Montreal.

Commenting on business conditions in his territories, the Columbia foreign executive stated they are very good and that all of the 4,500 theatres are open and doing well. All releases are distributed in England and on the Continent, he said.

Pincus, likewise, was optimistic about general business in France, Belgium and North Africa, adding that no theatres are closed. He stated that Adolph Osso is expected to come over shortly.

On the same boat was Laudy Lawrence, general manager for M-G-M in Europe. He denied any knowledge of the threatened boycott in Barcelona affecting his company. Home office executives last week stated they had received a protest from every theatre owner in Barcelona and that the matter had been cabled to Lawrence, who turned it over to one of his assistants.

Lawrence was met at the pier by his mother, who came on from Miami for the occasion, and Mort Spring and David Blum.

Sonja Henie, Norwegian skating champion, was another passenger. She said she had received offers from M-G-M, Paramount and other producers, but has not made up her mind which one to take. She added she will leave for Hollywood in 10 days. Alex Yokel, producer of "Three Men on a Horse," returned from London after attending a premier of the play.

Morris Agency to Move

The William Morris agency, now located in the Mayfair Theatre Bldg., next month will move to the 28th floor of the RKO Bldg.

SHIPMENTS
2,500 MILES
Overnight by
AIR EXPRESS

Wipe out the handicap of time and distance—use Air Express. Order by wire or phone and Air Express will bring any shipment to you 2,500 miles overnight.

Prompt pick-up and special delivery at no extra charge door-to-door. Fast co-ordinated service between swift trains and planes. Day and night service. Low rates.

Call or phone any Railway Express office.

AIR EXPRESS
DIVISION OF
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Purely Personal

J. ROBERT RUBIN'S son, ROBERT JR., has joined the M-G-M publicity department. BERNARD SOBOL, who was publicity head for FLORENZ ZIEGFELD for a number of years, is now a member of HOWARD DIETZ'S force and will handle publicity on "The Great Ziegfeld," which opens Easter Week at the Astor.

•

FRANK DURKEE and his party which came from Baltimore to attend the E. C. GRAINGER testimonial at the Astor Monday night left yesterday for home.

•

MOE B. HORWITZ, Cleveland independent exhibitor, left yesterday for home, but MEYER FINE, who came along with him, will not get away until tomorrow.

•

JOHN D. CLARK returned from the coast yesterday. He had been away for several weeks engaged in conferences with studio heads on new product.

•

JIM CLARK of Horlacher's Film Delivery Service is in Miami. His brother BILL, was in town for a couple of days, but returned to Philadelphia yesterday.

•

SAM WARSHAWSKY'S play, "A Woman of Destiny," is current at the Willis, Bronx, as a Federal Theatre Project.

•

EDGAR MOSS and EARLE SWEIGERT of the Twentieth Century-Fox and Paramount exchanges in Philadelphia left yesterday for the Quaker City.

•

SIG WITTMAN, Universal district manager, will go to Philadelphia today and may take in a few other exchanges on the trip.

•

HERBERT J. and MRS. YATES will sail on the *Washington* today. MRS. EUGENE HOWARD, wife of the comic, is also outward bound on that boat.

•

HAROLD KEMP, who will handle the west coast agency for F. & M., will leave for Hollywood the end of the month by plane.

•

WILLIAM F. RODGERS and WILLIAM A. SCULLY of M-G-M are due back today from Washington.

•

JOE VOGEL will take up the dust of the city again next Monday when he returns from Miami.

•

KEN MURRAY and his stooge, SASSAFRASS, start work today on a Vitaphone two reeler at the Brooklyn plant.

•

MARVIN SCHENCK is back from Hot Springs, Ark., where he spent a three-week vacation.

•

HASSARD SHORT and LOUISE MICHAEL sail tonight on the *Aquitania.*

•

GEORGE J. SCHAEFER is not expected back from Washington until tomorrow.

•

BOB BENJAMIN is back from the coast with a mild sunburn.

•

MOE SILVER hies back to Albany today.

IRVING MANDEL, Chicago; JACK BERKOWITZ, Buffalo; BERNIE MILLS, Albany, and HERMAN RIFKIN, Boston, all Republic franchise holders, are in town for home office conferences. JACK JOSSEY and NAT LEFTON of Cleveland got in ahead of the others.

•

MAURICE MCKENZIE of the M.P.P.-D.A., who has been convalescing in Florida, will return to New York by boat on Friday. It is expected he will resume his regular duties in the near future.

•

WILLIAM C. PHILLIPS, Paramount resident attorney in Berlin, returned yesterday from the coast. He will sail on the *Washington* today.

•

DORIS NOLAN and JEANNE DANTE, young stage players, have been signed by Universal.

•

. . . Boston

GEORGE HOLLAND, dramatic editor of the *Boston American,* has had his play, "Pie in the Sky," accepted for production by MARK HELLINGER, he says.

HORACE MCNAB, assistant to JACK GOLDSTEIN here when he managed publicity for RKO theatres, has gone to Philadelphia on exploitation work.

MRS. H. M. ADDISON, wife of the Loew's eastern division manager, has gone to California.

TIM O'TOOLE, New England manager for Columbia, is back from a sojourn at Pinehurst, N. C.

MARION BELL, executive secretary to Manager MAURICE N. WOLF at M-G-M, has returned from a vacation in Washington.

•

. . . Omaha

HARRY SHUMOW, manager of M-G-M, suffered the loss of his teeth recently and the illness that followed kept him from the office several days.

E. R. CUMMINGS, district manager for A. H. Blank, last week made his first calls on Nebraska houses in many weeks, most of his towns having been inaccessible by train or auto.

JERRY SPANDAU, Universal branch manager, surprised film friends when he cooked a bang-up meal at a stag affair at his home.

CHARLES SCHLAIFER, Tri-States publicity man, unveiled as the "man of mystery" who has been broadcasting a 15-minute period of chatter about film stars.

TED EMERSON, manager of the Omaha, spotted a 94-year-old woman at "Rose Marie"—the first film she had seen. Her last show of any kind was "Uncle Tom's Cabin" in 1905. The story made considerable space in the papers.

•

. . . Pittsburgh

HARRY KALMINE and BEN KALMENSON are in New York working on some new booking deals.

TIM KEARSE, West Virginia theatre operator, has been in town for several days booking stage talent.

MAX SHULGOLD, of the Monarch exchange, was honor guest at a stag banquet the other night. He's to be married March 15.

JIMMY BALMER is back on the job after an illness of two weeks.

Speigelberg Will Decide Steuer Fee

(Continued from page 1)

claims this is in excess to what it expected to pay and by agreement with Steuer has left the amount to be determined by Justice Speigelberg.

The action involving RKO arose when the Apollo and Hollywood, taken over from M. & S. on a long term lease, were not being given the run of pictures provided in the contract, according to M. & S., which further held that its income from these theatres was diminished as a result.

Loew's later stepped into the picture and acquired the theatres, but not until the arbiters had awarded the independent circuit the decision.

Steuer is said to have received $40,000 from RKO which had been awarded to M. & S. in the decision. This money, it was stated, has not been turned over to the independent circuit. The hearing has been set down for March 23.

Legion Approves 13 Additional Pictures

(Continued from page 1)

"Don't Gamble with Love," "The F Man," "The Farmer in the Dell," "Hair Trigger Casey," "Heroes of the Range," "Little Red School House," "Little Lord Fauntleroy," "Laughing Irish Eyes," "The Red River Valley," "Song and Dance Man," "Three Godfathers," "Wildcat Saunders." Class A, Section 2, Unobjectionable for Adults—"Knockout" (German), "La Bonheur" (French), "La Marcia" (Italian), "Lordagskvallar" (Swedish), "Zigeunerliebe" (German). Class B, Objectionable in Part—"Liebelei."

Wall Street

Most on Board Revive Slightly

	High	Low	Close	Net Change
Columbia, vtc	37¼	36⅝	37¼	+ ¼
Columbia, pfd	47¾	47½	47¾	.....
Consolidated Film	6⅜	5⅞	6¼	+ ¼
Consolidated, pfd..	19	18¼	18¾	+ ½
Eastman Kodak...	164	163	164	+1
Keith-Albee-Orpheum, pfd.....	91¼	91	91	+1
Loew's Inc.	49	48¼	49	+ ½
Paramount	9⅜	9⅛	9¼	+ ⅛
Paramount 1 pfd.	71	70½	71	+ ¼
Paramount 2 pfd.	10⅛	10	10⅛	.....
Pathe Film	7⅞	7⅝	7⅞	+ ⅛
RKO	8½	7⅞	8	.....
20th Century-Fox..	30	29⅝	30	.....
20th Century, pfd.	38¼	37¾	38	.....
Universal, pfd.....	77⅞	77⅛	77⅞	—2⅛
Warner Bros.	12	11⅝	11⅞	+ ⅛

Technicolor Gains 2¼ Points

	High	Low	Close	Net Change
Sentry Safety.....	1	15/16	15/16	.....
Sonotone	2⅞	2¾	2⅞	+ ⅛
Technicolor	32	30⅛	32	+2¼
Trans-Lux	4¼	4⅛	4⅛	.....

Bonds Maintain Levels

	High	Low	Close	Net Change
General Theatre Equip. 6s '40....	29	27¾	28½	—1
General Theatre Equip. 6s '40 ctf	28½	27½	28	.....
Loew's 6s 41 ww deb rights	102 3/32	102 1/32	102 1/32	.....
Paramount Pictures 6s '55.....	88¾	88	88	— ¾
RKO 6s '41 pp....	76	76	76	.....
Warner Bros. 6s '39 wd.....	90¾	89	90¾	+ ¾

(Quotations at close of March 10)



Annette



Cecile

"THE COUNTRY DOCTOR"



Yvonne



Marie

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Emelie

BOX-OFFICE ATTRACTION

THIS INDUSTRY

HAS EVER SEEN!*

*Now being proved in 322 day-and-date record-breaking runs. And extra morning and night shows are giving a new meaning to capacity!

20th CENTURY FOX

THE KEYSTONE
OF YOUR FUTURE

Just look: Up in Boston, at the Metropolitan, actually more than 50 per cent better than "Littlest Rebel" smash run!

Jersey Moves For 10% Tax On Theatres

(Continued from page 1)

plicable to all sporting events, theatres and other types of entertainments.

Decision to levy the tax on amusements came as a surprise since this classification was exempt from the general sales tax voted last year and then repealed four months later. It is part of a four-way program, other levies being placed on soft drinks, cosmetics and tobacco.

Taxes and Strikes Discussed

Pending tax legislation and the current building service strike were discussed yesterday by a number of independent circuit operators at a special meeting at the Astor. Although major circuit operators were asked to attend, representatives from Loew's and RKO failed to put in an appearance. Another session will be held Friday. Harry Brandt presided.

Matters taken up in brief related to admission of children, the two per cent sales tax and the bill recently introduced in Albany by Assemblyman B. J. Moran providing for one tenth of a cent tax on each foot of film.

The building service strike was touched lightly, since no moves have yet been taken to extend it to theatres.

Meanwhile, the strike yesterday spread to the theatre district. Elevator operators and porters at the Paramount Bldg. and 1600 Broadway walked out. The Paramount had little difficulty in replacing the men, but all service was suspended at 1600 Broadway for about two hours.

Operators at the Loew Bldg. and 729 Seventh Ave. were expected to walk out at noon yesterday, but the move failed to materialize. Men running the elevators at the RKO and RCA buildings stated they were not affected by the strike as they are not tied up with the union involved.

Warners last week settled with the union, thereby preventing a threatened walkout.

Columbus Talks New Tax

COLUMBUS, March 10. — Imposition of a 10 per cent tax by the city against local theatres to help take care of the 1936 operating budget, which must be reduced $2,100,000, looms as a possibility here.

The city, already hard pressed for funds, anticipated raising revenue through a three-mill tax levy, but it was defeated in a recent vote. As a result, Mayor Myron B. Gressman has issued retrenchment orders. This will affect the personnel of all city departments, but particularly the safety division, from which approximately 327 policemen and firemen will be dismissed within the next few days. Several fire stations will be closed, and radio cruisers abandoned, according to present plans.

The city attempted to levy a 10 per cent impost against theatres for the same purpose a year or so ago, but was unsuccessful, due to the efforts of P. J. Wood, secretary of the Ohio I. T. O.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Singing Kid"

(Warners)

HOLLYWOOD, March 10.—Here's an Al Jolson picture that departs widely from the beaten path. A gay combination of gags, musical comedy, drama and romance, flavored with a girl-decorated backstage theatre spectacle, it has those qualities which will surely please exhibitors and audiences.

The film, which has been given elaborate production, is really two stories. One tells of Jolson, the great actor, generous to a fault, the toast of Broadway and everybody's friend, yet a man who fell victim to a double-crossing scheme. It opens to Jolson's singing of a number of his best known hits of other years on stage and screen. The backstage atmosphere is embellished by Jack Durant and Frank Mitchell, knockabout comedy duo, and is highlighted by a musical chase featuring the Yacht Club Boys and Jolson. After this talented group has the whole city dancing to its rhythm Jolson winds up with a performance of his well known mammy music. Following the culmination of these melodious interludes Jolson is the victim of a double-cross when Lyle Talbot, attorney, and Claire Dodd, sweetie, run off with his money, a tragedy that causes him to lose his voice.

In the second episode Jolson, accompanied by Edward Everett Horton and Allen Jenkins, straight comedy stooges, is recuperating in the country. He falls in love with Beverly Roberts, who is writing a play. The romance progresses nicely. Jolson gives her to understand that his producer has purchased her play. She learns later that it is he and not the producer who has bought the yarn. This sequence is enlivened by Jolson's singing with Sybil Jason.

Back in New York, Jolson has no enthusiasm for the new show until Miss Roberts and Miss Jason appear, after which he goes on to score a great triumph.

Jolson is the traditional Al Jolson that people like to see and hear. The comedy provided by the Yacht Club Boys, Horton and Jenkins is chock full of fun. The romance and drama involving Jolson and Beverly Roberts, also Talbot and Miss Dodd, is intriguing. Miss Roberts, a newcomer, shows great promise. The majority of the songs, apart from the semi-spiritual Jolson-Winifred Shaw scene, are lilty and catchy.

The tale is based on a story by Robert Lord, adapted by Warren Duff and Pat C. Flick. Bobby Connolly's dance numbers give plenty of sparkle, while William Keighley's direction keeps it moving at a pleasing pace. The exhibitor is offered a whole load of unique showmanship potentialities, making possible the liveliest kind of exploitation which should result in a wide popular response.

Production Code Seal No. 1,781. Running time, 85 minutes. "G."

Lichtman, Quimby, Both Sick with Flu

(Continued from page 1)

coast, returned last week and had a relapse. He is now recuperating at the Polyclinic Hospital.

Felix F. Feist, who has been ill, is in Miami and is due back in two weeks.

Edward M. Saunders, western division manager, returned Monday from a two-week vacation in Miami. He recently attended the coast meeting of Loew and M-G-M officials.

Motors Show in Seattle

SEATTLE, March 10.—The Civic Auditorium this week will be the scene of the General Motors Show, with admission free. Featured entertainment at matinee and evening performances will be provided by Tex Howard's NBC Orchestra and a show and with an amateur contest to be broadcast twice daily over two local NBC stations. A countrywide newspaper, radio and billboard campaign is being conducted.

Federal Board May Get NRA Function

(Continued from page 1)

elimination, abandonment or prevention of any trade or business practice which constitutes an unfair method of competition; establishment of any fair business practice to prevent monopolistic practices, and establish business practices deemed by the commission appropriate to promote the principles of fairness and equity."

No agreement would be approved which is calculated to bring about the stifling or suspension of fair competition, or unreasonable restraint of trade by combination.

To Test Missouri Law

BROOKFIELD, MO., March 10.—A test of the Sunday closing law is to be carried to the Missouri Supreme Court by Steve Sooter, manager of the municipally owned De Graw Opera House where films are shown. Sooter has been arrested and released on bond several times of late for showing films between 7 and 9 P. M. Sundays.

Short Subjects

"Will Power"

(Radio)

Edgar Kennedy, Florence Lake, Dot Farley and Jack Rice are, as usual, the quartet around which the plot revolves. Kennedy has a plan to send his brother-in-law out to seek a job. Collapsing from a heart attack, he tells the family that they will have to get out and bring in the money to exist and he concentrates on the problem of his male relative getting a job. So hard does he concentrate that a miracle happens, only it is his job that is in new hands. With his brother-in-law leaving for Chicago on a sales deal, the film ends with Kennedy bewildered. The usual Kennedy antics take place and the concentrating scenes make for good comedy. Where Kennedy has a following this should go over well. Production Code Seal, No. 1,744. Running time, 15 minutes. "G."

"Moscow Moods"

(Paramount)

A couple of familiar Russian tunes such as "Dark Eyes" and "The Volga Boatman" and a few others form the musical background for this effort which consists almost entirely of music. Yascha Bunchuk in Cossack costume, but recognizable nevertheless, expertly leads the orchestra and plays one of his famous 'cello solos, later directing his own composition. There is one of those whirlwind dance teams doing a dagger dance, and a gypsy girl does a specialty. A pleasing film with that Continental atmosphere. Production Code Seal No. 0688. Running time, 11 mins. "G."

Reorganization Plan Approved in Madison

MADISON, Wis., March 10.—Federal Judge Patrick T. Stone, overriding adherents of foreclosure, has approved an amended plan of reorganization for the Beecroft Building Co., operator of the Orpheum, Parkway and Strand here. He also has ordered the special master in the reorganization hearings to poll bondholders within the next few weeks.

The reorganization as approved provides for the borrowing from the RFC of a sum sufficient to pay off $137,000 indebtedness on first mortgage bonds on one of the company's properties and the issuance of new bonds to replace those now held by the 650 bondholders of first and refunding bonds of the company. It must pay at least half of the principal indebtedness, plus accrued interest, within 15 years, under the plan.

British Films Gain

WASHINGTON, March 10. — British pictures are offering the most serious competition to American product in Colombia, according to a report to the U. S. Department of Commerce from Assistant Trade Commissioner Jack B. Heathery at Bogota. The report also noted an increase in the exhibition of non-American films in the country.

"Reunion" Is Re-Titled

HOLLYWOOD, March 10. — "Till We Meet Again" is the new title of Paramount's "Reunion."

Coming . . .

CAPRA



COOPER



Columbia!

"MR. DEEDS GOES TO TOWN"

With all the Magic of Capra's Genius . . .

COLUMBIA PICTURES

DEMAND STILL GROWING FOR A VARIETY SHOW

BOX-OFFICE'S Inquiring Reporter questioned 180 theatre patrons about their attitude toward short subjects. Here's the key question, with the answers:

Do You Prefer More Shorts To a Second Feature?

Final tabulations are hereby recorded for posterity "Yes," 132; "No," 48

3 out of 4 WANT A WELL-BALANCED PROGRAM

...AND HERE IS THE VARIETY THEY WANT



BERT LAHR
IN
"Gold Brick"



BUSTER KEATON
IN
"Grand Slam Opera"



JOE COOK
IN
"Giv'im Air"



TIM & IRENE
IN
"Just Plain Folks"
A Tuxedo Comedy



TERRY-TOONS
By Frank Moser & Paul Terry
"Barnyard Amateurs"



JACKIE COOGAN IN
"Love in September"
A Young Romance Comedy



"The Legend of the Lei"
Another Gem from
THE TREASURE CHEST

Educational Pictures
"THE SPICE OF THE PROGRAM"

Distributed in U.S.A. by
20TH Century-Fox Film Corporation

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 60 NEW YORK, THURSDAY, MARCH 12, 1936 TEN CENTS

McClure Says Duffy's Bill Fills a Need

Hits Ascap and Pleads For Rights of Many

WASHINGTON, March 11.—Members of the House Patents Committee today were reminded sharply of their responsibility to legislate for the country as a whole rather than for any special interest, as Wallace McClure, assistant chief of the Treaty Division of the State Department and chairman of the Inter-Departmental Committee which drafted the Duffy Copyright Bill, followed Senator Duffy of Wisconsin in defense of the measure.

McClure devoted much of his testimony to a discussion of the $250 minimum damage clause, eliminated in the Duffy Bill, which he said was unjust, and declared that the interests of no one would be adversely affected by provisions giving courts broad discre-

(*Continued on page 9*)

Columbia Six-Month Profit Is $781,273

Net earnings of Columbia Pictures Corp. for the six months ended Dec. 28, 1935, of the current fiscal year, were $781,273, according to the company's semi-annual report, made public yesterday by Doremus & Co.

This was equal, after deducting dividends on old preferred stock, which has since been redeemed, to $2.74 a share on the 273,573 shares of common currently outstanding following the declaration on Dec. 10 last, of a 50 per cent stock dividend. Earnings for the corresponding six months period of 1934 amounted to $919,000, which was equal to $3.26 a share on the basis of the same number of

(*Continued on page 9*)

Film Leaders Turn Out to Honor Rabbi

LOS ANGELES, March 11.—Many film leaders turned out today for a luncheon tendered Dr. Edgar I. F. Magnin, rabbi of Bnai Brith Temple and the city's leading rabbi, by Dr. A. H. Giannini, chairman of the board of the Bank of America, at the California Club.

Magnin will sail Saturday for Hongkong on a trip which will take him to Palestine. Those who attended were Louis B. Mayer, Irving Thalberg, Sol Lesser, Jesse L. Lasky, Max Gordon, Dr. Maurice Kahn, Edwin J. Loeb of Loeb, Walker & Loeb; Mendel Silberberg of Mitchell, Silberberg & Knapp, and Red Kann.

Cancellation "Worthless," Says Yamins

Allied Leaders Appear At Booking Hearing

By BERTRAM F. LINZ

WASHINGTON, March 11.—The restoration of conditions existing prior to the advent of present-day booking was demanded today of the Pettengill sub-committee by independent exhibitors, bringing the presentation of their side of the controversy to a conclusion, as hearings were adjourned until next week.

A film monopoly "drunk with power" was pictured to the sub-committee by the group of Allied officials who last month placed their plea for protection before a Senate committee. The 20 per cent cancellation clause proposed by the M.P.T.O.A. would only be "twice as worthless" as the present 10 per cent provision, which is so hedged about by restrictions as to be of no value, it was declared by Nathan Yamins of Fall River, completing his testimony, started yesterday.

Despite statements that there is

(*Continued on page 12*)

Lavietes Made Head Of New Conn. Group

NEW HAVEN, March 11.—Harry Lavietes of the Pequot has been elected president of the newly-organized Independent M.P.T.O. of Connecticut. Forty independent theatres were represented.

Other officers are: A. Fishman, treasurer; William Brennan, first vice-president; Joseph Reed, second vice-president; Joseph A. Davis, executive secretary, and Jack Post, recording secretary. Directors include the officers and Dr. J. B. Fishman, Charles Levine, Harry Gale, Morris Bailey, Ralph Pascho, Joseph Shulman, Dave Maglena, George Comden, and Jack Schwartz.

Meyer Fine's Latest Theatre to Be 28th

With the opening of the new 1,800-seat theatre in Shaker Heights, O., to be called the Shaker, on April 11, Associated Theatres will have 26 in the circuit, Meyer Fine, president, stated yesterday.

Fine has been here since Monday with his partner, Sam H. Stecker, on business, and had planned to leave yesterday for Cleveland. Due to bad driving weather Fine and Stecker have delayed their return.

Block Censor Bill

Jackson, Miss., March 11.—The House bill to create a Mississippi board of censors was reported unfavorably today. This is believed to end chances for its passage.

Battle Lines Quickly Drawn On Jersey Tax

TRENTON, March 11.—The fate of the amusement tax bill hung in the balance tonight as legislative leaders were unable to agree on its passage.

Senate President John C. Barbour of Passaic said he "was not a mind reader" and did not know whether the legislation would pass.

At a long conference prior to the session, leaders were unable to get sufficient members to pledge themselves to vote for the bill. It was conceded at the State House the amusement tax and similar levies in the so-called luxury tax program have little chance of passage if they do not go through tonight under suspension of the rules.

Strong opposition developed earlier in the day. A determined group in the legislature favored a general sales or income tax in place of the luxury tax program. In addition theatre men, led by Allied of New Jersey, brought pressure to bear.

The amusement levy, 10 per cent on gross receipts, was slated originally as a separate tax. Then some legislators moved to consolidate four tax measures into a single bill to make the enactment easier. This encouraged theatre interests, because it united with them all the opposition

(*Continued on page 9*)

Hardu to Return for Federal Suit Moves

Russell Hardy, special assistant to the attorney general, and Walter Rice are due from Washington the end of the week in connection with the civil action filed in New York recently in which the Government alleges a conspiracy on the part of Warners, Paramount and RKO to withhold product from the Ambassador, Missouri and New Grand Central in St. Louis.

Answers to the suit are scheduled to be filed in Federal Court here early next week, when it is expected the Government will seek preference on the calendar.

Say Laemmle Will Modify Option Terms

Prospects of Sale Held Brighter as Result

By RED KANN

LOS ANGELES, March 11.—Unless unforeseen obstacles beset the path, Standard Capital will lift the option to purchase Universal by the March 14 deadline.

Today, it is understood, Carl Laemmle, who had been opposed to acceptance of $2,000,000 of the $5,500,000 sale price in debentures, consented to take $1,000,000 in that form. At the same time, it was learned J. Cheever Cowdin was within $400,000 of the goal. Of that total, it is the understanding here, $200,000 had been acquired in New York by this evening.

The original purchase figure remains. Of this, Laemmle is to get $1,500,000 in cash, $1,000,000 in debentures and the remainder in $500,000 annual payments over a six-year period. There is a possibility, on the other hand, that $4,500,000 may go to him in cash, leaving only $1,000,000 in debentures. Cowdin is re-

(*Continued on page 12*)

Premier of Spain Asks Arbitration

BARCELONA, March 11.—Following a personal request by Manuel Azana, Spanish premier, the Catalonian Regional Government has urged an arbitration of the exhibitors' protest against M-G-M's rentals and for the removal of Jacques Edelstein, local manager for the distributor.

All theatre men who have been dealing with M-G-M are seeking a revision of the distributor's contracts. M-G-M and Mutua, the local Film Board, have declined, with the latter solidly behind the distributor.

On Monday night exhibitors began a boycott against M-G-M and all dis-

(*Continued on page 12*)

Two Circuit Heads Favor M-G-M's Plan

Two local independent circuit heads have endorsed M-G-M's plan to eliminate seasonal hangovers by the cancellation of 10 features from the current lineup. They are Harry Brandt, head of the I.T.O.A., and Leon Rosenblatt, president of the Rosenblatt-Welt circuit.

Both exhibitors express the same

(*Continued on page 9*)

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Insiders' Outlook

By RED KANN

Hollywood, March 11.

BOB MONTGOMERY, Myrna Loy and Reginald Owen outstrip their material with practically no effort in "Petticoat Fever," produced by M-G-M with an "A" cast, but with decidedly "B" results. . . .

This fluff comedy of what happens at a lonely wireless outpost in Labrador when an attractive woman is unexpectedly forced down has its moments and some of them are pretty good moments. It also has long talkative stretches when the fun does not bounce along in a sustained tempo and makes the going somewhat labored. . . .

▼

It seems that Montgomery, scion of a titled British family, had relative trouble and took himself and his cares into the northern solitudes. Five months have elapsed since he has seen any women, more since seeing a native woman and two years since he had seen a beautiful one. Therefore, when Miss Loy and her fiance, Owen, are grounded on a flight to Montreal, Montgomery drops his boredom and immediately goes gaga with excitement. . . .

▼

As a matter of fact he falls desperately in love and shortly thereafter the sentiment is returned. Owen, played off as the dull, thick-witted Englishman in a type of role which seems antiquated in this day, never appreciates what is happening under his nose. Complications pile up when Montgomery's former girl bows in without warning. He learns, however, via the mails, that he has come into the family estates and divines that the old flame showed up with the knowledge aforesaid of the new twist. Or can this old chromo be termed a new twist? . . .

▼

Since nothing any longer blocks the road, he hastens by dog sled to the departing boat and carries off Miss Loy to wedlock and the final fadeout. Harold Goldman's treatment of the play by Mark Reed is frequently amusing and George Fitzmaurice's direction is in consonance. The chief difficulty about "Petticoat Fever," however, is that it has too little to say for itself. The attraction is therefore adequate in a purely perfunctory manner. . . .

Cagney Case Taken Under Advisement

LOS ANGELES, March 11.—Conceding that plaintiff James Cagney has proved that Jack Warner promised him that not more than four pictures annually would be required of him, Judge Charles I. Bogue today took under advisement the Warner defense claim that Cagney has waived his right to bring action by having appeared in five pictures during the years 1934 and 1935.

Judge Bogue will review the briefs in the case and render final decision on Monday.

Expect Fox Suit Delay

The suit of Twentieth Century-Fox against Springer & Cocalis for $18,000 allegedly due on overages for six pictures on the 1934-35 program was again postponed yesterday in the N. Y. Supreme Court because of a crowded calendar. It's on the docket for today, but is expected to be put over until other cases listed are disposed of by the court.

Louis Nizer will represent the distributor and Kelly & Connolly the independent circuit.

No Ampa Meeting Set

Ampa's regular meeting today has been called off because of the annual Naked Truth Dinner and Movie Studio Party to be held at the Astor on Saturday night.

Managers Talk Over Terms of Dramatists

The contract committee of the League of N. Y. Theatres, a producing managers' organization, met yesterday to draft suggested changes for the new minimum basic agreement adopted as of March 1 by the Dramatists' Guild. The suggestions will be submitted to a membership meeting of the managers' organization today.

Officials of the Dramatists' Guild said that no changes in the agreement were likely to be made unless the managers could "think of something better than we already have." The managerial opposition is centered on the provisions of the agreement which would give playwrights about $2,000 additional on sales of film rights to plays of $30,000 or over.

To Ask Contempt Order

Eureka Prod., according to Henry J. Pearlman, attorney, will seek to have Metropolis Pictures cited for contempt of the Appellate Division of the N. Y. Supreme Court, because of the failure of the Bijou Theatre to remove the word "Ecstasy" from the bills advertising the film, "Ecstasy of Young Love," until more than 24 hours after a temporary injunction so ordering was handed down by Justice Untermyer of the Appellate Division.

Ann Harding Pact Ends

HOLLYWOOD, March 11.—Ann Harding has completed her contract with RKO and is planning to go to England to make two pictures for B.I.P.

U. A. Changes Name Of Venezuela Firm

DOVER, Del., March 11.—United Artists Corp. of Venezuela has changed its name at State House here to United Artists Corp. of N. E. I., New York.

Finkelstein Theatres, Inc., has changed its name to Pioneer Theatre Corp., St. Paul.

Certificates of incorporation have been issued to the following: Jackson Amusement Enterprise Corp., Meriden Amusement Enterprise Corp., Hattiesburg Amusement Enterprise Corp., and Natchez Amusement Enterprise Corp. Each plans to operate theatres and the like with capital stock of 100 shares, no par value. Incorporators for all were L. H. Herman, Walter Lenz and W. T. Hobson of Wilmington.

Teperson Union Suit Starts in Brooklyn

Trial of an action against Benjamin F. De Agostina, president of Allied M. P. Operators' Union, involving a claim for $87,000 alleged to be due Joseph A. Teperson for legal services, was begun yesterday before Justice Henry Wenzel in Supreme Court, Brooklyn. Teperson contends that he was given a 10-year contract by the union on April 27, 1933, and alleges that he was dismissed without reason on June 18, last.

The union states that Teperson failed to appear at six meetings and denies knowledge of the contract, claiming that the fee asked is "unreasonable and eccentric."

TOCC-ITOA Merger Talks Set Tomorrow

Discussions centering about plans for merging the T. O. C. C. and the I. T. O. A. will be held tomorrow at a meeting called by Harry Brandt, head of the latter organization, at the Astor.

Every major and independent circuit has been invited to attend. With several important legislative matters pending, it is felt that an amalgamation at this time would solidify exhibitor forces in protesting new measures.

Efforts to bring the two organizations into one group have been made on and off for more than a year, but to no avail. However, it is felt by leaders of both groups that the time is ripe for one big and active exhibitor association instead of two lethargic bodies.

Charles L. O'Reilly, who has been at the helm of the T. O. C. C. for about 10 years, has not been able because of other business to devote the time to the organization. Brandt, who recently resigned as top executive of the I. T. O. A., effective with the elections in April, is desirous of relieving himself of the obligation after five years. With more than 40 theatres in his circuit and negotiations under way for several more in New Jersey and the metropolitan area, Brandt wants to concentrate on his own exhibition problems.

A number of independent exhibitors have been contacted on the merger idea and have agreed to support it. At one time the T. O. C. C. had every major and practically every independent exhibitor on its membership roster. The I. T. O. A., which started out with a bang and 400 theatres, has dwindled to about 100.

Neither O'Reilly nor Brandt want the presidency of a combined group. However, they are willing to be on the board.

Completion of the amalgamation is expected by the end of the month with the T. O. C. C. scheduled to give up its quarters in the Times Bldg. to move into enlarged I. T. O. A. offices at the Lincoln Hotel.

"Doctor" Rolling Up Highs in Many Spots

Reports reaching the Twentieth Century-Fox home office on the business in 24 cities on "The Country Doctor" indicate that the Dionne Quintuplets are the biggest box-office draws today. New records are being established and holdovers are the rule in many instances, according to the distributor's advices. In one or two spots, box-office highs set by "The Littlest Rebel" and "Steamboat 'Round the Bend" have been beaten.

Included in the 24 situations exuding enthusiasm are: Los Angeles, Detroit, Baltimore, Richmond, Louisville, Portland, Me., Toronto, Albany, Boston, Cleveland, Des Moines, Indianapolis, Pittsburgh, Seattle, St. Louis, Oklahoma City, Buffalo, Toledo, Philadelphia, Atlanta, Bridgeport, New Haven, Waterbury and Rochester.



In **"THE WALKING DEAD"**, a strikingly unusual story of an electrocuted man brought from the dead to wreak vengeance on those who had sent him to his doom, **BORIS KARLOFF** adds another brilliant performance to his long list of sensational, spine-chilling characterizations. Ricardo Cortez, Edmund Gwenn, Marguerite Churchill, Warren Hull, Barton MacLane and Director Michael Curtiz contribute their usual superlative performances to make this Warner Bros. production the screen thrill of the week. Released March 14th.

EXTRA! FIRST RUNS BOOKING "FLASH GORDON"!

THE PHILADELPHIA EXHIBITOR

HOLD PRESS

"FLASH GORDON"

Universal's latest serial, "Flash Gordon," can be rightfully termed the "Magnificent Obsession" of chapter plays. Socking in plenty for production, the serial is really something to shout about. First two episodes show how Dr. Zarkov, Flash and Dale land in Emperor Ming's empire to prevent his world from crashing into the earth. They are held prisoners; plenty happens. With huge beasts, with ape men, shark men, lion men to face, the rest of the serial ought to be a honey. Universal has followed the cartoon strip faithfully; kids and adults will love it. In fact, this is the sort of a serial that can be played during the middle of the week to advantage. "Flash Gordon" looks like the company s biggest serial—and Universal has made a lot. First episode, 20 minutes; second, 20 minutes. Buster Crabbe, Jean Rogers, Priscilla Lawson, Frank Shannon, Charles Middleton head the cast.

Pantages and Hillstreet Theatres in Los Angeles! The Fox Theatre in San Francisco! And other houses following suit! For the first time in their history! For the first time in the history of serials!

UNIVERSAL'S SERIAL SUPREME

FLASH GORDON

Starring BUSTER CRABBE as "Flash Gordon". With Jean Rogers, Priscilla Lawson, Charles Middleton. Based on Alex Raymond's King Features newspaper strip. Directed by Frederick Stephani. Produced by Henry MacRae.

"Annie" with Show Boston Top, $38,000

BOSTON, March 11. — "Klondike Annie" led the first run parade by rolling up $38,000 at the Metropolitan. A stage show which included Major Bowes' amateurs, the Elida Ballet and Fabian Sevitzky helped get the take $16,000 over par.

"Follow the Fleet" was outstanding at Keith's Memorial, topping average by $10,000 on a gross of $22,000. "The Invisible Ray" and a show were well on the profit side of the line at the RKO Boston, the total being $18,000.

Total first run business was $116,000. Average is $85,500.

Estimated takings for the week ending March 6:

"EVERY SATURDAY NIGHT" (20th-Fox)
"PREVIEW MURDER MYSTERY" (Para.)
FENWAY—(1,384), 30c-50c, 7 days. **Gross:** $4,500. (Average, $4,500)

"FOLLOW THE FLEET" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $22,000. (Average, $12,000)

"PRISONER OF SHARK ISLAND" (20th-Fox)
"MUSIC GOES 'ROUND" (Col.)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $14,000. (Average, $13,000)

"PRISONER OF SHARK ISLAND" (20th-Fox)
"MUSIC GOES 'ROUND" (Col.)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $12,500. (Average, $12,000)

"KLONDIKE ANNIE" (Para.)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: Major Bowes' Amateurs, Elida Ballet, Fabian Sevitzky. **Gross:** $38,000. (Average, $22,000)

"EVERY SATURDAY NIGHT" (20th-Fox)
"PREVIEW MURDER MYSTERY" (Para.)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $7,000. (Average, $7,000)

"INVISIBLE RAY" (Univ.)
RKO BOSTON—(3,246), 35c-65c, 7 days. Stage show. **Gross:** $18,000. (Average, $15,000)

Chaplin $10,000 Indianapolis Hit

INDIANAPOLIS, March 11.—"Modern Times," at Loew's garnered $10,000, $4,000 over the house average.

Although "Rose Marie" showed here less than a month ago, a return showing of it at the Circle was good for better than $5,000. Another return showing, "Ceiling Zero," garnered $3,200 at the Apollo. "Klondike Annie" went to $6,500 at the Indiana.

Altogether first run takings were better than for many weeks, all five houses doing a good business.

"The Country Doctor" at the Apollo and "Follow the Fleet" at the Indiana opened auspiciously.

Total first run business was $33,200. Average is $28,000.

Estimated takings for the week ending March 6:

"CEILING ZERO" (W. B.)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $3,200. (Average, $4,000)

"ROSE MARIE" (M-G-M)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

"KLONDIKE ANNIE" (Para.)
INDIANA—(3,200), 25c-40c, 7 days. **Gross:** $6,500. (Average, $7,000)

"MODERN TIMES" (U. A.)
LOEW'S—(2,500), 25c-40c, 7 days. **Gross:** $10,000. (Average, $6,000)

"THE BOHEMIAN GIRL" (M-G-M)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $9,500. (Average, $7,000)

"Fleet" Huge Seattle Draw With $8,500

SEATTLE, March 11. — "Follow the Fleet" went out front at the very start here and stayed there. Its $8,100 gross was $2,100 above normal at the Orpheum. It was moved to the Blue Mouse for an extended run.

"The Music Goes 'Round," at advanced admissions, reached $6,250 at the Liberty. This was above the line by $2,250. "Rose Marie," in the third week of an extended run from the Fifth Avenue, held up to $4,350.

Total first run business was $36,850. Average is $33,500.

Estimated takings for the week ending Feb. 29:

"MODERN TIMES" (U. A.)
BLUE MOUSE—(950), 25c-40c-55c 7 days, 2nd week, extended run from Fifth Avenue. **Gross:** $3,650. (Average, $4,000)

"PETRIFIED FOREST" (W. B.)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $6,800. (Average, $7,000)

"THE MUSIC GOES 'ROUND" (Col.)
LIBERTY—(1,800), 15c-25c-35c-50c, 7 days. **Gross:** $6,250. (Average, $4,000)

"ROSE MARIE" (M-G-M)
MUSIC BOX—(950), 25c-40c-55c 7 days, 3rd week, extended run from Fifth Avenue. **Gross:** $4,350. (Average, $4,000)

"FOLLOW THE FLEET" (Radio)
ORPHEUM—(2,450), 25c-30c-40c, 7 days. **Gross:** $8,100. (Average, $6,000)

"HER MASTER'S VOICE" (Para.)
"PREVIEW MURDER MYSTERY" (Para.)
PARAMOUNT—(3,050), 20c-25c-30c. 7 days. **Gross:** $4,600. (Average, $5,000)

"MAN HUNT" (W. B.)
REX—(1,500), 15c-25c-30c 7 days. Stage: Vaudeville headed by Phil Bernard. **Gross:** $3,100. (Average, $3,500)

Mae West Garners $8,000, Portland

PORTLAND, March 11. — "Klondike Annie," in its first downtown week at the Paramount, annexed $8,000, or over par by $3,000. It was helped considerably by "My Marriage."

"Petrified Forest" and "Her Master's Voice" were held for a second week at the Orpheum, securing another $6,000, over the usual by $1,000.

The initial performance of "Life Begins at 60" brought out a diversified audience at the Mayfair, with heavy intake from Townsendites. The screen fare was "Yellow Dust." The gross was $7,000, over the house average by $4,000.

Bright sunshine in large doses was not so good for the matinee business.

Total first run business was $35,700. Average is $24,700.

Estimated takings for the week ending Feb. 29:

"RIFFRAFF" (M-G-M)
BROADWAY—(1,912), 30c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,030)

"ESCAPADE" (M-G-M)
"THE LAST OUTPOST" (Para.)
(2nd Run)
BLUE MOUSE—(1,700), 20c-25c, 7 days. **Gross:** $1,700. (Average, $1,700)

"LIFE BEGINS AT SIXTY" (Stage Drama)
"YELLLOW DUST" (Radio)
MAYFAIR—(1,700), 30c-35c-40c, 7 days. **Gross:** $7,000. (Average, $3,000)

"PETRIFIED FOREST" (W.B.)
"HER MASTER'S VOICE" (Para.)
ORPHEUM—(1,700), 30c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"KLONDIKE ANNIE" (Para.)
"MY MARRIAGE" (20th-Fox)
PARAMOUNT — (3,008), 30c-35c-40c, 7 days. **Gross:** $8,000. (Average, $5,000)

"THE GHOST GOES WEST" (U.A.)
UNITED ARTISTS—(945), 30c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

Just a Telegram

Hollywood, March 11.—During the trial of his suit against Warners, a telegram was handed to James Cagney. Hank Mann, who was sitting nearby, said, "What's that, Jimmy? An offer for a three-day personal appearance in Pomona?"

"Yeh," said Cagney, "it's an offer for Pat O'Brien and me."

Then Mann suggested that they post a six-sheet in the courtroom reading "Coming Next Week! Pat O'Brien vs. Warners."

"Pasteur" Is $21,000 Top, Philadelphia

PHILADELPHIA, March 11.—Among the new films in a generally satisfactory week, "The Story of Louis Pasteur" made the best showing with $21,000 for its nine-day run at the Boyd, a good figure considering the Lenten season and a slow start.

Two holdover shows from last week still kept in the money class. For its second week (8 days) "Follow the Fleet" added another $20,000 to the Stanley box-office sheet. "Prisoner of Shark Island" maintained its good pace at the Fox with $16,000.

"Modern Times" took a slide to $14,000 for the third week. "Sylvia Scarlett" was weak at $5,000 at the Aldine and "Woman Trap" with the same figure at the Stanton and "Two in the Dark" at the Karlton failed to hold up.

The weather break on the whole was good.

Total first run business was $102,600. Average, exclusive of the Erlanger, is $87,960.

Estimated takings for the week ending March 5:

"SYLVIA SCARLETT" (Radio)
ALDINE—(1,200), 40c-55c-65c, 7 days. **Gross:** $5,000. (Average, $8,160)

"EXCLUSIVE STORY" (M-G-M)
(2nd run)
ARCADIA—(600), 25c-40c-50c, 7 days. **Gross:** $2,100. (Average, $2,800)

"STORY OF LOUIS PASTEUR" (F.N.)
BOYD—(2,400), 40c-55c, 9 days. **Gross:** $21,000. (Average, 7 days, $14,000)

"BOHEMIAN GIRL" (M-G-M)
EARLE—(2,000), 25c-40c-50c, 7 days. Stage: Xavier Cugat revue; Regis Toomey, Eddie Cantor's "Mad Russian"; Falls, Reading and Boyce. **Gross:** $14,500. (Average, $14,000)

"PRISONER OF SHARK ISLAND" (20th-Fox)
FOX—(3,000), 40c-55c-65c, 7 days, 2nd week. Stage: Kazanova and Her Tziganas, Sid Gary, Four Robeys. **Gross:** $16,000. (Average, $14,000)

"MODERN TIMES" (U.A.)
ERLANGER—(2,000), 40c-55c-87c, 7 days, 3rd week. **Gross:** $14,000.

"TWO IN THE DARK" (Radio)
KARLTON—(1,000), 25c-35c-40c, 7 days. **Gross:** $2,200. (Average, $4,000)

"PETRIFIED FOREST" (W.B.) (2nd run)
KEITH'S—(2,000), 30c-40c-50c, 7 days. **Gross:** $2,800. (Average, $4,000)

"FOLLOW THE FLEET" (Radio)
STANLEY—(3,700), 40c-55c, 8 days, 2nd week. **Gross:** $20,000. (Average, 7 days, $14,000)

"WOMAN TRAP" (Col.)
STANTON—(1,700), 30c-40c-50c, 7 days. **Gross:** $5,000. (Average, $7,000)

'Woman Trap' Denver Hit; Gets $10,000

DENVER, March 11.—"Woman Trap" was something of a sensation at the Denham with repeated holdouts during the week and a total take of $10,000, which was $5,500 over normal. A good stage show helped.

"Modern Times" topped average by $1,000 on a take of $4,000 at the Paramount, following a week at the Denver and it was moved to the Broadway for a third week. "Professional Soldier" was in the hit class at the Aladdin with a gross of $5,000 over par by $2,250. "The Story of Louis Pasteur" reached $2,000 at the Broadway after a week at the Denver.

Total first run business was $37,000. Average is $27,750.

Estimated takings for the week ending March 4:

"PROFESSIONAL SOLDIER" (20th-Fox)
ALADDIN—(1,500), 25c-40c-50c, 7 days. **Gross:** $5,000. (Average, $2,750)

"STORY OF LOUIS PASTEUR" (F. N.)
BROADWAY—(1,500), 25c-40c, 7 days following a week at the Denver. **Gross:** $2,000. (Average, $1,500)

"$1,000 A MINUTE" (Republic)
CENTER—(1,500), 20c-25c-35c, 7 days and stage show. Gross: $4,500. (Average, $3,000)

"WOMAN TRAP" (Para.)
DENHAM — (1,500), 25c-35c-40c-50c, 7 days. Stage show. **Gross:** $10,000. (Average, $4,500)

"THE GHOST GOES WEST" (U. A.)
DENVER—(2,500), 25c-35c-50c, 7 days. Stage: band. **Gross:** $7,500. (Average, $7,000)

"FANG AND CLAW" (Radio)
"MUSS 'EM UP" (Radio)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average $6,000)

"MODERN TIMES" (U. A.)
PARAMOUNT—(2,000), 25c-40c, 7 days, following a week at the Denver. **Gross:** $4,000. (Average, $3,000)

"Soldier" on Dual High in New Haven

NEW HAVEN, March 11.—Packing the College over the week-end and holding up to excellent business, in spite of sloppy weather and the onset of Lent, "Professional Soldier," on a dual with "We're Only Human," made the best proportionate showing of the week, increasing the normal $2,800 by $2,000.

"Modern Times," the Poli single feature, grossed a similar increase over the $7,000 par. The Roger Sherman nosed in $300 ahead of the usual $4,700 with "Muss 'Em Up" and "Love on a Bet." "Klondike Annie" and "Tango," in their second week at the Paramount, fell under the $4,800 line by $1,300.

Total first run business was $22,300. Average is $19,300.

Estimated takings for the week ending March 6:

"PROFESSIONAL SOLDIER" (20th-Fox)
"WE'RE ONLY HUMAN" (Radio)
COLLEGE — (1,499), 25c-35c, 7 days. **Gross:** $4,800. (Average, $2,800)

"KLONDIKE ANNIE" (Para.)
"TANGO" (Invincible)
PARAMOUNT—(2,400), 35c-50c, 7 days, 2nd week. **Gross:** $3,500. (Average, $4,800)

"MODERN TIMES" (U. A.)
POLI — (3,040), 35c-50c, 7 days. **Gross:** $9,000. (Average, $7,000)

"LOVE ON A BET" (Radio)
"MUSS 'EM UP" (Radio)
ROGER SHERMAN — (2,200), 35c-50c, 7 days. **Gross:** $5,000. (Average, $4,700)

A hundred years

NEW YORK HERALD TRIBUNE. SUNDAY, [illegible]UARY 2[illegible] 1936

Mr. Wells Peers Into the Future



1940—Gas and Shells Land on Surprised London

H. G. Wells, who likes to construct the future by examining the past and present, portrays in his first motion picture, "Things to Come," his conception of the panic-stricken British scrambling under the attack by the "Hill folk." There are no Puritanians in the film.



2054—A Street Scene from the Wellsian City of the Futur

Those cells at the left are penthouses in an air-conditioned, artificially lighted scientific city, reconstructed upon the ruins of our present methods of living overhead and the elevators are glass-enclosed. Mr. Wells's film will be shown next month.



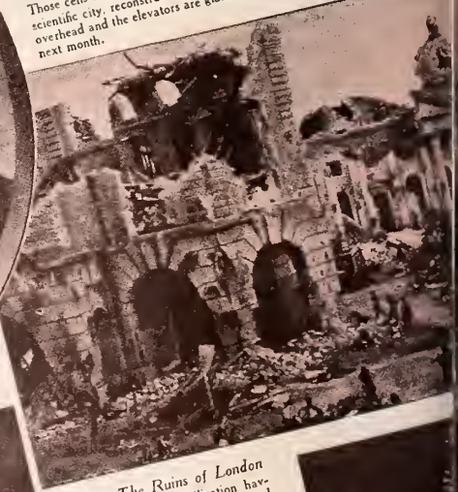
2059—Fashions for Street Wear

Left—Pearl Argyle (of 1936) dressed for her part in Mr. Wells's film. The directions for the costume were from Mr. Wells.



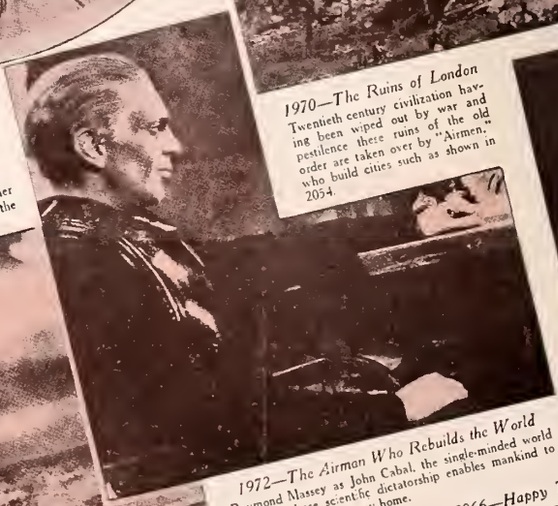
2056—Off on a Trip to the Moon

With some trepidation this couple is leaving for the first flight of humans around the moon. The old world having been cleaned up, Mr. Wells's characters are keen on overcoming the universe.



1970—The Ruins of London

Twentieth century civilization having been wiped out by war and pestilence these ruins of the old order are taken over by "Airmen," who build cities such as shown in 2054.



1972—The Airman Who Rebuilds the World

Raymond Massey as John Cabal, the single-minded world reformer whose scientific dictatorship enables mankind to achieve television in every home.



2066—Happy Toil

Right—"No smoking" signs are unnecessary for this protected worker of Mr. Wells's world. He shares his work (most of which is done by scientific apparatus anyhow) in a civilization rid of war and disease.



2055—The Space Gun

Left—It is against this machine for travel to other planets that the oldsters of Mr. Wells's new world complain. They shriek at it the twenty-first century equivalent of "Get a horse!"

REPRODUCED HERE IS A FULL PAGE FROM THE ROTOGRAVURE SECTION OF THE N. Y. HERALD TRIBUNE CONFERRING ON "THINGS TO COME" THE UNIQUE DISTINCTION OF BEING HERALDED AS *News* OF WORLD IMPORTANCE!

head of its time

T WHAT YOUR BOX-OFFICE NEEDS RIGHT NOW!

H. G. WELLS'

THINGS TO COME

WILL ASTOUND THE ENTIRE WORLD!



What is the world coming to? One man has the daring to predict! . . . and only Alexander Korda could give this tremendous story the bigness and scope it deserved!

an ALEXANDER KORDA production

Directed by WILLIAM CAMERON MENZIES

a London Film • Released thru UNITED ARTISTS

"Exclusive," Benny Strong In Pittsburgh

PITTSBURGH, March 11.—The business didn't go 'round and 'round here last week, but stuck exclusively to the two leading downtown spots, the Penn and the Stanley. At the latter house, Jack Benny in person, with "Exclusive Story" on the screen, gave the box-office its healthiest take since present scales went into effect, $31,000, just a few dollars short of Benny's 1935 record when prices were almost 20 per cent higher.

At the Penn, "Follow the Fleet" packed a terrific wallop, coming up with around $21,000 and moving to the Warner to continue its run.

These two grosses practically absorbed all the money there was in town, although the Warner managed to make a fairly creditable showing with "Rose of the Rancho" and "The Murder of Dr. Harrigan," doing $4,700. The Casino got only around $5,500 with "Confidential" and the "Oddities" unit, while the Alvin slipped to $3,000 with "Don't Get Personal" and "Hellship Morgan."

Total first run grosses were $67,400. Average is $51,000.

Estimated takings for the week ending March 5:

"DON'T GET PERSONAL" (Univ.)
"HELLSHIP MORGAN" (Col.)
ALVIN—(2,000), 25c-40c, 7 days. **Gross:** $3,000. (Average, $5,500)

"CONFIDENTIAL" (Monarch)
CASINO—(1,800), 25c-40c, 6 days. Stage: "Oddities" unit, with Pall Mall. **Gross:** $5,500. (Average, $6,000)

"THE MELODY LINGERS ON" (U. A.)
"THE LONE WOLF RETURNS" (Col.)
FULTON—(1,750), 15c-40c, 7 days. **Gross:** $2,200. (Average, $4,000)

"FOLLOW THE FLEET" (Radio)
PENN—(3,300), 25c-40c, 7 days. **Gross:** $21,000. (Average, $12,000)

"EXCLUSIVE STORY" (M-G-M)
STANLEY — (3,600), 25c-55c, 7 days. Stage: Jack Benny, Mary Livingston, Georges Metaxa, Stuart Morgan Dancers, Chicke Sisters, Liazeed Arabs. **Gross:** $31,000. (Average, $18,500)

"ROSE OF THE RANCHO" (Para.)
"MURDER OF DR. HARRIGAN" (W. B.)
WARNER — (2,000), 25c-40c, 7 days. **Gross:** $4,700. (Average, $5,000)

New Sound Described In Academy Bulletin

HOLLYWOOD, March 11.—The Research Council of the Academy has issued a 28-page illustrated technical bulletin which contains an account of the M-G-M research and engineering investigation on theatre loud speakers and the resultant development of the Shearer two-way horn system.

The bulletin contains a short account of the early history of theatre loud speakers, specifications for a system which would be adequate for theatre production taking into consideration expected future developments in studio recording, wiring diagrams, a description of the high and low frequency horns which are a part of the development, the mathematical calculations and an explanation of the electrical theory upon which the system operates.

Credits for the papers are divided between John K. Hilliard, who was associated with Douglas Shearer in the engineering of the new system, and Harry R. Kimball of the M G-M sound department.

Chaplin High In Cleveland Second Week

CLEVELAND, March 11. — "Modern Times," playing its second week downtown, was the outstanding box-office attraction of the week, almost doubling the usual $4,000 take at Loew's Stillman.

"Follow the Fleet," also a second week picture, continued to draw heavily at Warners' Hippodrome, where it grossed $11,000 as against an $8,000 average.

"Klondike Annie," helped by a lot of adverse newspaper criticism, upped Loew's State take from the usual $12,000 to $16,000.

"Muss 'Em Up" and "The Murder of Dr. Harrigan divided the week at the Allen with an average total take of $3,000.

"Love on a Bet" at the RKO Palace, with a stage attraction headed by Red Hodgen and Ada Leonard, fell $2,000 shy of the $15,000 house average.

The weather was good and there was no unusual outside competition.

Total first run business was $50,500. Average is $42,000.

Estimated takings for the week ending March 6:

"MUSS 'EM UP" (Radio) (4 days)
"THE MURDER OF DR. HARRIGAN" (F. N.) 3 days)
ALLEN — (3,300), 30c-35c-42c, 7 days. **Gross:** $3,000. (Average, $3,000)

"KLONDIKE ANNIE" (Para.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $16,000. (Average, $12,000)

"MODERN TIMES" (U. A.)
LOEW'S STILLMAN — (1,900), 30c-35c-42c, 7 days, 2nd week. **Gross:** $7,500. (Average, $4,000)

"LOVE ON A BET" (Radio)
RKO PALACE — (3,100), 30c-42c-60c, 7 days. Stage: Red Hodges & Ada Leonard & Co. **Gross:** $13,000. (Average, $15,000)

"FOLLOW THE FLEET" (Radio)
WARNER'S HIPPODROME — (3,800), 30c-35c-42c, 7 days, 2nd week. **Gross:** $11,000. (Average, $8,000)

"Marie" On a Dual Tops Omaha Grosses

OMAHA, March 11. — "Follow the Fleet" at the Brandeis and "Rose Marie" and "Her Master's Voice," dualled at the Omaha, ran a close race for top honors, with the weather a real help to grosses. "Follow the Fleet" had $8,300 against a $4,000 house average, while the dual did $8,500, average being $5,000. "Follow the Fleet" was held a full second week, while "Rose Marie" slipped a bit and played only two extra days.

"It Had to Happen" and "Freshman Love" at the Orpheum did a fair $7,800.

Total first run business was $26,400. Average is $17,000.

Estimated takings:

Week Ending March 4:

"FOLLOW THE FLEET" (Radio)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $8,300. (Average, $4,000)

"ROSE MARIE" (M-G-M)
"HER MASTER'S VOICE" (Para.)
OMAHA — (2,200), 25c-40c, 7 days. **Gross:** $8,500. (Average, $5,000)

Week Ending March 5:

"IT HAD TO HAPPEN" (20th-Fox)
"FRESHMAN LOVE" (W.B.)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $7,800. (Average, $8,000)

"Secretary" Cincy Hit; Gets $17,500

CINCINNATI, March 11.—In spite of a downward turn in business, "Wife vs. Secretary" garnered a fine $17,500 at the RKO Palace. This was $7,500 over normal.

"Don't Get Personal," at the RKO Shubert, with Buddy Rogers and his California Cavaliers on the stage, pulled $14,750, over par by $2,750.

"Circumstantial Evidence" and "Happiness C. O. D." on a dual bill at the independent Strand, went $350 over the mark with a $1,850 take. "Follow the Fleet" broke even on its second downtown week at the RKO Capitol, where it did $6,500 after a smash gross of $25,000 on its initial run at the RKO Albee.

Total first run business was $60,400. Average is $60,200.

Estimated takings:

Week Ending March 3:

"CIRCUMSTANTIAL EVIDENCE" (First Div.)
"HAPPINESS C.O.D. (Chesterfield)
STRAND—(1,500), 15c-25c, 7 days. **Gross:** $1,850. (Average, $1,500)

Week Ending March 4:

"SHOW 'EM NO MERCY" (20th-Fox)
RKO LYRIC — (1,400), 35c-42c, 7 days. **Gross:** $4,300. (Average, $6,500)

Week Ending March 5:

"THE MUSIC GOES 'ROUND" (Col.)
RKO ALBEE — (3,300), 35c-42c, 6 days. **Gross:** $8,000. (Average, 7 days, $12,000)

"WIFE VS. SECRETARY" (M-G-M)
RKO PALACE — (2,700), 35c-42c, 7 days. **Gross:** $17,500. (Average, $10,000)

"DON'T GET PERSONAL" (Univ.)
RKO SHUBERT—(2,150), 35c-42c, 7 days. Stage: Buddy Rogers and California Cavaliers. **Gross:** $14,750. (Average, $12,000)

"FOLLOW THE FLEET" (Radio)
RKO CAPITOL—(2,000), 35c-42c, 7 days, 2nd downtown week. **Gross:** $6,500. (Average, $6,500)

"DANCING LADY" (M-G-M)
RKO GRAND—(1,200), 25c-40c, 7 days. **Gross:** $1,800. (Average, $2,750)

"SWIFTY" (First Div.)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,100. (Average, $1,250)

"CORONADO" (Para.)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,000. (Average, $1,200)

"THE STORY OF LOUIS PASTEUR" (F. N.)
KEITH'S—(1,500), 30c-40c, 7 days, 2nd week. **Gross:** $3,600. (Average, $6,500)

"Fleet" Is $6,500 Milwaukee Winner

MILWAUKEE, March 11.—"Follow the Fleet" was good for $6,500 above par at the Warner here, grossing $11,500 to take high honors for the week. It was held over.

"Whipsaw" and "Three Live Ghosts" at Fox's Wisconsin did $8,000 to cop second high honors. Other business was below average.

Total first run business was $28,900. Average is $23,000.

Estimated takings for the week ending March 5:

"THE MUSIC GOES 'ROUND" (Col.)
"EXCLUSIVE STORY" (M-G-M)
PALACE—(2,800), 25c-40c, 7 days. **Gross:** $4,600. (Average, $5,000)

"RETURN OF JIMMY VALENTINE" (Republic)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: "Broadway Ballyhoo Revue" with Lamberti, Red Donahue and Pal. Kay Donna, Joyce Bros. and Dean. **Gross:** $4,800. (Average, $5,000)

"FOLLOW THE FLEET" (Radio)
WARNER — (2,400), 25c-40c, 7 days. **Gross:** $11,500. (Average, $5,000)

"WHIPSAW" (M-G-M)
"THREE LIVE GHOSTS" (M-G-M)
WISCONSIN—(3,200), 25c-40c, 7 days. **Gross:** $8,000. (Average, $8,000)

"Trouble" and Show $13,650 In St. Louis

ST. LOUIS, March 11.—"Here Comes Trouble" and Jackie Coogan and Betty Grable and their "California Collegians" on the stage at the Ambassador proved an outstanding hit with a take of $13,650, which was above par by $3,650.

"Modern Times" at Loew's was $4,000 above average with a gross for the week of $13,000. "Klondike Annie" in its second week at the Shubert-Rialto was also in the money with a take of $8,000 against par for the house of $6,500. "Follow the Fleet" in its second week at the Orpheum did $9,250. The house average is $8,500. It was held over for a third week.

The weather was favorable.

Total first run business was $55,400. Average is $49,300.

Estimated takings for the week ending March 5:

"HERE COMES TROUBLE" (20th-Fox)
AMBASSADOR—(3,018), 25c-35c-40c, 7 days. Stage: Jackie Coogan, Betty Grable and California Collegians. **Gross:** $13,650. (Average, $10,000.)

"IT HAS TO HAPPEN" (Col.)
"TOO TOUGH TO KILL" (20th-Fox)
FOX—(5,038), 25c-35c-55c 7 days. **Gross:** $8,400. (Average, $12,000.)

"HITCH HIKE TO HEAVEN" (Inv.)
GRAND OPERA HOUSE—(2,200), 15c-25c-35c, 7 days. Stage: Vaudeville. **Gross:** $3,100. (Average, $3,300.)

"MODERN TIMES" (U. A.)
LOEW'S—(3,162), 25c-35c-55c, 7 days, **Gross:** $13,000. (Average, $9,000.)

"FOLLOW THE FLEET" (Radio)
ORPHEUM—(1,950), 25c-35c-55c, 7 days, 2nd week. **Gross:** $9,250. (Average, $8,500.)

"KLONDIKE ANNIE" (Para.)
SHUBERT - RIALTO — (1,723), 25c-35c-55c, 7 days, 2nd week. **Gross:** $8,000. (Average, $6,500.)

"Happen" Garners $6,900 in Houston

HOUSTON, March 11.—In a week of falling grosses the best showing was made by "It Had to Happen" which was under par by $100 on a take of $6,900.

"Follow the Fleet" played only five days on its second week, but took $6,000, which was $1,000 below the first week average. The run was interrupted for "Dodswoth," stage play.

"Sylvia Scarlett" at the Kirby was a disappointment, falling below an average of $3,000 for three days to $1,800.

A city wide epidemic of influenza and school epidemic of measles and mumps was blamed in part for the week's drop in receipts.

Total first run business was $23,900. Average is $26,000.

Estimated takings for the week ending March 5:

"SYLVIA SCARLETT" (Radio)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,800. (Average, $3,000)

"TWO IN THE DARK" (Radio)
KIRBY—(1,450), 15c-35c, 1 days (Bank Night). **Gross:** $1,200. (Average, $500)

"CALLING OF DAN MATTHEWS" (Col.)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,500. (Average, $1,500)

"IT HAD TO HAPPEN" (20th-Fox)
LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $6,900. (Average, $7,000)

"FOLLOW THE FLEET" (Radio)
MAJESTIC—(2,250), 25c-50c, 5 days, 2nd week. **Gross:** $6,000. (Average, $7,000)

"THE MUSIC GOES 'ROUND" (Col.)
METROPOLITAN—(2,600), 25c-50c, 7 days. **Gross:** $6,500. (Average, $7,000)

Battle Lines Quickly Drawn On Jersey Tax

(*Continued from page* 1)

created by the cosmetics, tobacco and soft drink interests.

Theatre men led the movement for a general state tax on all industries.

Allied of New Jersey, at a meeting at the Stacy-Trent Hotel today, adopted a resolution asking Gov. Harold G. Hoffman and legislative leaders to adopt general taxation. The organization represents 143 state exhibitors.

The resolution was signed by Lee W. Newbury, association president. It read:

"Whereas, the Allied Theatre Owners of New Jersey have been apprised through the public press that the legislature of the state of New Jersey is considering the imposition of a tax to be levied on merely a few industries, and

"Whereas, motion pictures being the only amusement of the poorer classes, it is not taxing a luxury, but a necessity, and

"Whereas, to confine the proposed tax to only a few industries would be discriminatory, now

"Therefore, be is resolved, that if any tax must be levied it should be equally distributed over all businesses, and be it further resolved that the theatre industry be granted a public hearing before the enactment of any tax legislation."

Representatives of Warners were active in the legislative corridors, informing legislators of the bad effect the tax would have on the film industry. Heading the Warner group were Donald Jacocks, zone manager for northern New Jersey, and David E. Weshner.

Newbury Rushes to Trenton

Lee Newbury, president of Allied of New Jersey, cut short a vacation in Mexico City to be in Trenton for the fireworks on the 10 per cent tax bill. Yesterday morning all members of the organization received telegrams urging their appearance in the New Jersey capital.

The telegram sent out was as follows:

"Emergency meeting called for Wednesday, March 11, at Stacy-Trent Hotel, Trenton, at 12 noon sharp. Subject: Tax on theatre admissions scheduled for passage by Legislature Wednesday night. Your presence at meeting and in Trenton for balance of day vital to the life of your theatre."

"Fleet" at $84,000 In Its Third Week

"Follow the Fleet" garnered approximately $84,000 at the Music Hall in its third week, making a total of $244,000 for the three-week run. For the first week the take was $105,000. On the second week the Astaire-Rogers musical tallied $75,000.

On April 8 "The Great Ziegfeld" will open at the Astor on a two-a-day policy.

"Klondike Annie" opened yesterday at the Paramount to capacity business. This morning the Music Hall begins a two-week run of "The Country Doctor."

◂ *Purely Personal* ▸

AL FRIEDLANDER will leave today on a two-week swing of First Division exchanges which will take him to Albany, Buffalo, Detroit, Chicago, St. Louis, Kansas City, Dallas, New Orleans, Atlanta, Miami, Charlotte, Washington and Philadelphia in the order named.

•

H. J. YATES, who sailed on the *Washington* yesterday for a five-week business trip in England, was tendered a bon voyage party at the Warwich Tuesday night by about 50 executives of Consolidated and affiliated companies.

•

EDWARD BEATTY, general manager, and ED SHIELDS of the Butterfield circuit have returned to Detroit after conferring with Major LESLIE E. THOMPSON.

•

C. H. BRADFIELD, vice-president of Audio Prod., is back at his desk again following a period of recuperation from an appendix operation in Florida.

•

SELMA MARLOWE, tap dancer, has been signed by Warners for three shorts. She recently appeared at the State with the LOUIS SOBOL unit.

•

JOSEPH S. HUMMEL, Warner foreign sales manager, will arrive on the *American Legion* today from Rio de Janeiro.

•

JACK GOLDSTEIN, former exploitation manager for United Artists, has returned from a vacation in Atlantic City.

•

J. J. MCCARTHY, recovering from a recent attack of the grippe, is expected back at his office early next week.

•

FRANK F. KOLBE, president of Pathe, and ROBERT W. ATKINS, a director, are back from Florida.

•

GORDON E. YOUNGMAN, RKO attorney, left the coast yesterday for New York by plane.

•

MORT SHEA will arrive from Miami tonight.

•

AL ADAMS has joined ED FINNEY's staff at Republic.

SAM HAMMER, who has been with WHN for the past two years and prior to that with the Capitol for 10 years handling exploitation, has resigned to join General Electric where he will assist in advertising and exploitation.

•

IRWIN ZELTNER, one of OSCAR DOOB's right hand men, injured his knee the other night when he fell between an I. R. T. train and the platform. He is expected back at the office in a few days.

•

MAX LEFKOWITZ and ARTHUR SCHAEFER, Cleveland circuit operators, returned yesterday from a Mediterranean cruise and left last night for home.

•

LOU MILLER of the RKO sales department is vacationing at Pinehurst, N. C. He reports that he is shooting a 92 on the famous No. 2 course.

•

FREDDIE BARTHOLOMEW left for the coast yesterday on a call from M-G-M. He had planned to go to Washington on a stunt for U. A. on Saturday.

•

NICHOLAS M. SCHENCK has gone to Miami from the coast and is not expected back in New York for another week or longer.

•

CHARLES KOERNER, RKO theatre district head in Boston, is back in town and plans to stay around several days.

•

NAT LEVY, RKO branch manager in Detroit, is in town and will leave for the automobile city the end of the week.

•

DAVE LEWIS, newly appointed manager of M-G-M's branch in Japan, is due from Havana next week.

•

FRANK MCNAMEE, Philadelphia RKO exchange head, is visiting the home office for a few days.

•

FRED C. QUIMBY, recovered from an attack of the flu, returned to his desk yesterday.

•

AFRED S. KRELLBERG, film attorney, will sail for England Saturday on the *Ile de France*.

Columbia Six-Month Profit Is $781,273

(*Continued from page* 1)

shares as are currently outstanding, and after preferred dividends.

The financial position of Columbia is highly liquid, the report says, with current assets of $10,170,036, including cash or equivalent of $2,927,532, and current liabilities of $1,521,010. This is exclusive of assets of foreign subsidiary companies which were reported at a total net amount of $671,565, as of Nov. 30, 1935.

Moscoto in New House

Frank Moscoto, president of Gilyou Amusements, Inc., has opened a new theatre in Astoria. Percy Brown has taken over from the Level Amusement Corp., the Atlantic, East Rockaway.

Two Circuit Heads Favor M-G-M's Plan

(*Continued from page* 1)

thought in that "M-G-M has always been fair in its dealings with exhibitors and now is the time to play fair with the company." The two men also hold that M-G-M would not have suggested the cancellation plan if it were unreasonable.

Brandt is understood to have been the first local exhibitor to have signed the M-G-M agreement. He has more than 40 theatres. Rosenblatt, likewise, has put his signature on the contract. He represents about 10 theatres.

Cosman on the Coast

HOLLYWOOD, March 11.—Jack Cosman is here from New York and plans to return east the end of the week.

McClure Says Duffy's Bill Fills a Need

(*Continued from page* 1)

tion in the fixing of infringement penalties.

Urging adherence to the Berne Convention, McClure declared that the present discrimination against American authors and composers in Europe, instead of being a reason why we should stay out of the treaty, demonstrates the need for some way of securing protection abroad, where, he said, we do not now enjoy treaty protection, since existing agreements are insufficient and unsatisfactory.

Leading up to a discussion of the Duffy measure by considering the present copyright law, which, he said, is "inadequate and inapplicable," McClure told the committee the fundamental question is "whether tens of thousands of persons," or Ascap, should be the principal beneficiaries.

"We have to think of the hundreds of thousands of persons," he said; "we cannot permit in the law a provision that causes such great inconvenience and results in injustice when applied to characteristic cases.

"Shall we legislate for large numbers or for small numbers? No man who makes secondary use of music now can escape the sword of Damocles that always hangs over his head in the form of this minimum damage provision."

Asks Protection for the Public

When the present law was enacted, he asserted, "the need of the individual copyright holders transcended the need of the people." Further, he added, the creation of Ascap filled a real need, but under present conditions it is necessary that the public should be protected against exploitation by copyright owners.

McClure lectured the committee on its responsibility under the constitution to legislate for the welfare of the country as a whole, as contrasted with the expressions voiced by Chairman Sirovich that the constitution demanded that the rights of creators be safeguarded. Copyright and patents are designed to benefit the country by encouraging creation, the State Department official said, but were never intended solely to benefit inventors.

Elimination of the minimum damage clause will not ruin the music society, McClure declared, pointing out that "their own testimony showed performing rights societies in foreign countries are doing very well, although there is no minimum fee in those countries, or anything analagous."

The provisions of the bill, he explained, are considered by the Inter-Departmental Committee to afford adequate protection against infringement.

Moray on Field Trip

HOLLYWOOD, March 11.—Norman H. Moray, Vitaphone executive in charge of shorts, has left on a swing through the south, midwest and California. He will confer with Warner branch managers and exhibitors, and on the coast will talk product with Jack L. Warner. He will return about April 20.

Variety Club

Buffalo

BUFFALO, March 11.—Chief Barker JACOB LAVENE has filled all committees for the first ball to be held by Tent No. 7 in five years. The affair will be held in the Statler this coming Saturday.

Art Kassel's orchestra and Erwin Gluckman's orchestra will supply music. Radio comedians HENRY BURBIG and STOOPNAGLE and BUDD, the latter former local boys, are scheduled tentatively to help entertain.

HARRY T. DIXON and NATE SAUBER are active co-chairmen, with tickets in the hands of NICHOLAS J. BASIL and CARL W. KEMPKE. HARRY ALTMAN, DEWEY MICHAELS and MURRAY are handling entertainment.

Favors and menus have been left to ROBERT T. MURPHY, with DIXON and SAUBER sitting in. KENNETH ROBINSON is looking after reservations and seating, and C. ARTHUR WOODWARD, JOHN CHINELL, WILLIAM F. BORK, ELMER C. LUX, LU BLUMENFELD and GEORGE ROSENBAUM on the reception committee.

BASIL BRADY and PHIL LAVENE are handling transportation, with exploitation being done by JOHN SITTERLY, MIKE SIMON, RALPH MAW, I. R. LOUNSBERRY and EDGAR H. TAWMLEY. EPHRAIM BETTIGOLE and H. H. WEBSTER will arrange for decorations.

JOE FRIEDMAN heads a journal committee including: OTTO A. SIEGAL, LEO MURPHY, GEORGE W. FERGUSON, M. V. SULLIVAN, NORMAN L. SPER, EMERSON DICKMAN and NATHAN MARCUS, J. R. LEVEE, ALEX WEISSMAN and MICHAEL KALLETT of Syracuse and A. T. HARRIS of Rochester.

Milwaukee

MILWAUKEE, March 11.—The local Variety tent held a house warming in its new quarters in the Schroeder hotel. The new clubrooms are considerably larger than the former quarters in the Plankinton.

The tent will hold its annual circus at the Schroeder on Saturday, at which it hopes to raise sufficient money to provide for the furnishing of its new quarters.

Final Pleas Heard In Anti-Trust Suit

WILMINGTON, March 11.—Final argument was heard before Judge John P. Nields in U. S. District Court here today in the anti-trust suits of General Talking Pictures Corp. and Duovac Radio Corp., against Electrical Research Products, Inc., Western Electric and A. T. & T. The defendants are charged with having built up a monopoly in the film industry through a series of contracts with exhibitors.

The Stanley Company of America was formerly a co-plaintiff but has settled its grievances with the defendants. Duovac is no longer an active organization.

The trial opened last May and lasted almost two months.

Cloud Scenes Being Shot

PORTLAND, Oregon, March 11.—Columbia technicians, in company with Frank Clark, stunt flyer, have spent the past week in the Rogue River valley shooting cloud scenes for use in "The Devil's Squadron."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Broadway Playboy"

(Warners)

HOLLYWOOD, March 11.—This picturization of George M. Cohan's "Home Towners" is light, humorous film fare which should fulfill the producer's aim as average program entertainment.

The characters move through the hokum situations with necessary speed to sustain the action with every directorial liberty taken for the audience laugh reaction. The theme centers around the meddlesome efforts of Gene Lockhart, a hayseed from Big Bend, to put a crimp in the marriage plans of Warren William, his lifelong pal. Lockhart has William's interests at heart, but things happen when he accuses William's fiancee, June Travis, of golddigger tendencies and hops on Miss Travis' father, mother and brother for their racketeering methods in helping William spend his millions. Wrestling matches between the two families, verbal battles and much sobbing complete the comedy rigamarole, with Lockhart and his wife, Kathleen Lockhart, the central comic figures. Lockhart succeeds in ironing out the difficulties and reestablishing himself as the best man at the wedding.

Characterizations by William, Miss Travis, Barton MacLane, as the wrestling butler, Dick Purcell, the brother, and the balance of the cast are adequate. William McGann drains the story for the laughs. Roy Chanslor penned the screenplay, retaining much of the Cohan flavor.

Production Code Seal, No. 2,023. Running time, 60 minutes. "G."

Looking 'Em Over

"Young Love"

(Metropolis)

An entirely simple, human story of the affection of a young peasant boy and girl, this Czechoslovakian-produced film from Elekta Film, Prague, may be considered one of the more interesting importations to this country. Completely unsophisticated in every sense, the producers have told their story in terms of the people of which the picture treats.

The current furor which has been aroused by the original title of the film, "Ecstasy of Young Love," has, of course, no justification whatsoever as far as the picture itself is concerned. The use of the first word, causing the film to be confused with another Czechoslovakian picture, creates an entirely wrong impression for this film.

Photographed amid the beautiful scenery of the Sazeva Valley of Bohemia, which adds much to the effect of the whole production, the film features two players who, the program notes, have never acted before. Their work is refreshing in its naturalness. The boy, Paul, and the girl, Pepi, are close friends. The girl's dream is one day to own a pair of shoes, the boy's to be able to get them for her. Paul's father fears his son's love of the woods will lead him to a life of poaching, and decides to send him to town to school.

Paul is concerned only with catching a huge pike, which is destroying smaller fish, and for which a reward is offered. A highlight of the film is the underwater battles between the fish and the boy until he finally makes the capture. Meanwhile, his clothes having been picked up in the river, Paul is thought to have drowned. Instead, with his reward he buys the shoes he has promised Pepi, and a joyful reunion follows his safe return.

Reviewed without production code seal. Running time, 72 minutes. "G."

Skouras Takes Majestic

George Skouras has taken over the Majestic, Jersey City. Although preliminary reports indicated he would keep the house closed, Skouras has stated he may alter the interior and reopen it shortly.

Pipe with Pressbook

Warners have turned out a novelty with the first Joe Palooka short pressbook—a square pipe with tag attached. Along with it are instructions to "Put this in your pipe and smoke it."

Theatre Bars Advocated

ALBANY, March 11.—The legalization of bars and cafes in New York theatres was advocated yesterday at a hearing on the Brownell bill by a group headed by Edith J. R. Isaacs, editor of *Theatre Arts*.

Bill Hart at M'Creery's

William S. (Bill) Hart, two-gun man of the old silent days, made a personal appearance at McCreery's yesterday during the store's exhibition of old-time films.

Short Subjects

"March of Time No. 3"

(RKO)

As always, containing material of a high degree of interest, and produced in effective fashion, pictorially and in choice of descriptive incident, this third issue of the year features three subjects: France's penal colony at Devil's Island, the recent unsuccessful military coup in Japan and the fishing industry of New England.

The first sequence, describing the geographical situation of Devil's Island, which in the past has made escape well-nigh impossible, and survivors few, points to the growth of a new "racket," centering in Marseilles. For 20,000 francs, escape from the colony is arranged—with a money back guarantee. So successful has been the work of the escape ring, that France is seriously considering abandoning the convict camp which has been a symbol of dread incarceration throughout the world.

Extremely effective is the reenactment of the action of a group of Japanese army officers, who, dissatisfied with the military policies of the Government, one night struck down several officials, while the premier was saved by the sacrifice of his brother-in-law. The extreme spirit of patriotism and loyalty to the Emperor which prompts such actions, and the traditional and formal suicide of the perpetrators, is significantly portrayed.

The final episode describes pictorially and vocally the manner in which the center of the New England fishing industry has shifted from Gloucester and its schooners to Boston and its stream trawlers, the fight to stave off ruinous competition by a reduction of the tariff on Canadian fish, and the new impetus which came to the industry with the popularizing of the formerly discarded red fish, renamed sea perch.

Previewed without production code seal. Running time, 18 mins. "G."

"Mickey's Grand Opera"

(Disney—U. A.)

With Mickey Mouse as the orchestra conductor, Clara Cluck as the soprano, Donald Duck as the tenor and Pluto as the nuisance, this Disney color cartoon has an all-star animated cast, if ever there was one. Pluto's insatiable curiosity about the magician's magic hat he finds back stage, is the focal point about which the laughable excitement centers, while the operatic rendition of the two leading "singers" is almost too good to miss. Donald Duck is in trouble, as usual, with the expected entertaining results. Production Code Seal, No. 1,193. Running time, 8 mins. "G."

Si Fabian Talking Pool in Middletown

Si Fabian, who recently acquired the State and Stratton in Middletown, N. Y., from the estate of Hathaway Bros., is talking over a pooling deal with Paramount for the Paramount in the same town.

Some time ago George Walsh, Paramount upstate division head, tried to work out a pooling arrangement with the Hathaways, but did not complete the deal.

Reports thus far are to the effect that a joint operating deal had already been closed, but Fabian denied this.



Annette



Cecile

"THE COUNTRY DOCTOR"



Yvonne



Marie

GREATEST

Copyright 1936 by
NEA Service, Inc



Emelie

ATTRACTION

DUSTRY

SEEN!

HELD OVER!

And steadily mounting business after smash openings makes 2nd week look even bigger than the 1st!

HELD OVER!
FOX, DETROIT

HELD OVER!
NEW, BALTIMORE

HELD OVER!
CAPITOL, RICHMOND

HELD OVER!
STRAND, LOUISVILLE

HELD OVER!
LOEW'S STATE, LOS ANGELES
(Day and Date)

HELD OVER!
CHINESE, LOS ANGELES
(Day and Date)

HELD OVER!
KEITH'S, PORTLAND, ME.

HELD OVER!
There's a lot more to list but there's no more space.

20th CENTURY FOX

THE KEYSTONE
OF YOUR FUTURE

Cancellation "Worthless," Says Yamins

(Continued from page 1)

a standard form of contract, Yamins said, there is in fact no such thing if by the term is meant a form including certain clauses that every distributor uses. "The distributor writes his own contract; he is not regulated and he can do as he pleases," he said. He declared that failure to enact the legislation will be construed by the producer as an invitation to make the kind of films Hollywood wants and to distributors to "change the terms of their contracts so that unfair trade practices will continue."

"I am not an endowed art museum," declared Walter B. Littlefield of Boston, discussing his efforts to "elevate" his audience by showing "The Man Who Played God," which turned out to be a loss, although it was successful in nearby houses. "I cannot afford to play such pictures," he said.

Littlefield Talks Differentials

Asked by Chairman Pettengill for his views on the bill's prohibition against differentials between blocks and less which would be "coercive," Littlefield explained that it depended on the pictures. If a distributor offered 10 films for $1,000, but demanded the same for half of them, that might be coercion, he said, but if nine of the block were cheap westerns and the tenth was a "Cavalcade," a price of $900 for the latter might be all right.

Littlefield criticized the distributors for lack of foresight in forcing pictures. He made a spirited defense of the proposal for a synopsis on every contract, declaring, "It seems to me to be just a happy medium between the unlimited license which now exists and the other extreme, which some people want, which is a trade showing of every film before it is sold. I claim that both extremes are unreasonable and unworkable," he said.

The witness was questioned at length regarding censorship, and explained that Massachusetts reviews pictures only for Sunday showings and that the board has passed many to which local organizations object. This led Representative Cooper to remark that "there seems to me to be something wrong with censorship."

H. M. Richey of Detroit, general manager of Allied of Michigan, said that local organizations throughout the country are "silent stockholders in our theatres." He contended that block booking does not apply to affiliated houses but is a device to control the independent.

Claim Affiliates Take Minority

Both Richey and Jeanette Willensky of Philadelphia, secretary of the I.M.P.T.O. of Eastern Pennsylvania, submitted figures to show that affiliated houses took only a small part of any one company's output, while the remainder was forced on first-run independents and subsequent-run houses. Miss Willensky told the committee that the heads of the industry "are drunk with power" and that it is time for Congress to step in.

She submitted a printed sheet about four feet square showing in large type the film company salaries as reported by the Federal Trade Commission, declaring them "unbelievable" and predicting they would be cut if block booking were eliminated.

While the maker of most articles can set a retail price which prevails in all sections, the exhibitor's retail price must be "based on what the traffic will bear because there is no fixed price per unit for the thing we are selling," it was said by Col. H. A. Cole, head of Texas Allied. He charged that contracts now offered in Texas towns where there is a Publix interest contain a prohibition against admission prices of less than 25 cents. As a result, he said, many exhibitors have had to increase their admissions and their grosses have fallen off.

The Ohio censors have passed all of the pictures banned by the Legion of Decency, said P. J. Wood of Columbus in answer to questions by Cooper. Wood declared he could not say why the board was so lenient. The independents' presentation was concluded by Sidney E. Samuelson of New Jersey, who declared, "We ask restoration and not innovation" and charged that the industry is mopolized despite the fact that there are eight companies. "The test of monopoly is not the number of companies doing business," he commented.

Because of hearings on another bill, the sub-committee will be unable to sit during the remainder of the week, but if those hearings conclude in time, it will resume consideration of block booking March 16, when the public organizations supporting the measure will be heard, followed by the distributors.

Premier of Spain Asks Arbitration

(Continued from page 1)

tributors with the exception of RKO and Columbia, who are not members of Mutua, will retaliate. Mutua has notified the exhibitors of its stand and the move will become effective eight days after legal notice has been given.

M-G-M's home office apparently is in the dark over the basis for the Barcelona exhibitors' protest, but after receiving a cable from Jacques Edelstein on the boycott, which was put into effect Monday night, Mort Spring, Arthur Loew's assistant, cabled the Paris office to start an investigation.

Laudy Lawrence, who evaded questions pertaining to the issue upon his arrival Tuesday on the *Ile de France*, is understood to have telephoned Edelstein from the liner while en route to this country.

Arthur Loew, head of M-G-M's foreign activities, who was scheduled to arrive from Rio de Janeiro by plane last night, was grounded at Raleigh, N. C.

Bank of America at $3

The Bank of America National Trust and Savings Ass'n yesterday placed its stock on a regular $3 annual basis with declaration of two quarterly dividends of 75 cents each. Dividends are payable March 31 to stockholders of record March 20 and June 30 to stockholders of record June 20.

"Here Today —"

Toronto, March 11.—G. W. Calhoun drove here to arrange bookings for his Capitol at Aylmer, Ont. When he returned home he discovered he had no theatre for the bookings. It had burned down during his short absence.

"Doctor" Big In First Week On the Coast

Los Angeles, March 11.—"The Country Doctor" got off to a flying start in its day and date engagements at Grauman's Chinese and Loew's State. The take at the former, $14,000, was $2,000 over average, and at the latter it was $20,000, up by $6,000.

"Follow the Fleet" had a smashing second week. At the Hillstreet it was over par by $2,000 on a gross of $10,000 and at the Pantages it was $6,500 to the good on a take of $9,700. "The Preview Murder Mystery" garnered $24,022, over the line by $6,022, at the Paramount, with a stage show headed by George Burns and Gracie Allen.

Total first run business was $101,522. Average is $88,150.

Estimated takings for the week ending March 11:

"THE COUNTRY DOCTOR" (20th-Fox)
CHINESE—(2,500), 30c-55c, 7 days. **Gross:** $14,000. (Average, $12,500)

"LAST OF THE PAGANS" (M-G-M)
FILMARTE—(800), 30c-40c, 7 days. **Gross:** $1,800. (Average, $2,000)

"THE VOICE OF BUGLE ANN" (M-G-M)
4 STAR—(900), 30c-55c, 7 days. **Gross:** $3,200. (Average, $3,250)

"PEETERSSON-FERIGE" (Foreign)
GRAND INTERNAT'L—(750), 35c-40c, 7 days. **Gross:** $2,100. (Average, $1,200)

"FOLLOW THE FLEET" (Radio)
HILLSTREET—(2,700), 25c-40c, 7 days. 2nd week. **Gross:** $10,000. (Average, $8,000)

"THE COUNTRY DOCTOR" (20th-Fox)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $20,000. (Average, $14,000)

"FOLLOW THE FLEET" (Radio)
PANTAGES—(3,000), 25c-40c, 7 days. 2nd week. **Gross:** $9,700. (Average, $3,200)

"PREVIEW MURDER MYSTERY" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Geo. Burns & Gracie Allen, Ben Blue, Cardini, Jacques Renard & Band, Milton Watson, F. & M. revue. **Gross:** $24,022. (Average, $18,000)

"STORY OF LOUIS PASTEUR" (F.N.)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-40c, 7 days, 2nd week. **Gross:** $8,600. (Average, $14,000)

"STORY OF LOUIS PASTEUR" (F.N.)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days, 2nd week. **Gross:** $8,100. (Average, $12,000)

Barnetts to Celebrate

Pittsburgh, March 11.—Al Barnett, Universal manager, and Mrs. Barnett will celebrate their 21st wedding anniversary this week-end in Buffalo. They came to Pittsburgh from that city several years ago.

At the same time, Barnett will represent the local tent at the Buffalo Variety Club's annual dinner on Saturday night.

Blumberg in Frisco

San Francisco, March 11.—Nate J. Blumberg, general theatre operator for RKO, is here from Los Angeles until the end of the week, when he will go to Denver. Mrs. Blumberg is accompanying him.

Say Laemmle Will Modify Option Terms

(Continued from page 1)

ported ready to meet the cash requirements if the demand is made.

Originally and aside from the $1,500,000 cash payment, over which there has never been any discussion, the remainder was to be met in whatever manner Dr. A. H. Giannini chairman of the board of Bank of America, elected. He is declared to have insisted upon cash or Government bonds, which explains why Standard Capital, which had figured on furnishing new Universal stock and debentures to cover the balance, had to scurry for additional cash.

Financially associated with Cowdin are Erpi, Eastman Kodak and C. M. Woolf, head of General Film Distributors of London. The latter's participation involves an agreement for the distribution of a certain amount of the British company's product in America by Universal and possible British distribution of Universal product by Woolf's company abroad.

Robert H. Cochrane, senior vice-president of Universal, is expected to be named president of the company, and Cowdin chairman of the board, if the option is exercised.

Acquires Cooling Units

The U. S. Air Conditioning Corp., through J. J. Ferretti, has closed with the Baker Ice Machine Co. of Omaha for distribution of Baker compressors and condensers to theatres. The first installation of the former's Kooler-Aire system using Baker units will be in the Palace, Youngstown, O., a Monarch house.

Wall Street

Small Gains Continue on Board

	High	Low	Close	Net Change
Columbia, vtc	39	37	39	+1¾
Consolidated	6⅞	6½	6¾	.....
Consolidated, pfd.	19½	19	19⅜	+ ⅝
Eastman	164	164	164	.....
Loew's, Inc.	51¼	49⅛	51¼	+2¼
Paramount	10	9⅜	9⅞	+ ⅝
Paramount 1 pfd.	73⅞	71	73½	+2¼
Paramount 2 pfd.	11¼	10	10⅞	+ ¾
Pathe Film	8¾	7¾	8⅜	+ ½
RKO	8¾	8	8⅛	+ ⅛
20th Century-Fox	30¾	30	30⅝	+ ⅝
20th Century, pfd	39⅞	39	39	+1
Universal, pfd	78	75½	75½	—2¾
Warner Bros.	12¾	12	12½	+ ⅝

Curb Off Slightly

	High	Low	Close	Net Change
Sentry Safety	15/16	⅞	⅞	—1/16
Sonotone	2⅞	2⅝	2¾	— ⅛
Technicolor	32	31	31	—1
Trans-Lux	4¼	4⅛	4⅛	.....

Most Bonds Gain

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	30½	28¾	30½	+2
General Theatre Equip. 6s '40 ctf	30	28⅝	29¾	+1¾
Keith B. F. 6s '46	95¼	95	95¼	+ ¼
Loew's 6s '41 ww deb rights	102	102	102	.....
Paramount Pict. 6s '55	89½	88	89	+1
RKO 6s '41 pp	75¾	75¾	75¾	— ¼
Warner Bros. 6s '39 wd	92	90¾	91⅞	+1⅛

(Quotations at close of March 11)

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MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry In All Branches

VOL. 39. NO. 61 NEW YORK, FRIDAY, MARCH 13, 1936 TEN CENTS

Jersey Levy Is Defeated In Assembly

Bill Will Be Considered Again Today

TRENTON, March 12.—Both branches of the State Legislature recessed this afternoon until tomorrow night without reconsideration of the amusement-luxury tax bill. The measure was defeated in the Assembly early today by 19 to 37, 12 votes less than needed for passage.

The tax bill is scheduled to be reconsidered in the Assembly tomorrow as the first order of business. The bill calls for a 10 per cent tax on the gross receipts of all amusements, and levies of from 10 to 20 per cent on tobacco, cosmetics, camera films and soft drinks.

A powerful lobby, headed by the film and tobacco interests, succeeded in defeating the program after legislative leaders apparently had lined up the votes to pass it. Senate leaders are bringing pressure to bear, however, and plan to hold the Legislature in session all night tomorrow and all

(*Continued on page* 5)

Plans Are Set for Montreal Producing

Plans have been completed by Amusement Securities Corp. in association with Canadian financial interests for the production of 18 features at Montreal, to be designed for both the American and British markets and to be made in compliance with the British quota laws.

The first picture was completed recently after having been undertaken as a test production to determine whether product made in Montreal under the British quota laws could be

(*Continued on page* 5)

Discuss Changes in Tobis Royalty Deals

Major company representatives yesterday discussed changes to be sought in current agreements with Tobis covering the payment of royalties to that company on pictures distributed in Germany, Austria and other central European countries, at a meeting at MPPDA headquarters presided over by Leopold Friedman of MGM.

The proposed changes are to be submitted to Dr. Henckele of Berlin, Tobis representative, within the next few days. The American companies will ask for reductions in the royal-

(*Continued on page* 5)

13 Years for Thalberg

Hollywood, March 12.—Irving Thalberg's new ten-year agreement under which he becomes an autonomous producer has been signed. With three years still to go on his old pact, this will keep him with Metro for 13 years to come. It is probably the longest term contract in the industry.

20th-Fox Unit In England to Make 4 Yearly

BY BRUCE ALLAN

LONDON, March 2.—Furthering plans made by Joseph M. Schenck on his last London visit, Twentieth Century-Fox has formed New World Prod. for the purpose of producing four British films, costing $500,000 each, for Twentieth Century-Fox world distribution in the next 12 months.

Robert T. Kane, who came to England with Sidney R. Kent, to be director general of Twentieth Century-Fox production in England, has been associated with Dr. Paul Czinner in the production of the Elisabeth Bergner "As You Like It" for Inter-Allied. He will have full charge of New World production.

Twentieth Century-Fox will handle "As You Like It," but the role of British producers-in-chief for them, for which Inter-Allied appeared to be

(*Continued on page* 8)

Saperstein Elected Illinois Allied Head

CHICAGO, March 12.—Aaron Saperstein was reelected president, to serve his seventh term as head of Allied of Illinois, at its seventh annual election held here today at the Congress Hotel. More than 200 members attended.

In addition to Saperstein, the officers elected were: Van Nomikos, vice-president; Harry Lasker, secretary; Joe Stern, treasurer, and Harry Nipo, sergeant-at-arms. The board of directors is to be announced tomorrow.

Today's meeting was occupied with discussions concerning the labor situation and problems of relations with distributors. The first board meeting will be held next week, when a general meeting date will be set for the outlining of the organization's plans for the coming year.

Copyright Fee Fixed by Law Is Suggested

Proposal Is Discussed At House Hearing

By CLARENCE LINZ

WASHINGTON, March 12—Possibilities of Congressional action to fix the license fees to be paid by the film industry, broadcasting stations and other users of copyright music were explored today by the House Patents Committee as the third week of hearings on copyright revisions were brought to a close.

The suggestion was made by Representative Cramer of California after Representative Daly of Pennsylvania had criticized the attitude of Senator Duffy of Wisconsin and had precipitated an argument among members of the committee.

Appearing before the committee for further questioning, Senator Duffy was examined at length on his proposal to eliminate the $250 minimum damage clause, Chairman Sirovich taking the attitude that if the minimum were eliminated the maximum should also be.

The Senator explained that the minimum has been used "as a club in

(*Continued on page* 5)

Ampa Dinner Ticket Sales Top Last Year

Ticket sales for the Ampa Naked Truth dinner have passed the 600 mark set last year, according to Gordon White, and a record attendance is now assured.

Choice of the master of ceremonies is still to be made from three names, but the program details are complete, and one of the novelties will be a floor spectacle to wind up the entertainment program. Stage and screen talent lined up includes plenty of the best known acts, White says.

"New Astaire Deal," States Leo Spitz

HOLLYWOOD, Mar. 12.—Answering the report that a rift existed between Fred Astaire and RKO, Leo Spitz today stated, "We are negotiating a new deal with Astaire and we are sure that everything will work out satisfactorily to all concerned."

Spitz said that the star has one more film on his current contract and that the RKO option calls for three for next year. Astaire's objection to the latter figure was the cause of the misunderstanding.

M.P.T.O.A. Is To Seek New Trade Pacts

Objective Is Complete List of Practices

A master committee of the M. P. T. O. A. will be designated in the near future to meet with company heads and sales executives in an effort to work out a complete program of approved trade practices, it was stated yesterday by Ed Kuykendall.

The national exhibitor organization's annual board of directors' meeting at Miami last week authorized Kuykendall to make arrangements for the conferences and to designate either a special committee or the executive committee of M. P. T. O. A. to work with him. Kuykendall said yesterday that an active special committee would be named comprising representative exhibitors who would be able to attend the New York meetings with distribution officials at any time.

Present indications are that no attempt will be made to open the meetings until the current block booking and copyright legislation hearings in progress at Washington have been concluded.

Trade subjects which will figure in the discussions and on which agreements will be sought include either a straight 10 per cent cancellation without qualifications or an increase in

(*Continued on page* 8)

Standard-Universal Deal Is in Balance

The chances of Standard Capital Co. exercising its option to acquire a controlling interest in Universal before the option expires tomorrow night were quoted at eight to 10 by Standard interests yesterday despite the fact that no decisive change in the situation was reported during the day.

With developments on both coasts being awaited, Standard is understood

(*Continued on page* 8)

Managers Seek New Talks with Writers

Reiterating its stand against acceptance of the new minimum basic agreement for playwrights and managers placed in effect March 1 by the Dramatists' Guild, the League of N. Y. Theatres, the producing managers' organization, at a meeting yesterday

(*Continued on page* 5)

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Para. Closes on New Product with Schine

Milton Kusell, New York state district manager for Paramount, has completed negotiations with Louis Schine and George Lynch on 1936-37 product which will be played in the Schine circuit of 70 theatres in New York and Ohio. Schine now has 18 houses in Ohio, has recently taken over two in Tiffin.

Mike Kallett, who has 17 units in the upstate New York territory, is in from Oneida conferring with Paramount on next season's lineup.

Skouras Theatres, the Century circuit and about 50 independent theatres in Kusell's territory already have signed for 1936-37 product.

Depinet, Levy Quit Coast

HOLLYWOOD, March 12.—Ned E. Depinet and Jules Levy will leave tomorrow for Dallas and are expected to return to New York in a week. Levy recently returned from San Francisco. Leo Spitz is prolonging his stay for further studio conferences and is not expected to return east for another fortnight.

Delay Fox-S. & C. Suit

The Twentieth Century-Fox suit against S. & C. for $18,000 on overages allegedly due the distributor on six features last season did not come up again yesterday. A crowded calendar forced the matter over until this morning. Unless cases ahead of it on the docket are disposed of the jury trial will go over until Monday.

Insiders' Outlook

By RED KANN

Hollywood, March 12.

HOW and why do performers who mean nothing, or next to it, at the box-office continue to get work at princely salaries? Why does the golden landslide continue for commercial near-nonenities? The answers to that are several. For one thing, this is a "name" business. The cry for personalities starts with the public, percolates through the exhibitor to the salesman, branch and district managers, New York and so over the grades into Hollywood. Therefore and because producers know that the safest course to follow in the unsafe business of making pictures is to ply casts with names, they hire what they can and hope for the best. . . .

▼

Self-adulation which takes the form of advertising to each other locally keeps the name market flourishing. That is exactly the purpose and it succeeds very well indeed. The barrage, either ahead or behind it, is the agent, and the victim, conscious and otherwise, is the producer. He continues to be the fall guy who forever is impressed by news items published locally and occasionally elsewhere beyond the hills. On the general and silly theory that what is talked about in Hollywood will be talked about in the world beyond, deals are made and box-office anathema hired month in and out. . . .

▼

There is the occasional producer and director who take themselves into the field in an endeavor to learn what others feel about their motion pictures. It must be an enlightening experience and suggests readily enough the wisdom in a greater number emerging from their Southern California vacuums sufficiently long to poke their heads outside. Making entertainment for the masses, it might be a thought to grace the lower levels and, by the common touch, discover what they think and want. . . .

▼

The fruits of such slumming would divulge considerable. For instance, it would become immediately patent that some names, big in Hollywood eyes, actually keep the public away from the box-office. It could be learned that a male star, now drawing over $100,000 a picture and fought over, is regarded in this wise by one of the nation's biggest circuit operators: "He doesn't sell tickets, but he doesn't keep them out." It could be ascertained that many—surprisingly many—featured players now employed regularly here add not one scintilla of commercial draw to the pictures in which they appear. . . .

▼

This merry-go-round, expensive beyond the dreams of a Croesus, gyrates because few here can see the woods for the trees. The name equation, persisting over the years, by this time cannot be routed out; it would be a foolhardy experiment to launch. The difficulty, however, is not one of names, but of their calibre. "Nameless names" is Ben Schulberg's apt description. He finds there is no differentiation drawn between genuine names, phony names and no names at all. The conclusion can be only one: All names, established or not, get the breaks and the wine flows freely. . . .

▼

Harold B. Franklin, his throne not so mighty these days, sits in his small office at Columbia observing the scene, confidently biding his time. Speaking as one new in production, but drawing copiously on his long experience as a big-time theatre operator, he believes the situation can be solved only through development of new talent. Producers, all of them, are fiddling around with it, each one hoping that when he least expects it a new find will burst upon a startled world, not excluding his own. . . .

If and when, then what? The ante will skyrocket, agents willing, and they are. Salaries for the new geniuses will continue their dizzy climb and the parade will move along on its dazed, but happy, way. This righteous disturbance which is ours undoubtedly makes for a varied assortment of nonsense. Nothing will be done about it; nothing ever is. Solving nothing as we appreciate this does, the blood pressure, nevertheless, is dropping now and our sense of humor returning. We are on our way to find the two chaps who spoke so vehemently on the Metro lot the other day. One of them remarked to the other: " . . . and he's a sucker if he takes four grand a week." . . .

Co-Star Gable, Crawford

HOLLYWOOD, March 12.—Clark Gable and Joan Crawford will be co-starred in "Parnell" by M-G-M, soon to be started by John M. Stahl.

Form Republic Club

A Republic Club has been organized at the home office and plans call for the first meeting on St. Patrick's Day for the election of officers.

Exhibitors Set for Booking Bill Fight

A large exhibitor delegation will appear in opposition to the Pettengill Bill when the hearings before the House committee are resumed in Washington on Monday.

Among those scheduled to be heard are M. A. Lightman, Memphis, president of the M. P. T. O. of Mississippi, Arkansas and Tennessee, which comprises three individual M. P. T. O. A. units which consolidate activities whenever mutual interests are involved; Hugh W. Bruen, Seattle, president of the M. P. T. O. of the Northwest; Ray Morrow, president of the I. T. O. of Arkansas; Stanley Sumner, Cambridge, Mass., exhibitor; George P. Aarons, secretary of the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware; Jack Miller, president of the Theatre Owners Ass'n. of Chicago; Morton Thalheimer, president of the I. T. O. of Virginia, and Ed Kuykendall, president of the M. P. T. O. A.

Most of these exhibitor leaders are in New York at this time and will leave for Washington on Sunday.

Quigley Award Vote Fixed for March 17

Judging for the 1935 Quigley grand awards for exploitation will be held at the New York Athletic Club March 17, under the supervision of A-Mike Vogel, chairman of the Managers' Round Table Club of *Motion Picture Herald.* From the 24 campaigns which received the silver and bronze plaques each month during 1935 will be selected two for the silver and bronze grand awards.

It is planned to present the awards in Hollywood late this month or early in April. Arrangements have been made with T.W.A. to transport the winners by plane to the coast for the presentation.

Smith Gets Summons In St. Louis Action

A. W. Smith, vice-president and western division sales head for Warners, was served yesterday with a copy of a complaint and a summons in connection with the Government's civil suit against Warners, Paramount and RKO for allegedly refusing to sell the Ambassador, Missouri and New Grand Central in St. Louis.

George J. Schaefer, vice-president and general manager for U. A., also has been served since he took over his new duties. Both are individual defendants in the action.

"Klondike" Seattle Hit

SEATTLE, March 12. — "Klondike Annie" registered the largest opening-day gross of any of the last three West pictures, at the Orpheum. This was in spite of, or as a result of, the campaign against the film by Hearst's *Post-Intelligencer.*

The picture was previewed by the censors and was passed with no eliminations.

Pathe Votes Dividend

Pathe Film Corp. yesterday declared a dividend of $1.75 on its seven per cent preferred stock, payable April 1 to stockholders of record on March 23.



Annette



Cecile

"THE COUNTRY DOCTOR"



Yvonne



Marie

IS THE GREATEST



Copyright 1936
NEA S... In...

Emelie

BOX-OFFICE ATTRACTION

THEY'RE SAYING IT WITH HOLD OVERS!

THIS INDUSTRY HAS EVER SEEN!

20th CENTURY FOX

THE KEYSTONE
OF YOUR FUTURE

Sunny WITH THE FUN THAT MADE HIM FAMOUS!

Mellow WITH THE WARMTH OF HUMAN EMOTION!

A new kind of star... down to earth and up to mirth... as a jovial oldster who out-witted the youngsters who tried to out-smart him! Just what your audiences cry for... and laugh for, too!



Irvin S. Cobb IN

EVERYBODY'S OLD MAN

with

ROCHELLE HUDSON

JOHNNY DOWNS · NORMAN FOSTER
ALAN DINEHART · SARA HADEN
DONALD MEEK · WARREN HYMER

Associate Producer Bogart Rogers

Directed by James Flood

Screen play Patterson McNutt and A. E. Thomas

Suggested by the story by Edgar Franklin

A FOX PICTURE

DARRYL F. ZANUCK
In Charge of Production

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Copyright Fee Fixed by Law Is Suggested

(Continued from page 1)

bargaining" and that the maximum had been increased from $5,000 to $20,000 because in the case of radio the former might not be sufficient. The first draft of the bill, he explained, carried a minimum of $100, but that was eliminated as giving the same club as $250.

Members of the committee entered into lengthy argument with Senator Duffy over the desirability of leaving it entirely to the courts to determine the amount of damage caused by infringement, the Senator explaining that it would be necessary only for a plaintiff to show ownership of a copyright and its violation and holding that the courts could be depended upon take the proper action.

Negro Exclusion Explained

It was pointed out by Representative Perkins of New Jersey that a negro refused admission to a picture theatre in his state might sue, but that the law fixed a minimum penalty, "the purpose being to deter the owner of the place of amusement from excluding people on the ground of color." He suggested that the idea of a deterrent also be applied in the case of infringement.

"I think that was the original idea," Duffy agreed. "We are dealing then with individuals and the provision was not used as a club. It had been suggested that the present minimum damage provision should not be allowed to apply where two or more people were involved on one side," he added.

Asked by Sirovich how it was, since Ascap has been permitted to collect $250 for each violation, the society has collected only $8,800 under judgments, Duffy charged that Ascap uses the judgment as a means of bargaining for a license and the money collected is then recorded as license fees. The figure on collections, he asserted, means nothing.

Duffy Ignores Sirovich

"Do you think that where we have the minimum damages fixed, the deterrent effect is more than an offset to the disadvantage of having a minimum?" Perkins asked. "That might be true as to individuals," Duffy replied, "but I think it works out that way with this rather formidable organization."

Lengthy, involved statements by Sirovich, ending up with a question mark, received little attention from Duffy, who at one point told the chairman: "You ask about half a dozen questions at once."

Duffy became restive under the questioning of Daly, who started out by asking whether the Senator saw anything "sinister" in the letters of Ascap to infringers telling them "it will be better if you do not break the law." Duffy replied that the letters did not say that, but did say: "It would be cheaper for you to take a license."

"It is that arrogant attitude that you can't bargain about this thing, but you must pay what we say or be closed up," that we object to, he explained.

Declaring that Duffy had consistently taken the part of the consumer, Daly charged that much of his material must have been furnished by "a member of his committee." Duffy replied: "I have never discussed anything with Mr. O'Malley, if that is who you mean."

"Is that the only answer you can give?" Daly continued.

"That is the only answer I intend to give to you," the Senator retorted.

Church Asks Decorum

Daly attempted to continue the argument, but Representative Church of Illinois yelled: "We are going to have a little dignity here," and objected to any further remarks from the Pennsylvania member. Representative Dean of Georgia also was angry, declaring that the Senator has been before the committee for as long a time as he had said he could spare, "and has been lectured by members of the committee and arguments have occurred between members."

"This committee is not acting in a dignified way," he said. "Personally, I am going to retire from the committee."

Duffy told Dean, after order had been restored and questioning resumed that the Department of Commerce had made a study of the laws of some 30 countries and had found none that had a minimum damage provision.

"Do you think the Patents Committee would be in better position to determine whether $250 is proper as against the judgment of the court?" Dean asked.

"I think it should be left entirely to the courts," Duffy said.

McClure Recalled

Members of the committee discussed the situation caused by the resignation of Warners from Ascap with Wallace McClure, assistant chief of the Treaty Division of the State Department, who was recalled for questioning.

McClure explained that it is now necessary for some consumers to secure two licenses instead of one "with no assurance that there may not be a third organization" at any time.

Most of the questions directed at McClure referred to conditions which would exist if this country should join the Berne Convention. The State Department official held the benefits to be derived in some 45 countries more than offset the disadvantages in two or three where Americans are discriminated against.

Congressional determination of fees was broached first by Representative Cramer, who asked whether the rate could not be fixed by statute, McClure replying that "such information as we have as to the attitudes of other countries toward Government control, is along that line."

Representative Colden declared that some way should be developed to fix the royalty to be paid, suggesting that in the case of broadcasting stations it could be based on audience and similar factors and that in the case of the film industry it could be based on admissions, "so that the copyright owner may benefit in proportion to the use of his material."

"It seems that your proposition does not face any undue difficulty from the drafting point of view," McClure said. Cramer suggested that an amendment may be incorportaed in the bill that before any film, or any other user, may be charged with any penalty fixed by the act he shall be given notice in writing by the copyright owner that he is infringing, and until such notice has been given there shall be no charge of violation.

Admitting that this is an important question, McClure suggested it might be considered as putting an undue burden upon the copyright owner.

The committee will resume its hearings March 17 with further questioning of McClure, indications being that the remainder of the week will be devoted to the hearing of broadcasters.

Halt Film for Games

Chicago, March 12—Latest laugh locally is the way some exhibitors put on give-away games. One theatre which makes a habit of stopping in the middle of the feature to let the audience play Screeno, hit a snag the other evening. The picture halted for the game was "Mutiny On the Bounty."

The customers almost staged a mutiny and the manager had to go on with the picture and play the game when the screening was over.

Managers Seek New Talks with Writers

(Continued from page 1)

authorized its contract committee to open negotiations with the guild for a new agreement.

If the negotiations are unsuccessful, the league asks that the differences between the two organizations over the new agreement be submitted to arbitration, and that if this is refused, the contract committee of the league should proceed to draw up an agreement of its own to be used by the managers in their dealings with authors.

The league also authorized the drawing up of a mutual form of agreement under which managers would pledge themselves to use only the new pact drawn by their own contract committee.

The bulk of the managers' opposition is centered on the provisions of the guild's agreement which reduces the manager's share of the sale of film rights to stage plays in favor of the author. Guild officials have stated that no change in the agreement will be made unless the managers come forward with better provisions than those contained in the present one.

Colombo in Music Post

HOLLYWOOD, March 12.—Alberto Colombo, musical director at the Radio studios, has been made head of the music department, succeeding Fred Fleck who takes up a production post. Roy Webb will fill Colombo's former position.

Hoeffler-Warners Dicker

Paul Hoeffler is negotiating with Warners to produce a series of animal shorts. The deal is expected to be set in a week or so.

Jersey Levy Is Defeated In Assembly

(Continued from page 1)

day and night Saturday if necessary to solve the relief crisis.

Opposition to the amusement-luxury tax program has started a powerful movement in favor of a general tax on retail sales, amusements and services. This tax would be levied on all retail sales with the possible exception of food and fuel for home consumption. It would be a two per cent tax, thus quieting the opposition of the tobacco and soft drink interests to the 10 to 20 per cent schedules in the luxury program.

Efforts will be made to extend the levy to two per cent on amusements to answer the attacks of the film interests. However, this is likely to encounter further opposition because it would be a tax on gross receipts with no provision that it be passed on. Exhibitors thus would be forced to absorb the levy or raise their prices without advertising the boost as a tax.

All forms of amusement would be subject to the tax, with the exception of performances for charitable, religious, fraternal, civic and educational organizations, grammar and high school games and performances, and boxing and wrestling events already paying a tax.

Amusement operators would be required to pay the 10 per cent tax by the twentieth day of each month, the first return to be May 20. The tax would go into effect April 16 and would remain on the statute books until June 30, 1938.

Plans Are Set for Montreal Producing

(Continued from page 1)

successfully marketed in the United States and Great Britain. The picture "From Nine to Nine," will be distributed here by Universal. It was made by Coronet Films, brand name of the new production company, and financed by Amusement Securities, of which S. S. Krellberg is the head.

Alfred S. Krellberg of the law firm of Krellberg & Fitzsimmons will leave for England tomorrow on the *Ile de France* to make legal and distribution arrangements there for the complete schedule of 18. American distribution for the remainder of the schedule is dependent now on the completion of the British distribution arrangements.

Discuss Changes in Tobis Royalty Deals

(Continued from page 1)

ties established in 1928 under a 10-year agreement. A settlement will also be sought on the Tobis demands for payment in dollars rather than in the currency of the countries in which the royalties are applied. American companies have large credits in the central European countries involved which cannot be withdrawn and have offered payments to Tobis from these funds. Tobis has declined, however, with the result that it has collected no royalties for some time past.

DICK POWELL

AND

RUBY KEELER

AND

JACK OAKIE

AND

JOAN BLONDELL

AND

HUGH HERBERT

AND

LOUISE FAZENDA

AND

PAUL DRAPER

Broadway's Dancing Miracle Man



ARE

With Hundreds of Hollywood's Choicest Colleens.
Directed by Alfred E. Green.
Dances by Bobby Connolly.
4 Songs by Warren & Dubin.







ALL IN "COLLEEN"

AND

IT'S HEADING FOR 200 SIMULTANEOUS KEY DATES MARCH 21ST!







WARNER BROS.' FIRST BIG MUSICAL IN NEARLY A YEAR!

Continuing the Big Push that started with "Captain Blood"—"Ceiling Zero" "Petrified Forest"—"Louis Pasteur"—"Road Gang" in extended pre-release engagement at N. Y. Strand.

Purely Personal

HERMAN RIFKIN, Boston; IRVING MANDEL, Chicago; JACK BERKOWITZ, Buffalo; BERNARD MILLS, Albany; NAT LEFTON and JACK JOSSEY, Cleveland, all Monogram franchise holders, have returned to their respective headquarters after conferring with W. RAY JOHNSTON. JOHNSTON yesterday was laid up at the Warwick with a sore throat, but is expected back at his office today.

•

J. J. UNGER, CHARLES C. PETTIJOHN, GEORGE J. SCHAEFER, WILLIAM F. RODGERS and WILLIAM F. SCULLY have returned from Washington after attending the Pettengill hearings. JACK FLYNN, Detroit M-G-M district manager, also was in Washington for the sessions. He came on to New York and returned last night to the automobile city.

•

JACK BARNSTYN, after seven weeks on the coast, has returned to New York. On the way back he stopped off with his wife and daughter at the Grand Canyon and the Indian country.

•

CHARLES REAGAN, western division manager for Paramount, has discarded the cast from his right arm after a month. While in Indianapolis, he slipped in a bath tub and broke the arm which is now ship-shape.

•

JOHN D. CLARK and CHARLES E. MCCARTHY dropped in at the Music Hall at 2 P. M. yesterday for a look at the business the Dionne Quintuplets were doing.

•

JOSEPHINE HUTCHINSON, Warner star, leaves for the coast today. S. CHARLES EINFELD acted as her escort yesterday when she visited all of the home office executives.

•

ADOLPH ZUKOR lunched at the Astor yesterday. ARTHUR LOEW, LAUDY LAWRENCE, MORT SPRING and DAVE BLUM gathered at Sardi's.

•

RUSSELL HOLMAN and HERBERT WILCOX of Paramount left for Hollywood yesterday by train. They will remain two weeks.

•

M. ORLOW, formerly of the Philadelphia sales force, has been transferred to the New York exchange and is now working in the Brooklyn area.

•

KENNETH ROCKWELL, treasurer of the RKO 81st St., was yesterday switched to the Fordham in a similar capacity.

•

AL HOVELL, vice-president of Century Circuit, returned yesterday from Miami and Key West.

•

MAURICE LANDAU of the Republic accounting department is back at his desk after a honeymoon.

•

NEIL AGNEW is scheduled to return from a tour of Paramount exchanges in a week.

•

MERVYN and MRS. DORIS LEROY will arrive from the coast tomorrow.

Warners Start Ten More Music Actions

Warner music subsidiaries yesterday filed 10 additional actions in Federal District Court here against local hotels and cafes, alleging copyright infringement in the unlicensed performance of Warner owned music.

The actions named as defendants the Hotel McAlpin, Biltmore, Park Central, Edison, Leon & Eddie's, The Famous Door, Hotel St. George, Connie's Inn, Chin's Chinese Restaurant and the 151 E. 50th St. Restaurant. An injunction and $250 damages, plus an accounting of profits, are sought on each song allegedly performed without a license.

The new actions bring the total filed against hotels and cafes to 20. In addition, Warners have filed 97 actions against radio broadcasting stations.

Louis Mayer Honored By AOH and Shriners

SAN FRANCISCO, March 12.—Louis B. Mayer was honor guest and speaker here today at the annual luncheon meeting of the Shriners and Ancient Order of Hibernians held at the Palace Hotel.

Mayer was introduced by Henry Boyen, president of the Shriners' Luncheon Club, as "a man of international character." The producer, in a speech to the 1,500 present, which was also broadcast, stressed his intense love for San Francisco and for his friends. He attacked religious intolerance in foreign countries.

Among the guests were Max Gordon, New York stage producer; Louis Lurie, and Howard Strickling, M-G-M publicity director.

MPTOA to Formulate New Industry Pacts

(Continued from page 1)

the present cancellation provisions to 20 per cent; the preparation of uniform zoning plans; the establishment of local concilation boards to hear and settle industry disputes; full line forcing and regulations to control cutthroat competition.

Kuykendall emphasized that the committee to be named would not be a "grievance committee," but would be a representative group of the national exhibitor organization which would be prepared to "make suggestions" and seek solutions for major problems affecting both distributor and exhibitor.

Standard - Universal Deal Is in Balance

(Continued from page 1)

to be in the neighborhood of $500,000 shy of the $5,500,000 required for lifting the option. Interests associated with Standard expressed hopeful optimism during the day, while Universal officials professed no knowledge of new developments of any significance.

Settles Her Tax Claim

WASHINGTON, March 12.—Anna May Wong today was relieved of a Government tax claim for $880 against her 1932 salary, said to have been $21,275, by an agreement to pay $146.

Arbitrators Handle Barcelona Dispute

BARCELONA, March 12.—Differences between M-G-M and local exhibitors were placed before an arbitration board today and it is expected the dispute will be settled within a few days.

Jacques Edelstein, M-G-M branch manager, is absenting himself from the sessions.

Laudy Lawrence, M-G-M general manager in Europe and now here on his annual visit with Arthur Loew, is understood to be backing Jacques Edelstein on his stand in the Barcelona dispute with exhibitors. He will not discuss the matter, but it is learned the differences arose when a number of exhibitors were found to be bicycling M-G-M's product.

Lawrence is scheduled to return to Paris, his headquarters, in about two weeks.

Five Holdovers on In Denver Theatres

DENVER, March 12—Five holdovers are current this week. One of these broke four records in its first week. "Trail of the Lonesome Pine" at the Denham broke the weekly record last Friday and set a new high on Saturday. It then surpassed the Sunday afternoon record by a wide margin.

"Follow the Fleet" is in its second week at the Orpheum, as is "Bohemian Girl" at the Paramount, following a week at the Aladdin. The latter immediately followed "Professional Soldier," which also was there on a holdover from the Aladdin. "Country Doctor" will stay at the Denver 10 days. "Modern Times" has just finished a three-week run here, with a week each at the Denver, Paramount and Broadway.

M-G-M in Paramount Theatres at Boston

BOSTON, March 12.—A unique booking situation is the spotting of an M-G-M feature day-and-date in the first run Paramount and Fenway. Loew's has two local first runs, M. & P. three, and Radio two. Loew's State and Orpheum has been regularly playing M-G-M, Columbia and some United Artists. Keith's Memorial and the RKO Boston take Radio, half of 20th-Fox, some Universal, and an occasional Republic. M. & P. books the rest of the majors with a very infrequent independent.

The conversion of the Park into a first run independent is now underway.

Occupants Bid High For the McVickers

CHICAGO, March 12—Highest bidder for the lease on the McVickers theatre building was the McVickers Theatre Co., which recently lost the lease for failure to pay ground rent.

The bid was $48,000 rent per year plus 12½ per cent on box-office grosses. The lease was for a term of years. Decision of the Board of Education will be forthcoming soon.

Reissue 2 Inspirations

Inspiration Pictures is reissuing "Hell Harbor" and "Silver Lining" through the state right market. Robert Savini has made a deal for the two pictures for a number of situations.

20th-Fox Unit In England to Make 4 Yearly

(Continued from page 1)

earmarked, will now be assumed by the new company.

Details of titles, directors and casts of the first four pictures are being held for announcement by Kent at a company convention here in April. In the same month production will begin at the London Films' plant at Denham.

* * *

That nine men control bookings of 652 theatres in England and that these theatres represent half the first runs and more or less dominate the booking situation, is one of the most striking statements in the annual report of the Cinematograph Exhibitors' Ass'n., just issued.

Recommendations from the C.E.A. Council that 40 per cent should be a maximum film rental are declared to have had good effect in certain districts, but, says the report, "attempts to enforce rules by penalties or deposits revealed that they were unenforceable." The solution of high film prices is seen in "a gratifying increase in the number of films on offer," promising that "the supply is in process of overtaking the demand."

Stating that "if the quality of British films handled by the American companies was comparable with their American product" there would be no quota problem, the association goes on record with this declaration of policy: "In the absence of effective amendment of the Cinematograph Films Act to eliminate the considerable number of unusable British films, . . . the quota on exhibitors should be reduced to 10 per cent."

Wall Street

Universal Leads Gains With 2 Pts.

	High	Low	Close	Net Change
Columbia, vtc	37½	37	37	—2
Columbia, pfd	47½	47	47½	— ¼
Consolidated	6¾	6¼	6¼	— ½
Consolidated, pfd	19¼	18¼	18½	— ⅞
Eastman Kodak..	163½	163½	163½	— ½
Loew's, Inc.	50⅞	48¾	49	—1¾
Loew's, Inc., pfd.	105½	105½	105½	+ ⅝
Paramount	10	9½	9½	— ⅜
Paramount 1 pfd.	73¼	71¼	71½	—2
Paramount 2 pfd.	10⅞	10¼	10¼	— ⅝
Pathe Film	8½	8	8	— ⅜
RKO	8¼	7⅞	8	— ⅛
20th Century-Fox.	30½	29	29	—1⅝
20th Century, pfd.	38⅝	37⅛	37⅛	—1¼
Universal, pfd ...	79	75½	77½	+2
Warner Bros. ...	12⅜	11¾	11⅞	— ⅝

Little Change on Curb

	High	Low	Close	Net Change
Sentry Safety	⅞	⅞	⅞	.....
Sonotone	2¾	2⅝	2⅝	—⅛
Technicolor	31½	30¼	31	.....
Trans-Lux	4¼	4	4⅛	.....

Bonds Off Slightly

	High	Low	Close	Net Change
General Theatre Equip. 6s '40....	30	28¾	29¼	—1¼
General Theatre Equip. 6s '40 ctf	30	28⅛	29	— ¾
Loew's 6s '41 ww deb rights	102⅝	102⅝	102⅝	.....
Paramount Pictures 6s '55	89	87	87	—2
RKO 6s '41 pp..	75¾	75¾	75¾	.....
Warner Bros. 6s '39 wd	92¼	91⅜	91½	— ⅜

(Quotations at close of March 12)

THE EVENT OF THE YEAR.
ANY YEAR!

A NEW CAPRA PRODUCTION



GARY COOPER
in . . . "MR. DEEDS GOES TO TOWN"

with

JEAN ARTHUR

George Bancroft • Lionel Stander
Douglass Dumbrille • H. B. Warner

Screen play by Robert Riskin. Story by Clarence Budington Kelland

. . . COMING SOON FROM

COLUMBIA!

COLUMBIA PICTURES

"Obsession" In 9th Week Minneapolis

MINNEAPOLIS, March 12.—"Magnificent Obsession" is getting into the hardy perennial classification at the World. It has gone into its ninth week. In spite of cold weather it took $2,500 in its eighth stanza, which was within $500 of the first week average mark. It reached $1,000 in its second week at the St. Paul World.

"Desire" did an average $10,000 at the Minnesota. "Follow the Fleet" took $5,500 in its second week at the Orpheum. "The Voice of Bugle Ann" topped normal by $500 on a take of $6,000 at the State. "Strike Me Pink" was average at $5,500 in its opening week at the St. Paul Paramount.

Total first run business in Minneapolis was $25,500. Average is $25,500. Total first run business in St. Paul was $16,000. Average is $16,500.

Estimated takings:

Minneapolis:

Week Ending March 4:

"MAGNIFICENT OBSESSION" (Univ.)
(Univ.)

WORLD—(400). 25c-55c, 7 days, 8th week. **Gross:** $2,500. (Average, $3,000)

Week Ending March 5:

"WOMAN TRAP" (Para.)

LYRIC—(1,238). 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending March 6:

"DESIRE" (Para.)

MINNESOTA—(4,000), 25c-55c, 7 days. **Gross:** $10,000. (Average, $10,000)

"FOLLOW THE FLEET" (Radio)

ORPHEUM—(2,900). 25c-40c, 7 days, 2nd week. **Gross:** $5,500. (Average, $5,500)

"THE VOICE OF BUGLE ANN" (M-G-M)

STATE—(2,300). 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

St. Paul:

Week Ending March 6:

"STRIKE ME PINK" (U.A.)

PARAMOUNT—(2,300). 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"EXCLUSIVE STORY" (M-G-M)

RIVIERA—(1,000). 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

"THE LADY CONSENTS" (Radio)

ORPHEUM—(2,000). 25c-40c, 4 days. **Gross:** $2,000. (Average for week, $4,000)

"MUSS 'EM UP" (Radio)

ORPHEUM—(2,000). 25c-40c, 3 days. **Gross:** $1,500. (Average for week, $4,000)

"FRESHMAN LOVE" (W.B.)

TOWER—(1,000). 15c-25c. 7 days. **Gross:** $1,500. (Average, $1,500)

"MAGNIFICENT OBSESSION" (Univ.)

WORLD—(400). 25c-35c, 7 days, 2nd week. **Gross:** $2,000. (Average, $1,500)

Two M-G-M Theatres In S. A. Ready Soon

Two of the four new M-G-M theatres now under construction in South America will be ready for opening next month, Arthur Loew, head of the company's foreign department, stated yesterday upon his return from South Africa and South America.

Loew yesterday conferred with Thomas Lamb, architect, on plans for new theatres and will return in a few weeks to South America. He denied reports he would go to the coast to confer with his brother, Dave, on the latter's plans for a production tieup.

The M-G-M foreign head, who flew most of the way from Rio de Janeiro, was grounded in Raleigh, N. C., and completed the trip by train.

"Modern Times" at $14,000 Is High Spot in Providence

PROVIDENCE, March 12.—"Modern Times" drew $14,000 to Loew's State for the week as roads cleared and the mercury rose. The take was $2,000 over par. Mae West moved into the Strand after "Timothy's Quest" and "Eagle's Brood" collared a neat $4,800 for five days. The usual week's take is $6,500.

"Follow the Fleet" is holding up remarkably well at the RKO Albee, catching $8,000 in its second week. Par is $7,000. The picture was held over again in the hope that it would establish a house record.

The Majestic, with "Every Saturday Night" and "I Follow the Sea," was down $2,000 with a gross of $5,000 and Fay's was $1,000 under the usual $7,000, playing "Ring Around the Moon" and the "Beef Trust Revue" on the stage.

Total first run business was $37,800. Average is $39,500.

Estimated takings for the week ending March 5:

"TIMOTHY'S QUEST" (Para.)
"EAGLE'S BROOD" (Para.)

STRAND—(2,300). 15c-40c, 5 days. **Gross:** $4,800. (Average, $6,500)

"FOLLOW THE FLEET" (Radio)

RKO ALBEE—(2,300). 15c-40c, 7 days. **Gross:** $8,000. (Average, $7,000)

"EVERY SATURDAY NIGHT" (20th-Fox)
"I CONQUER THE SEA" (Academy)

MAJESTIC—(2,400). 15c-40c, 7 days. **Gross:** $5,000. (Average, $7,000)

"MODERN TIMES" (U.A.)

LOEW'S STATE—(3,800). 15c-40c. 7 days. **Gross:** $14,000. (Average, $12,000)

"RING AROUND THE MOON" (Chesterfield)

FAYS—(1,600). 15c-40c, 7 days. Stage: "Beef Trust Revue." **Gross:** $6,000. (Average, $7,000)

"Wife-Secretary" Louisville Leader

LOUISVILLE, March 12.—A bang-up exploitation campaign on "Wife vs. Secretary" rewarded Loew's State with a gross of $6,200, $700 over par. "Desire" at the Rialto ran a close second, getting $4,800, just $300 over the line.

"Klondike Annie," which was shifted from the Rialto to the Strand, did well, grossing $3,100, as did "The Story of Louis Pasteur" at the Mary Anderson. "Pasteur" took $3,800. The picture received much favorable comment for its dignified portrayal of the life of the French scientist. It was held.

"Follow the Fleet" took $3,100. This was a sizeable drop from the previous week's business. "The Widow from Monte Carlo" did just fair at the National, grossing $2,900, with the stage show accounting for the draw.

Principal opposition was a Better Homes Show held all week at the Jefferson County Armory. The weather was pleasant.

Total first run business was $25,300. Average is $24,200.

Estimated takings for the week ending March 5:

"WIFE VS. SECRETARY" (M-G-M)

LOEW'S STATE—(3,000). 15c-25c-40c. 7 days. **Gross:** $6,200. (Average, $5,500)

"DESIRE" (Para.)

RIALTO—(3,000) 15c-25c-40c. 7 days. **Gross:** $4,800. (Average, $4,500)

"FOLLOW THE FLEET" (Radio)

BROWN—(1,400). 15c-25c-40c, 7 days, 2nd week. **Gross:** $3,000. (Average, $2,800)

"KLONDIKE ANNIE" (Para.)

STRAND—(1,500). 15c-25c-40c. 7 days. **Gross:** $3,100. (Average, $3,500)

"STORY OF LOUIS PASTEUR" (W. B.)

MARY ANDERSON—(1,000). 15c-25c-40c, 7 days. **Gross:** $3,800. (Average, $3,500)

"WIDOW FROM MONTE CARLO" (W. B.)
"FALSE PRETENSES" (Chesterfield)
"SUICIDE SQUAD" (Puritan)

NATIONAL—(2,400), 15c-25c-40c, 7 days. Stage show four days, straight pictures three days. Stage: Fifi Dorsay, Lobo. Ted & Art Miller. Vic Binnes' Dancers, Joe Christy, Slim. Jack & Boys. **Gross:** $2,900. (Average $3,000)

"DRIFT FENCE" (Para.)
"ONE WAY TICKET" (Col.)
"MUSS 'EM UP" (Radio)
"FIRST A GIRL" (G. B.)

ALAMO—(900). 15c-25c. 7 days. **Gross:** $1,500. (Average, $1,400)

Radio Moral Force Sarnoff Believes

Radio, as the greatest means of mass communication, can contribute the moral and mental enlightenment which should be the most effective deterrent of crime, declared David Sarnoff, RCA president, speaking yesterday on "Radio as a Force in Crime Control" at the *Herald Tribune* conference on "Youth and Crime Today." The development of instruction in cultural subjects via radio, said Sarnoff, should result in a reduction of crime.

He pointed out also the value of radio in the apprehension of criminals, calling the medium "the longest arm of the police department, the speediest method of capturing fleeing criminals."

KAO Meet Due April 8

The annual stockholders' meeting of KAO will be held April 8. At that time 13 directors will be elected. Advance indications are that no change in the present setup will take place.

The directors are scheduled to meet March 17 to approve the company's annual financial report.

Columbia in Dutch Deal

Loet Barnstyn of Standard Film of Holland has closed a one-year deal with Columbia to distribute the company's current season's product in Holland. Standard also has the releasing rights in Holland for "Modern Times." Jack Barnstyn, who is associated with his brother, negotiated the deals.

Warners Plan New House

CHICAGO, March 12.—Warners plan to build a 1,500-seat theatre here at the corner of Rhodes Avenue and East 79th St. James E. Coston will leave for New York Sunday to confer with home office executives on details.

Warner Men to Meet

Discussions on operation and booking of Warner theatres will be held by all zone managers at the quarterly meeting Monday and Tuesday at the company's home office. Joseph Bernhard will preside.

"Fleet" Smash Hit in Frisco With $19,500

SAN FRANCISCO, March 12.—"Follow the Fleet" got off to a start here that looked like the good old days when grosses were grosses. By the end of the week it had piled up $19,500 at the Golden Gate, leaving par $5,000 behind.

"The Story of Louis Pasteur" and "Woman Trap," dualed at the Paramount, held up to $13,000 the second week. This was $1,500 over a normal take for a first week.

Total first run business was $77,000. Average is $74,400.

Estimated takings:

Week Ending March 3:

"FOLLOW THE FLEET" (Radio)

GOLDEN GATE—(2,850). 15c-30c-35c-40c, 7 days. **Gross:** $19,500. (Average, $14,500)

Week Ending March 4:

"MUSIC GOES 'ROUND" (Col.)
"HELLSHIP MORGAN" (Col.)

ORPHEUM — (2,440). 15c-30c-35c-40c, 7 days, 2nd week. **Gross:** $5,000. (Average, $6,800)

"STORY OF LOUIS PASTEUR" (F. N.)
"WOMAN TRAP" (Para.)

PARAMOUNT—(2,740). 15c-30c-35c-40c, 7 days, 2nd week. **Gross:** $13,000. (Average, $11,500)

"STRIKE ME PINK" (U. A.)

UNITED ARTISTS—(1,200). 15c-25c-35c-40c-55c, 7 days, 3rd week. **Gross:** $6,200. (Average, $9,000)

Week Ending March 5:

"TOUGH GUY" (M-G-M)
"TANGO" (Invincible)

FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $6,200. (Average, $6,000)

"KLONDIKE ANNIE" (Para.)

ST. FRANCIS—(1,470). 15c-30c-35c-40c, 7 days. **Gross:** $9,000. (Average, $7,000)

"DESIRE" (Para.)
"GARDEN MURDER CASE" (M-G-M)

WARFIELD — (2,680). 15c-30c-35c-40c, 7 days. **Gross:** $13,500. (Average, $15,000)

Week Ending March 5:

"MARIA CHAPDELAINE" (French)

CLAY—(400). 35c, 7 days. **Gross:** $1,100. (Average, $1,000)

"RETURN OF JIMMY VALENTINE" (Republic)
"DANCING FET" (Republic)

EMBASSY — (1,400). 15c-25c-35c, 7 days. **Gross:** $3,500. (Average, $3,600)

Fred Stone Builds Home

HOLLYWOOD, March 12.—Fred Stone has purchased five acres near the Hollywood Country Club and will build a 12-room house for his permanent home. The veteran actor will celebrate his 50th anniversary in show business on March 14.

William J. Clark Resigns

William J. Clark, long associated with the Stanley Co. of America and Warners as film buyer in the theatre department, has resigned, effective April 4. His successor will be named in the near future by Clayton Bond, head of the film buying department.

See $65,000 for "Annie"

With $7,600 taken in on the opening day, "Klondike Annie" is headed for a $65,000 week at the New York Paramount. "Trail of the Lonesome Pine" ended its third week at the house with about $23,000.

"Pine" in Five Openings

"Trail of the Lonesome Pine" opens in five key cities today; Rialto, Louisville; Warfield, San Francisco; Minnesota, Minneapolis; Malco, Memphis, and Palace, Dallas.

WELL-NAMED

SUPER X . . . as unusual as it sounds, and well-named too. For it passes superlatively excellent photographic quality on to the screen. Producers, exhibitors, the public . . . everyone benefits. No wonder that cameramen choose Super X Film for the majority of the big feature pictures. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

"Night" with Daniels, Lyon Detroit Smash

DETROIT, March 12.—"Every Saturday Night" and a stage show which included Wallace Beery, Bebe Daniels, Ben Lyon and Eddie Peabody jammed the Fox throughout the week and sent the gross up to $27,400. This is $12,400 over normal.

In spite of this competition business was good elsewhere. "The Petrified Forest" took $23,300 at the Michigan, leaving par $3,300 behind, and "Modern Times" held up to $11,200 in its second week at the United Artists. "Follow the Fleet" garnered $12,400, also strong, on its second week at the RKO Downtown.

Total first run business was $81,900. Average is $65,000.

Estimated takings for the week ending March 2:

"DON'T GET PERSONAL" (W. B.)
"DANGEROUS WATERS" (Univ.)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $3,700. (Average, $5,000)

"EVERY SATURDAY NIGHT" (20th-Fox)
FOX—(5,100), 15c-65c, 7 days. Stage: Wallace Beery, Bebe Daniels, Ben Lyon, Eddie Peabody. **Gross:** $27,400. (Average, $15,000)

"THE PETRIFIED FOREST" (W. B.)
MICHIGAN — (4,100), 15c-65c, 7 days. Stage: Ricardo Cortez and vaude. **Gross:** $23,300. (Average, $20,000)

"MANHUNT" (W. B.)
"THE BIG HOUSE" (M-G-M)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $3,900. (Average, $5,000)

"MODERN TIMES" (U. A.)
UNITED ARTISTS—(2,070) 15c-65c, 7 days, 2nd week. **Gross:** $11,200. (Average, $10,000)

"FOLLOW THE FLEET" (Radio)
RKO DOWNTOWN—(2,950), 15c-55c, 7 days, 2nd week. **Gross:** $12,400. (Average, $10,000)

"Fleet" Portland Leader at $8,000

PORTLAND, March 12.—"Follow the Fleet" in its initial week at the Orpheum brought out standing lines. The take was $8,000, over par by $3,000. The picture was held for a second week.

"Klondike Annie" was held for a second three days at the Paramount with good results. It gave way to the San Carlos Opera Co. The total for the two attractions was $14,000.

Continued good weather helped grosses.

Total first run business was $41,700. Average is $24,700.

Estimated takings for the week ending March 7:

"BOHEMIAN GIRL" (M-G-M)
"EXCLUSIVE STORY" (M-G-M)
BROADWAY—(1,912), 30c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

"DARK ANGEL" (U.A.)
"HERE'S TO ROMANCE" (20th-Fox)
(2nd Run)
BLUE MOUSE—(1,700), 20c-25c, 7 days. **Gross:** $1,700. (Average, $1,700)

"MURDER OF DR. HARRIGAN" (F.N.)
"FRESHMAN LOVE" (W.B.)
MAYFAIR—(1,700), 30c-35c-40c, 7 days **Gross:** $4,000. (Average, $3,000)

"FOLLOW THE FLEET" (Radio)
ORPHEUM—(1,700), 30c-35c-40c, 7 days. **Gross:** $8,000. (Average, $5,000)

"KLONDIKE ANNIE" (Para.)
"MY MARRIAGE" (20th-Fox)
PARAMOUNT—(3,008), 30c-35c-40c, 3 extra days. **Gross:** $4,000.

"SAN CARLOS OPERA CO." (Stage)
PARAMOUNT—(3,008), 55c-$1.10, first 4 days. **Gross:** $10,000. (Average, $5,000)

"WIFE VS. SECRETARY" (M-G-M)
UNITED ARTISTS—(945), 30c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

Variety Club Chatter

Cleveland

CLEVELAND, March 12.—Col. HARRY E. LONG and NAT HOLT, past president, will resume king-for-a-day luncheons March 23. HOLT and I. J. SCHMERTZ, present president, will represent the Cleveland Variety Club at the national club banquet in Columbus April 18-19.

Ladies' Day at the club has been resumed as a semi-monthly activity. MRS. I. J. SCHMERTZ and MRS. HOLT were last week's hostesses. MRS. DAVE MILLER and MRS. JACK JOSSEY will be official queens on March 18.

Detroit

DETROIT, March 12.—Twelve new barkers have been elected to membership in Variety Club. They are: FRED C. BICKELY, superintendent Erpi; RALPH PECKHAM and JACK STEWART, Universal salesmen; SYDNEY J. BOWMAN, office manager, United Artists; LEONARD SOSKIN, EDWARD WEINGARDEN and BEN ROBINS, United Artists salesmen; ROBERT J. MORK, Twin City Scenic Studio; SOL and MAC KRIM and ARTHUR ROBINSON, exhibitors, and HARRY H. THOMAS, president of First Division.

MAURICE CAPLAN, Variety president, is in Florida.

MAC KRIM has returned from Miami and his brother, Sol, has departed for the same destination.

E. C. BEATTY of the Butterfield circuit has gone to the Battle Creek sanitarium for a rest.

IRVING GOLDBERG, ALEX SCHREIBER and CARL SHALIT are other filmites now in Florida.

Plans for the club's third annual ball to be held in the Book-Cadillac ballrooms on April 25 are well under way and complete details will be announced shortly.

Kansas City

KANSAS CITY, March 12.—TOM COLLINS, Sunday editor of the *Journal-Post*, and after-dinner (or lunch) speaker par excellence, proved "Seeing Is Not Believing" to a large crowd at the last Variety Club luncheon. COLLINS, who has talked four times to the club, submitted evidence to show that no two eye-witnesses to an incident or accident—or anything else—ever make the same report, and in some cases the story of one eye-witness will change. This comes about not from a deficiency in honesty, but inability to observe accurately and think through. COLLINS submitted it as an alibi for newspaper reporting.

All those who attended were members but one, LESTER GOODMAN, guest of RUBE FINKLESTEIN, operator of the Belmont.

Appointing "Kings" to handle luncheons and Saturday "rendezvous" nights is out. Hereafter the executive committee will be responsible for these matters. Barker NORRIS B. CRESSWELL has taken over the job of handling Monday lunches and Saturday night affairs.

C. W. GRIFFIN, of the First National Television Corp., will talk March 16 on television and give a demonstration. Images will be transmitted from down town to the clubrooms.

Philadelphia

PHILADELPHIA, March 12.—New members include SAMUEL H. STIEFEL, ARTHUR H. PADULA, MARTIN EPSTEIN, FRANK D. WINDELL, PHILIP HARRISON, EMANUEL ROSENFELD, NAT P. FLEISHER, DR. J. A. RITTER, GUS A. AMSTERDAM, SAMUEL ROSEN, CHARLES KAHN, DR. MAURICE ROTHMAN, IRWIN M. CHARLUP, MAX LEVEN.

A neat profit was reported on the first annual banquet.

DAVID GREENBERG is the new club manager.

Celebrity nights are being discontinued.

The four youngsters who have been receiving therapeutic treatment through the club's recent $1,000 donation are progressing nicely.

Kings for March 18 will be LEWEN PIZOR and MIKE EGNAL.

It is expected that a formal ball will be held during the latter part of April or early in May.

Committees for the new season include: House — HARRY WEINER, chairman; AMSTERDAM, LEW BACHE, MURRAY BEIER, CHARLES ZAGRANS, SAM GROSS, BILL CLARK, PIZOR, MILT ROGASNER, BILL MANSELL, JACK BERESIN; Entertainment — LEONARD SCHLESINGER, Chairman; PIZOR, HARRY BIBEN, EDDIE SHERMAN, JACK MAZER, ZAGRANS, ULRIK SMITH; Membership—EARLE SWEIGERT, chairman; LESTER KRIEGER, BERESIN, JOHN BETHELL, GROSS, FRANK FOGEL, JOHN GOLDER; Welfare, Charity—AMSTERDAM, chairman; BERESIN, GROSS; Publicity — JAY EMANUEL; Sick and Flowers—JACK GREENBERG, MANSELL.

Washington

WASHINGTON, March 12.—Variety turned out in force to pay honor to WILLIAM EUSTACE STOWE WILCOX, who, with ROBERT MONROE GRACE, acted as kings for a day, at the first luncheon of the new year not sponsored by an exchange.

More than 70 barkers and their guests assembled for the festivities, which started off with a bounteous repast. Although it was to a great extent WILCOX'S day, the modest Marylander turned the master of ceremonies job over to GRACE.

JIMMY SAVO, MURIEL PAGE, MIKE FARLEY and ED RILEY, composers of "The Music Goes 'Round and Around," and FREDDIE LIGHTNER were on the program.

To Start "Harvester"

HOLLYWOOD, March 12.—Republic is starting "The Harvester," Gene Stratton-Porter novel, this week. Russell Hardie, just returned from a New York stage engagement, will have the title role. Homer Croy made the screen adaptation; Joseph Santley will direct.

"Fleet" Breaks Record

COLUMBUS, March 12.—"Follow the Fleet" shattered all nine-day attendance records at the RKO Palace, where it played to more than 75,000 people. It is being held over at the RKO Grand this week.

"Soak Rich," With $4,100, Capital Hit

WASHINGTON, March 12.—"Soak the Rich," at the Belasco turned in the best comparative gross of the week. In seven days, helped by rave reviews, the gross rose to $4,100—or $1,100 over average. The picture was held.

Big money went to Loew's Fox with "The Prisoner of Shark Island" for a gross of $22,500, or $1,600 over par.

Two surprises marked the week. First was the pulling of an expected two-week run of "Klondike Annie" at the end of the eighth day at Loew's Palace. The take was $18,000. Par for a week is $15,900.

The second surprise was the slipping of "The Music Goes 'Round" at the Earle—plus Mike Riley and Ed Farley, the composers of that popular song, in person—to $17,000, or $1,400 under average.

A return engagement of "The Petrified Forest" at the Metropolitan took $6,300, over par by $2,000. The second week of "The Ghost Goes West" at RKO-Keith's did a nice $8,000, but $2,600 under the first week average.

Total first run business was $78,900. Average is $76,700.

Estimated takings, exclusive of tax:

Week Ending March 4:

"SOAK THE RICH" (Para.)
BELASCO—(1,140), 25c-65c, 7 days. **Gross:** $4,100. (Average, $3,000)

Week Ending March 5:

"THE MUSIC GOES 'ROUND" (Col.)
EARLE—(2,218), 25c-77c, 7 days. Stage: Ed Farley & Mike Riley, with their Onyx Club Band; the Hollywood Revels, Raymond Wilbert, Fred Lightner & June Havoc. **Gross:** $17,000. (Average, $18,400)

"LAST OF THE PAGANS" (M-G-M)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** $3,000. (Average, $3,600)

"PRISONER OF SHARK ISLAND" (20th-Fox)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: "Bring on the Dames," with Harry Savoy & Muriel Page, Dixon & Pal, Sylvia & Clemence, Louise Tobin, Irvin Lazarr, Mae Morgan, Don Arden, ballet of 22. **Gross:** $22,500. (Average, $20,900)

"THE PETRIFIED FOREST" (W. B.)
METROPOLITAN — (1,591), 25c-40c, 7 days (return engagement). **Gross:** $6,300. (Average, first run, $4,300)

"THE GHOST GOES WEST" (U. A.)
RKO-KEITH'S—(1,836), 25c-55c, 7 days, 2nd week. **Gross:** $8,000. (Average, first week, $10,600)

Eight Days Ending March 6:

"KLONDIKE ANNIE" (Para.)
LOEW'S PALACE—(2,370), 35c-55c, 8 days. **Gross:** $18,000. (Average, seven days, $15,900)

Stapel Paper Has Fire

KANSAS CITY, March 12.—The *Atchison County Mail*, Rockport, Mo., the newspaper of John C. Stapel, president of the K. M. T. A., suffered considerable damage from fire recently. The fire, which broke out in the newsprint stockroom, damaged presses and type forms, and destroyed the entire stock of paper.

Stapel, besides being an exhibitor and newspaper editor, also has an insurance business, at Columbia, Mo.

Maitland Is Injured

TORONTO, March 12.—Dean Maitland, owner of the Maitland, Ingersoll, Ont., decided he needed exercise so he took up volley ball. He is now resting with a broken knee cap.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 62 NEW YORK, SATURDAY, MARCH 14, 1936 TEN CENTS

Universal Control Goes To Standard Group Today

Merger Steps Discussed by Theatre Men

TOCC - ITOA Committee On Details Named

A merger of the T. O. C. C. and I. T. O. A. moved a step nearer yesterday as 32 leading independent circuit heads met at the Astor and advocated a solidification of all theatre operators.

Charles L. O'Reilly, head of the T. O. C. C.; Harry Brandt, president of the I. T. O. A.; Maurice Fleischman, Si Fabian, Sam Strausberg and Louis Frisch spoke on the necessity for grouping all theatres into a strong organization. Following the talks, a committee of three exhibitors, not affiliated with either association, was named to work out ways and means for uniting the organizations.

On the committee are Sam Rosen, Herman Becker and Strausberg. They will contact all exhibitors for support.

Fabian told the exhibitors that the only reason he has been aloof from the I. T. O. A. is because the organization has been fighting problems

(*Continued on page 4*)

Eastern Connecticut Floods Hit Theatres

NEW HAVEN, March 13.—Two Warner circuit houses, the Capitol, Ansonia, and the Palace, Norwich, suffered considerable cellar flood damage today from the constantly rising waters of the Naugatuck and Thames Rivers. Business and residential sections of many Connecticut towns have been completely inundated. Although shows continued today, it was impossible to predict what the condition would be if floods did not subside.

Transportation in the Naugatuck Valley and in other sections was practically at a standstill, and it was with great difficulty that film delivery was effected.

Read It Three Times

Chicago, March 13.—Mervyn LeRoy, passing through, en route east, said between trains, "My chief bid for fame is that I'm the only man ever to read 'Anthony Adverse' three times."

LeRoy, is traveling with his wife, the former Doris Warner, on a month's vacation.

Para. Rentals Touch Million Weekly Figure

Paramount's returns from film rentals are running in excess of $1,000,000 a week, the highest since 1931 and 10 per cent greater than a year ago, John E. Otterson, president, told financial editors of the New York daily press at a luncheon conference in his office yesterday.

Otterson also stated that with net theatre profits of the company at 25 to 30 per cent more now than at the same time last year, with negative costs having been uniformly brought within reason, and with cash reserves of $18,000,000 on hand, Paramount, in the opinion of its management, is in a better financial position than any company in the industry.

The financial writers attending the interview were requested not to use the figures divulged, which were cited

(*Continued on page 3*)

"Secretary" Tallies $26,000 Second Week

"Wife vs. Secretary" in its second week at the Capitol tallied $26,000 and was replaced yesterday by "Robin Hood of El Dorado." The Roxy on the second stanza of "Rhodes," garnered $23,300. Pinky Tomlin, who has been appearing in person, is being held a third week. On March 27, Jackie Coogan and Betty Grable will start a personal appearance with the "Hollywood Secrets" unit. On April 3, another Major Bowes' amateur unit will be the attraction.

The fifth week of "Modern Times"

(*Continued on page 3*)

Columbia to Discuss Lineup on the Coast

Product conferences on Columbia's program next season will be held on the coast next week with the arrival of Jack Cohn, Abe Schneider, Joseph Seidelman and Joe Friedman.

Cohn is scheduled to arrive Monday by boat. Schneider left yesterday by train and Seidelman and Friedman will leave some time next week. Foreign production plans also will be discussed in Hollywood.

Boys'll Be Chic

Creased pants—or, er, ah, trousers—and cravats, rather than old-fashioned neckties, and possibly a cutaway or two, may blossom around Fox Movietone News any day now. They're going to treat men's fashions seriously in the reel. Vyvyran Donner, fashion editor, evolved the idea.

To prove it they're going to have a masculine fashion show Monday noon, with Lucius Beebe, the Beau Brummel of newspapermen, and Heywood Broun, the Low Bummel of the craft, sartorially giving their impressions.

Abeles Is Made W. B. South America Head

Arthur S. Abeles, who has been managing the Mexico City branch for Warners, has been promoted to supervisor of South America with headquarters at Rio de Janeiro, Joseph S. Hummel, head of Warners' foreign sales, stated yesterday upon his return from a two-and-a-half-month tour. Rodrigo Rombauer, formerly assistant manager of the Brazil office, has been elevated to manager, succeeding Nat Leibeskind, who has joined RKO in charge of the company's new office in Rio de Janeiro.

Hummel covered most of the trip by plane, having visited Puerto Rico, British, Dutch and French Guianas, Trinidad, Brazil and the Argentine. After a general survey of conditions, he was optimistic over the improvements being made. The countries are developing rapidly and there is a lot

(*Continued on page 4*)

J. J. Milstein Quits M-G-M for Republic

LOS ANGELES, March 13.—J. J. Milstein, for the past 12 years branch manager of the local M-G-M exchange, has tendered his resignation to become western division sales manager for Republic. The shift will take place in five weeks.

Milstein's new post will take in all exchanges west of Kansas City, the territory being handled by Jack Fier, who has been appointed assistant to Nat Levine, production head.

Deal to Be Completed by Deposit of $1,500,000 Cash for Laemmle

Control of Universal will pass to Standard Capital Co., headed by J. Cheever Cowdin and Charles R. Rogers, this morning, when Standard's option to purchase from Carl Laemmle his more than 80 per cent interest in the company will be exercised.

Arrangements for lifting the option were formally concluded early yesterday afternoon. The final step will be taken this morning with the deposit of $1,500,000 in cash to Laemmle's credit, as required by the terms of the option. A total of $5,500,000 is involved in the transaction. The balance of $4,000,000 will be delivered to Laemmle in securities within 20 days. The securities will be redeemable over an eight-year period at $500,000 per year. Participating in Standard's financing are Erpi, C. M. Woolf and associates of London and Eastman Kodak.

Laemmle will resign as president of Universal in the near future, but will continue as a member of the company's board, which is soon to be reconstituted to include representation for the new financial interests. Cowdin will become chairman of the

(*Continued on page 4*)

5% Admission Tax Is Jersey Compromise

TRENTON, March 13.—A revised tax program, including income, luxury, and theatre admission levies, was put before the legislature tonight by Assemblyman Howe of Mercer County. This program comes as a compromise following the defeat of the amusement tax bill providing for a 10 per cent tax on theatre admissions, and other lux-

(*Continued on page 4*)

"Glory" Deal Near

Hollywood, March 13.—Darryl F. Zanuck is understood to be about set to borrow Clark Gable and Wallace Beery from M-G-M for the Flagg and Quirt roles in a talking re-make of "What Price Glory."

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Trem Carr Going Abroad

Trem Carr, former production head for Republic, arrived yesterday from the coast and will sail today on the *Ile de France* with his wife on a two-month vacation abroad. He will visit England, Germany, Austria, Switzerland, Czechoslovakia and Holland.

Carr denies he is going abroad on any production deals, emphasizing the trip is to be a vacation.

Roxy Memorial Planned

A living memorial is being planned in tribute to the memory of Samuel A. "Roxy" Rothafel. It will be a Roxy Memorial Grove of 1,000 trees to be planted near the Hills of Nazareth in Palestine. Louis Nizer is head of the sponsors' committee.

Astaire Explains Rift

HOLLYWOOD, March 13.—Fred Astaire said today he is in disagreement with Radio over his contract, but that it has nothing to do with salary or financial arrangements. "The studio violated my contract on several counts and my lawyer is handling it," he said. "I don't know whether the outcome will be that I leave the studio or not."

Aeolian Pictures Corp.
has in preparation stories entitled
"RIVER OF UNREST"
and "THE THREAT,"
and announces the production of
"RIVER OF UNREST"
and "THE THREAT."
All rights reserved.

Insiders' Outlook

By RED KANN

Hollywood, March 13.

TALES from the Hollywood hills:

A professor is a professor and there's no gainsaying that. One producer, hit by an idea, hired a prof on the general theory that, since he obviously must know all, here was an opinion which would aid mightily in developing story values. Their first meeting found the erudite one warming to his subject and embarking on a flight of rhetoric dealing with the vast, untouched possibilities in pictures.

"Think of the boon if that day will come when Hollywood will dare base pictures on the heroic proportions of the Odyssey. Or the Koran. Or the great conquerors of ancient and mediaeval history. How wonderful that would be!"

The producer, worried about a particular story problem, listened, then grew restless to a point where his politeness wore thin.

"Boy, I could learn a lot from you if I'd only listen, but what about that story for my star?" . . .

▼ ▼

Newspapermen here catch on quickly to the fol-de-rol which blankets Hollywood. They get to learn the foibles of this and that one and what to expect. There is the producer who always issues statements loaded with bombast and little else. Came the occasion when the scribes actually sought out the man for a statement, for the nonce, therefore, reversing the procedure.

"What about this situation?" was the query.

"Gentlemen, I have nothing, nothing at all, to say," answered the producer.

"We know that, but how are you going to frame it this time?" . . .

▼ ▼

Add Mae West: Her scrutiny and domination of all detail attendant upon production of her pictures while with Paramount was widely known on that lot. The control went far down the line to include supervision of trailer content. At a screening of a rough print of material assembled from "Klondike Annie," Miss West ordered two shots out with this comment:

"I don't like them. They make me look too much like a burley-cue queen." . . .

▼ ▼

A writer decided to turn in his old car and was ogling a Ford. The salesmen, hot for the sale, finally visited the lot.

"I can't discuss it here. I'm afraid the boss might discover that I'm talking to you on studio time," he said.

"Don't worry about the boss," rejoined the salesman. "I just left him. He bought a Pierce Arrow." . . .

▼ ▼

Bill Goetz, advised that Boris Morros was knee high in deep ruby shirts, promises a reformation. Nowhere in Hollywood, incidentally, do the supervisors dress as well as at Twentieth Century-Fox. It's like a whole section torn from *Esquire's* sportswear department. . . .

▼ ▼

"I'd like to see ———. I hear it's a great picture," voiced one film man.

"You'd better arrange to see it in the bank vault. The studio has hocked it," answered another. . .

▼ ▼

That recent crack by Gene Fowler who, when asked if he had seen Pine lately, inquired if it was Virginia, Bill or Lonesome, registered with all three principals, including Walter Wanger for Lonesome. . . .

▼ ▼

The young producer, a noted hypochondriac, heard one of his writers complain at such length about chills and colds the other evening that he—the producer—went to bed for two days. . . .

▼ ▼

Corporate protection, double feature style from one who opposes them and copied from the door at the United Artists studio:

Samuel Goldwyn, Incorporated, Limited. . . .

Philadelphians Returning

PHILADELPHIA, March 13.—With each northbound train out of Florida bringing its quota of warriors, the re-militarization of Vine St. will soon be accomplished.

On the way home, or expected in the near future are B. M. Golder, amicus curiae by appointment of Judge Welsh, Dave Barrist, Lewen Pizor, president of the local M. P. T. O., and Charles Segall, president of the new I. M. P. T. O.

Lorree May Go to "U"

LONDON, March 13.—Peter Lorree is understood to be breaking with Columbia for the purpose of playing in "The Hunchback of Notre Dame" for Universal.

John Wayne Goes to "U"

HOLLYWOOD, March 13. — Carl Laemmle has signed with Trem Carr for the services of John Wayne in eight pictures of the next season line-up. They will not be westerns.

RKO Theatres Unit Affairs Closed Out

A final meeting of creditors of RKO Theatre Operating Corp., a bankrupt subsidiary of RKO, was held yesterday to wind up the administration of the company and to submit final accounts to Referee Irwin Kurtz.

The company, which formerly operated the Bradder and Pollock theatres in New Jersey and Connecticut, went into bankruptcy Feb. 27, 1933. Irving Trust Co. was appointed trustee on March 9 of the same year. The principal assets of the company were its seven theatre leaseholds, five in New Jersey and two in Connecticut, which were disposed of by the trustee in a liquidation of the estate. Claims finally allowed against the company amounted to $219,244, on which a first dividend of 10 per cent was paid recently.

Academy Unit Hears Technician Reports

HOLLYWOOD, March 13.—The Academy Research Council, at its last bi-monthly meeting, heard E. H. Hansen, chairman of the sound recording subcommitttee, present reports on the committee's investigation of trailer volume levels in relation to the volume level of features as projected in the theatre.

S. J. Twining reported on changes in the standard release print leader which will be used after August 1 under the new 2,000-foot reel system and Carl Dreher, chairman of the scientific sub-committee and Virgil Miller, chairman of the silent camera sub-committee reported on recent tests.

Ampa Boys Sit Back With Plans All Set

Most of the Ampa boys who have been losing sleep over the arrangements for the Naked Truth Dinner tonight are sitting back with their fingers crossed today hoping for the best and predicting it will be—well, not colossal exactly, but at least marvelous.

Names—plenty of them—have been allowed to leak out, but the entertainment committeemen still insist the program will be full of surprises to take the place of the speeches that have been banned.

It'll be a crowd. The prediction is unanimous on that, but one of those crowds that make the Astor's ancient walls bulge.

Dietrich to Leave Soon

HOLLYWOOD, March 13.—Marlene Dietrich will leave for Europe in a few days, making one picture for Alexander Korda. She will return to Paramount in the fall. Meanwhile, the studio has borrowed Margaret Sullavan from Universal for Miss Dietrich's role in "I Loved a Soldier." In exchange, Paramount has loaned Carole Lombard to Universal for the feminine lead in "My Man Godfrey" opposite William Powell.

Depinet, Levy in Texas

HOLLYWOOD, March 13.—Ned E. Depinet and Jules Levy left by plane today for Dallas and from there will go to New Orleans and Chicago, holding brief sales meetings in each city.

Para. Rentals Touch Million Weekly Figure

(Continued from page 1)

for their informative rather than their news value, but within an hour after the interview closed the Dow-Jones financial ticker carried the figures and several of the press representatives who attended the meeting, observing them, promptly included them in their own stories.

Net in the first nine months of 1935 was $2,900,000 and a profit was also shown in the last quarter, the financial writers were told. It was explained, however, that provisions for setting up a reserve fund for the amortization of several high cost negatives produced last year remain to be made and definitely will affect the earnings report of the company for either 1935 or for the first half of 1936, depending on to which operating period the reserve is allocated.

Studio economies effected recently have reduced the average production cost by one-third, it was said.

Partnership Operation Favored

Paramount owns approximately 700 theatres outright, and an additional 300 in which it has at least a 50 per cent interest are operated under partnership arrangements, the financial men were advised. The company's management, it was said, is very much in favor of partnership operation of theatres and has been supported in this policy by the board. Options to repurchase the 50 per cent partnership interest in the A. H. Blank and Karl Hoblitzelle's Texas Consolidated Theatres expire April 1 and 4, respectively, and probably will be disposed of at the next meeting of the Paramount board, March 26. Thereafter, no other important buy-back options will come up for action for nearly two years.

William LeBaron's contract was extended for a year recently, and now has two years and nine months to run as a result, it was related. Cecil B. DeMille has one picture to make on his contract and no decision has been made yet on a new one.

No changes in the Paramount board are anticipated now, it was said, and no negotiations for the sale of the company's British subsidiary are under way. The immediate importance to the industry of color and television was minimized by Otterson.

Attending the conference were representatives of the *Times, Herald-Tribune, American, Evening Journal, Wall Street Journal* and Associated Press.

Standee Bill Presented

ALBANY, March 13.—A bill introduced by Senator Rae L. Egbert requires a seat for every patron in a place of public assembly, except that space which may be especially marked for standees if the aisles and approaches to fire exits are kept open.

Sichelman in New Job

Jack Sichelman has taken over the duties formerly handled by William Sussman, who was recently promoted to eastern division head for Twentieth Century-Fox.

Oh's and Ah's Have It as N. Y. Critics See "Doctor"

The critics of New York's newspapers went back to their typewriters after seeing "The Country Doctor" and emerged later in print with a complete unanimity of opinion. The vote read "Aye," with a considerable admixture of "Oh's" and "Ah's" for the Dionne Quins, the film as a film without the infantile starlets and the work of the players.

Representative slices from their comments follow:

American—Even without Yvonne, Cecile, Annette, Emilie and Marie, "The Country Doctor" would be first-rate heart-throb entertainment. With the babies it hits a hitherto untouched high for human interest and becomes nothing short of sensational. . . . With its virtue of simplicity, it is an excellently produced, finely directed, sensitively played smile-and-tear combination that will hit your heart just as surely as the kids will burrow into it to stay.

* * *

Daily Mirrar—A terrific smash, this handsome, human drama looms as an immediate candidate for a leading place among the ten best pictures of 1936.

It is rousing entertainment, a blend of humor, tears, tense drama, charm and substance.

Jean Hersholt, in the title role, gives the most beautiful performance of his distinguished career. . . .

But even without the quins "The Country Doctor" would have been a great and distinguished picture.

* * *

Daily News—"The Country Doctor" is one of those inspired pictures which happens rarely in a life time. . . .

There are plenty of flaws in the story and production but in spite of them this factual-fictional account of life in the North Bay country of Ontario is a refreshing, pictorial human document. . . .

Jean Hersholt gives a fine, understanding performance of the country doctor, and Dorothy Peterson, as the nurse, is scarcely less impressive.

* * *

Evening Journal—Unquestionably, "The Country Doctor" will be the most talked-of picture of the year. Even without its five stars, the Dionne quintuplets, the film is grand entertainment. And with Yvonne, Cecile, Emilie, Marie and Annette appearing for a climax, it's sensational.

Twentieth Century-Fox has done an enormously effective job.

Jean Hersholt gives a superb performance as the now famous country doctor.

* * *

Herald-Tribune—The film proved a delightful and heart-warming sentimental drama, touching, humorous and completely likable. . . .

It would be a likable picture, even if it were not enlivened by the presence of its five heroines.

There is one episode in the film which richly deserves to stand among the great comic interludes of cinema history. That, of course, is the sequence dealing with the birth of the five infants. . . .

Jean Hersholt is particularly fine as the modest physician.

* * *

Post—It would be asking too much of "The Country Doctor" to be as good as its best part. For if it could have maintained the comedy level of the scene in which an expectant father is overwhelmed by the cumulative births of five daughters it would undoubtedly have emerged as the most exhilarating picture of the year.

Jean Hersholt caps a long and distinguished career in the movies with his sympathetic portrait of the country doctor.

* * *

Sun—Although "The Country Doctor" was written to show off the Dionne quintuplets, although their presence will certainly make it a box office hit, these five highly publicized little girls are not the real stars of the feature. The picture could get along nicely without them. . . .

The comedy of the quintuplets' birth is funny enough to justify the whole picture.

* * *

Times—There is no holding out against "The Country Doctor." It is an irresistibly appealing blend of sentiment and comedy. . . .

There may have been funnier moments in screen history than those in which John Qualen becomes the astonished father of five, but somehow we cannot recall them. . . .

The truth is that the film would have been just as good with the quintuplets represented only by inference—if it is possible to infer quintuplets.

* * *

World-Telegram—Even without the quintuplets "The Country Doctor" would still be an extraordinarily fine picture—a picture full of deep, tender charm and the warming spirit of humanity.

The birth of the quintuplets is a classic. Full of suspense, humor and tenderness, it tells the birth of the quins through the reaction of the father and the sheriff, who are unable to realize what is happening. Nothing like it has been filmed in the talking pictures.

The acting of the entire cast is superb.

"Robin Hood of El Dorado," yesterday's opener at the Capitol, was reviewed March 9.

"The Country Doctor," now playing at the Radio City Music Hall, was reviewed Feb. 27.

"Song and Dance Man," now current at the Center, was previewed by wire from Hollywood Feb. 10.

"Love Before Breakfast," currently playing at the Roxy, was reviewed Feb. 17 by wire from Hollywood.

"Klondike Annie," previewed by wire from Hollywood Feb. 18, is now being shown at the Paramount.

"Tough Guy," now at the Rialto, was reviewed by wire from Hollywood Jan. 27.

Allied Board Is Named

CHICAGO, March 13.—The new board of directors of Allied named here today includes: Ludwig Sussman, Tippy Harrison, Samuel Roberts, Verne Langdon, Benjamin Lasker, B. Charuhas, Abe Gumbiner, Charles Nelson, Richard Salkin, Benjamin Bartelstein and Jack Rose. Officers were elected yesterday. Also on the board is Louis L. Abramson who was reappointed recording secretary.

Palmer Casting Head

HOLLYWOOD, March 13.—Bob Palmer succeeded Fred Schuessler today as RKO casting head. Palmer was formerly assistant to Schuessler, who is now casting director at Paramount.

K.C. Spot Raises Scales

KANSAS CITY, March 13.—The first run Fox Uptown, operating on a straight 25-cent policy for several weeks, will return to a 25c-40c schedule probably within three weeks. It is understood producers have been holding back some good pictures because they have objected to the 25-cent price.

Richey to Handle Ball

DETROIT, March 13.—H. M. Richey has been named general chairman for the third annual Variety Club ball, which will be held in the Book-Cadillac, April 25. He succeeds M. Gottlieb, who resigned because of pressure of business.

"Secretary" Tallies $26,000 Second Week

(Continued from page 1)

garnered around $20,000. "The Three Godfathers" at the Rialto ended with approximately $8,000, while the Palace with "Prisoner of Shark Island" and "Farmer in the Dell" was weak with $7,000. The Center got about $8,000 with "Love on a Bet" and "Colleen" at the Strand wound up close to $20,000.

The first day's take on "The Country Doctor" at the Music Hall was $9,000. After chalking up $7,600 for the opening day, "Klondike Annie" brought in $6,800 on the second day at the Paramount.

Salesmen Talk Insurance

Plans will be discussed today by the M. P. Salesmen, Inc., for the issuance of a $1,000 policy to all members on a group insurance arrangement. The meeting will be held this afternoon at the Park Central. At the same time seven new members will be admitted. Joe Lee of Twentieth Century-Fox will preside at the meeting.

Wall Street

Universal Gains 4½ Points

	High	Low	Close	Net Change
Columbia, vtc	36½	36⅜	36⅜	— ⅝
Consolidated	6⅝	6¼	6½	+ ¼
Consolidated, pfd.	18¼	18⅛	18⅛	— ⅜
Eastman	162¾	156½	156½	—7
Eastman, pfd.	166	166	166	+1
Loew's, Inc.	49	47	47¼	—1¾
Paramount	9½	9⅛	9¼	— ¼
Paramount 1 pfd.	72	70¼	71⅝	+ ⅜
Paramount 2 pfd.	10⅜	10	10⅛	— ⅛
Pathe Film	8¼	7¾	7¾	— ¼
RKO	8	7½	7⅝	— ⅜
20th Century-Fox.	29	28½	28½	— ½
20th Century, pfd.	37½	36½	36½	— ⅝
Universal, pfd.	85	77½	82	+4½
Warner Bros.	11⅝	10¾	11	— ⅞
Warner, pfd	52	52	52	—3

	High	Low	Close	Net Change
Sentry Safety	⅞	⅞	⅞	.....
Sonotone	2⅝	2½	2½	— ⅛
Technicolor	30⅜	29½	30	—1
Trans-Lux	4¼	4	4⅛	.....

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	29¼	27½	28¾	— ½
General Theatre Equip. 6s '40 ctf	28½	27	28	—1
Keith B. F. 6s '46	95	95	95	— ¼
Loew's 6s '41 ww deb rights	102⅝	102⅝	102⅝	.....
Paramount B'way 3s '55	56⅝	56⅝	56⅝	+ ⅛
Paramount Pict. 6s '55	87½	86½	87	.....
RKO 6s '41 pp	76½	76	76	+ ¼
Warner Bros. 6s '39 wd	92	91¼	91⅝	+ ⅛

(Quotations at close of March 13)

SOON TO BE RELEASED

RE BURLONE

("DAUGHTER OF THE REVOLUTION")

By

NUOVO MONDO MOTION PICTURES, Inc.

Room 2305, RKO Building

1270 Sixth Avenue

New York City

Merger Steps Discussed by Theatre Men

(Continued from page 1)

within the industry, but if the solidified membership aimed to battle adverse legislation and other problems which affect the industry he would join.

Fleischman talked about the accomplishments of the I. T. O. A. on the low dues it has received from its members and hinted at some of the things that could be done if greater financial support were given.

Brandt and O'Reilly emphasized the need of closer cooperation among all independent exhibitors. O'Reilly stated that "you can't fight a conflagration with a volunteer fire department," and urged the theatre men to get together and be prepared for any emergency which may arise.

Frisch complimented the I. T. O. A. on the splendid work it had done and promised the support of Randforce. He added his company had always cooperated when called upon.

Strausberg urged the coalition of all exhibitors for emergency purposes. He said that the theatre men in this territory should be prepared at all times for fighting inimical legislation.

Although no major circuits were represented, Frisch is understood to have acted as their spokesman. The I. T. O. A. will hold its regular meeting Wednesday at the Astor when it is expected the developments will be brought up. Brandt, who had called the session, presided.

5% Admission Tax Is Jersey Compromise

(Continued from page 1)

ury items which has been under consideration for the better part of the past week.

Of the new program, the income tax bill was the first introduced. It calls for a graduated scale extending from three to eight per cent.

The measure providing for a 5 per cent tax on theatre admissions and a number of other "luxury" items was next put before the legislature. It met with spirited opposition and at a late hour tonight had not been passed.

The Senate adopted a resolution calling for a continuous session, day and night, until the pressing problem of taxation is ironed out, but the move met with defeat in the House.

CEA Favors a Limit On All Percentages

LONDON, March 13.—The result of a card vote conducted by the Cinematograph Exhibitors' Ass'n. makes it a function of the council to state maximum film percentages and to punish members paying more.

There is considerable doubt as to whether the plan is workable. A controversy is regarded as certain.

RKO Contract for India

Reginald Armour, RKO manager in India, has signed a three-year contract for exhibition of the company's product in Calcutta.

◂ *Purely Personal* ▸

ABE SCHNEIDER, treasurer of Columbia, was given a send-off party yesterday at the Tavern on his departure for the coast, but he forgot to show up. Celebrating were: LOU WEINBERG, RUBE JACKTER, JOE MCCONVLLE, JOE SEIDELMAN, JOE FRIEDMAN, LOUIS ASTOR, LOUIS BARBANO, NATE SPINGOLD, MORT WORMSER, FLOYD WEBER, MAX WEISFELDT, MAX SELIGMAN and M. MOROSS. Seated at different tables were JACK LAIT and NELLIE REVELL celebrating their birthdays. The four PICKER brothers were grouped at another table celebrating the arrival of a seven-pound, 13-ounce girl, born at 8:13 A. M. yesterday to the GENE PICKERS at Doctors' Hospital. Others gathered at various tables included ARTHUR W. KELLY, L. J. SCHLAIFER, DENNIS and KEN O'BRIEN, GREGORY DICKSON, JACK HOFFBERG, LAURENCE STALLINGS, LEW LEHR, ED THORGERSEN, PAT POWERS, ARNOLD VAN LEER, HARRY H. THOMAS, E. H. GOLDSTEIN, EDWARD SCHNITZER, COLVIN BROWN, NICK LUCAS and FRANK MCCARTHY.

•

LOUIS NIZER spoke over WHN yesterday morning complimenting the station on its increase in power recently. LOUIS K. SIDNEY acted as host. SIDNEY, by the way, now has two uniformed sentinels guarding the entrance to the executive quarters of the Loew broadcasting station.

•

MONROE GREENTHAL is doubling in brass. He's been handling the exploitation department since JACK GOLDSTEIN left and he doesn't mind it a bit.

•

A. H. MCCAUSLAND, representative of Irving Trust Co., as trustee of RKO, will leave for the Radio studios by train tomorrow.

•

HOWARD S. CULLMAN is slated to return from the coast March 22. He's been spending most of his time in Palm Springs.

•

EDWIN E. LUDWIG, composer, has signed a new contract with Audio Prod., for his exclusive services on industrial films.

•

MEL MORGENSTERN of the Loew booking department will return next week from a South American cruise.

•

BEN Y. CAMMACK, South American sales head for RKO, has arrived in Rio de Janeiro from New York.

•

FRED MITCHELL, Loew booker, who has been home ill the last few days, will return to his desk Monday.

•

JOE FRIEDMAN left last night for Montreal to visit his daughter for a few days.

•

MAX COHEN returned yesterday from Miami after a two-week vacation.

•

ABE MONTAGUE returns from a Miami vacation on Monday.

•

JOSEPH M. SCHENCK is due from the coast in about a week or 10 days.

•

BOB GILLHAM left last night for a 10-day vacation at Key West, Fla.

•

RUSSELL HARDY is due in town from Washington today.

NED E. DEPINET, NATE BLUMBERG and JULES LEVY, who are making a number of stopovers at RKO exchanges en route from the coast to New York, are due in New Orleans today, Chicago on Monday and home on Tuesday.

•

RAY CONNORS, manager of the Palace, underwent an appendicitis operation at the Elizabeth General Hospital a few days ago. He's coming along nicely and is expected to be discharged in another week.

•

JOHN AUER, who directed "The Crime of Dr. Crespi" and some of the Major Bowes amateur shorts, has left for the coast where he will report to NAT LEVINE on a Republic assignment.

•

PHILLIPS & NIZER have been retained by MAE WEST to represent her in the suit filed by FRANK WALLACE for declaratory judgment to establish the star as his wife.

•

LORD and LADY CAVENDISH (ADELE ASTAIRE), JOHN HAY WHITNEY, MARTIN BECK, LUCIENNE BOYER and EMIL BOREO will leave today on the *Ile de France*.

•

GEORGE DEMBOW is in San Francisco and is working his way east. He's due to return to National Screen's headquarters around March 23.

•

PERCY KENT will arrive by plane from the coast tomorrow. E. L. ALPERSON will report back for work Monday after a vacation in Miami.

•

MERVYN LEROY and MRS. LEROY will be guests of honor at a cocktail party to be given by Warners at the Ritz-Carlton on Monday.

•

BERNARD NEWMAN, Radio's fashion designer, having previewed the spring styles here, has flown back to the coast.

•

PHIL BAKER is dickering with several of the major companies to appear in a feature. He recently did some shorts.

•

SAMUEL RHONHEIMER and HARRY DECKER have left for Florida on a vacation of three weeks.

•

WILLIAM SUSSMAN will return Monday from a tour of the Twentieth Century-Fox exchanges.

•

HERMAN and MRS. ROBBINS will sail today for California, via the Canal, on the *Santa Paula*.

•

GEORGE WEEKS is back from another tour of G.B. exchanges.

Supply Men Delay Meet

The scheduled meeting of the board of directors of Independent Supply Dealers' Ass'n., scheduled for yesterday, was put off indefinitely because B. F. Shearer, president, was unable to be on hand. Shearer telegraphed the organization he was detained in San Francisco.

"Times" Release Set

SALT LAKE CITY, March 13.—"Modern Times" is to be released by Intermountain West March 26, it was announced here today.

"U" Control Goes to New Group Today

(Continued from page 1)

board and Robert H. Cochrane, executive vice-president of Universal, will be elected president. Rogers will be in charge of production.

A recapitalization of Universal is also regarded as likely to occur under the plans of the new controlling interests.

British distribution of Universal product will be taken over by General Film Distributors, the London organization headed by Woolf. An American outlet for General Film's product is also provided, as a selected list of the British product will be distributed here through Universal.

The option was granted Standard Capital on Nov. 1 last, for a three-month period, and a six-week extension was granted on Feb. 1. The option was a consideration under a $750,000 advance made to Universal by Standard last fall. Monthly repayments by Universal have reduced this obligation since to $500,000. The obligation was assumed by Universal Prod., Inc., a new company organized under the financing and option arrangements to produce for the parent company.

Laemmle's holdings, which are understood to consist of 1,115 shares of the 17,864 shares of eight per cent first cumulative preferred outstanding; 15,702 shares of the 20,000 shares of seven per cent second cumulative preferred, and 7,016 shares of common and 178,818 voting trust certificates, of the 250,000 shares of common outstanding.

The voting trustees of Standard Capital are Cowdin, George N. Armsby and Lawrence W. Fox, Jr., the latter of Los Angeles.

Grainger on the Coast

HOLLYWOOD, March 13.—James R. Grainger, general sales manager for Universal, arrived today to discuss the new season lineup.

Abeles Is Made W.B. South American Head

(Continued from page 1)

of theatre building in progress, he said.

Warners will have a first run showwindow in Rio de Janeiro next month with the opening of the 1,500-seat Plaza. The company has no interest in the theatre, Hummel asserted. In Buenos Aires, the Opera House is being torn down and a new theatre, to be devoted to films, is to be erected.

Generally speaking, Hummel said, the new houses going up are modern in every respect.

"Marie" Salt Lake Hit

SALT LAKE CITY, March 13.—"Rose Marie" has been held over at the Paramount here after a record-breaking week.

F. & M. Signs Two More

HOLLYWOOD, March 13.—Louise Dresser and Louise Beavers have been signed by F. & M. for a series of personal appearances.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 63 NEW YORK, MONDAY, MARCH 16, 1936 TEN CENTS

DEPOSIT OF CHECK CLOSES "U" DEAL

Detail Ready For Transfer Of Sanitarium

Name to Be Will Rogers Memorial Hospital

Arrangements by which the Will Rogers Memorial Commission formally will take over the Saranac Lake sanitarium from N. V. A. with the five affiliated circuits underwriting the institution for $100,000 annually for five years, have been completed except for minute legal details, it has been learned.

With the closing of the arrangements, the sanitarium will be known as the Will Rogers Memorial Hospital. The present N. V. A. governing board will resign and be replaced by a governing board to be designated by the Rogers Memorial Commission. Will H. Hays, a member of the latter body, will be the representative of the affiliated circuits on the institution's new board.

While the agreement legally commits the circuits only to a five-year

(*Continued on page 7*)

Chaplin and "Forest" Win Awards for Feb.

HOLLYWOOD, March 15.—The performance of Charlie Chaplin in "Modern Times" was voted the best acting in February by the membership of the Screen Actors' Guild. First honorable mention went to Humphrey Bogart for his work in "The Petrified Forest" and second to Leslie Howard for his performance in the same film.

Charles Kenyon and Delmar Daves wrote the screen play for "The Petrified Forest," which was named the best screen play of the month by vote of the Screen Writers' Guild. It won out by only one vote over "The Ghost

(*Continued on page 8*)

Ampa's Party Pulls Crowd of Over 700

It came up to expectations, that Ampa Naked Truth Dinner at the Astor. The attendance ran well over the 700 mark and the entertainment, which began shortly after the dinner started, kept right on going until a late hour. The absence of speeches made a hit.

Until a late hour Friday night the boys watched a dress rehearsal. This helped, as the program went off with something resembling a schedule. Guests saw themselves doing all kinds of things at the showing of newsreel shots made earlier in the evening.

Bylaw Change Is Accepted By Directors

Completes Organization of New Guild

HOLLYWOOD, March 15. — The Screen Directors' Guild has voted unanimously for acceptance of the bylaws as revised by the directorate in collaboration with Lloyd Wright, Guild attorney. Copies will be received tomorrow by all members.

The revision completes the official organization of the group and a concentrated membership drive will follow. The most important change in the guild rules is on Article 3, dealing with membership qualifications. The first draft opened the roster to any director of recognized professional standing in the senior membership classification.

The new bylaws limit the senior group to members having directed and received screen credit for not less than two films for major release, and within the 12-month period prior to

(*Continued on page 8*)

Edelstein Seeks Aid Of Barcelona Police

BARCELONA, March 15.—After receiving three telephone calls and two letters threatening death, Jacques Edelstein, local M-G-M manager, has notified the police and an investigation is now under way.

Despite picketing activities by exhibitors at the distributors' office, M-G-M sales have increased, it is stated. Arthur Field, head of the company's Paris exchange, is due here next week to investigate the trouble.

Field is making the trip at the request of the home office in New York. However, the differences between the theatre men and M-G-M are being arbitrated. It is expected a decision will be reached within the next few days.

N. E. Allied Scores M-G-M Cancellation

BOSTON, March 15.—Allied of New England, headed by Nathan Yamins, national Allied president, scores M-G-M's percentage demands in a bulletin to members just issued. The statement lists salaries said to be paid to M-G-M and Loew executives and continues:

"We have no quarrel with any man's income or earnings, but we do

(*Continued on page 8*)

Total Gross 25c.

Hartford, March 15.—Major Bowes broke all records for low grosses at the State here. An ordinance prohibits stage performances on Sunday, so he opened with a film show only.

The theatre seats 4,000 and the admission was 25 cents, the lowest in town for a first run. One customer appeared. He insisted on seeing the show, so they ran it off for him. The feature was Gene Raymond in "Seven Keys to Baldpate."

Theatre Tax of 4% Suggested in N. J.

TRENTON, March 14.—A third and compromise amusement tax program which includes a four per cent levy on theatre admissions was put before the legislature this afternoon with tentative agreement for its passage. It is estimated that the new plan will yield $800,000 annually.

The original amusement tax was scheduled at 10 per cent, and was defeated. The second suggestion called for five per cent, but this also failed to pass. Legislators believe that they can put through the present four per cent levy.

The new bill is being prepared by experts of the State Tax Department and will be ready for submission tonight. It is not known as yet whether it will be a flat four per cent on gross receipts or if it will be based on a graduated scale.

Fox Seeking Stay on Arrest for Contempt

An application for a stay of judgment against William Fox pending an appeal to the United States Supreme Court from an order fining Fox $235,000 and $10,000 attorney's fees, and directing that he be taken into custody until the fine is paid, will be asked of Federal Judge William Bondy today.

If the stay is denied by Judge Bondy Fox will be subject to arrest even though his attorney's application for a writ of certiorari is pending before the Supreme Court. The fine and arrest of Fox was ordered by

(*Continued on page 7*)

Funds Placed to Credit Of Laemmle Complete Preliminaries

Formalities in connection with the exercise of the option by which control of Universal passed to Standard Capital Co. were completed on Saturday with the deposit of a check for $1,500,000 to Carl Laemmle's credit in the Manufacturers' Trust Co. The remaining $4,000,000 due is to be posted in securities during the next 20 days. These are on hand now.

It is understood that Erpi put up $2,000,000, that another $2,000,000 came from C. M. Woolf in England, and that the rest was raised from private sources.

A meeting of Universal stockholders is to be called soon to provide representation on the board for the new owners of more than 80 per cent of the company's outstanding securities. Robert H. Cochrane will be named president with Charles R. Rodgers as executive vice-president. The question of recapitalization of the company will be among the early subjects to come before the new board.

Bernhard Says More Coast Spots Sought

Warners may add a number of theatres to its coast circuit, Joseph Bernhard, in charge of operations, stated Saturday.

Bernhard recently returned from the coast where he is understood to have looked over a number of possible situations. Asked whether any deals had been consummated, Bernhard replied: "We are working on something."

Nat H. Brower, west coast district manager for Warners, has been in town several days conferring with home office officials.

American Films Hit By Polish Tax Plan

WARSAW, March 15.—Representatives of American exchanges here have indicated that they will be forced to curtail their activities in this country and perhaps withdraw entirely if a proposed tax is passed by the Government. The levy, which would amount to about six cents a foot on films submitted to the censors, is to supply funds for subsidizing domestic producers.

A draft of the new decree has been

(*Continued on page 7*)

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Meyer's Supervision Is Extended Upstate

Fred Meyer, in addition to his other duties, is now supervising four RKO theatres in Rochester and a similar number in Syracuse. He returned Saturday from a trip to Rochester when he looked over the theatre setup.

Jake Golden, who has been city manager for RKO in Rochester, now is managing Keith's, Syracuse, and William Tubbert, formerly representing the circuit in Syracuse, has been promoted to division manager for the Schine circuit with headquarters at Watertown.

Schine and RKO are in a pool in Syracuse, and RKO, Paramount and Comerford have a pooling arrangement in Rochester.

RKO Claim Hearing Off

A hearing of exceptions to the allowance of Rockefeller Center's lease claims against RKO at $9,100,000, which was scheduled for tomorrow before Federal Judge William Bondy, has been postponed to March 24. Efforts to effect a compromise or settlement of the claims are still being made.

SMPE Group to Meet

The Atlantic Coast Section of the S.M.P.E. will hold its regular monthly meeting on March 19 at the Bell Laboratories. Victor Subrizi will present a paper on "Flutter in Sound Records with a Demonstration."

Insiders' Outlook

By RED KANN

THE phone rang. It was an imperative ring. We sensed its importance. There was Mox Shobbus, calling all the way from the fringe of Hollywood. As insistent as his telephoning was his oxpostulation, topped by an invitation. "Because you have given the little exhibitor a chance to get off his chest what he's got on it, I want you should be my guest at lunch, something special." It was Ray's Delicatessen and your scribe was a trifle late. Already Mox, usually impatient, was tearing a herring apart. . . .

▼

"I asked you here because all the top shots come here," explained Mox. "Here Louie Mayer finds his favorite dish; kishke. Eddie Cantor gets the best chopped liver here; Manny Cohen, gefillte fish; Joe Schenck, blintzes; Adolphe Menjou, chicken noodle soup; Fannie Brice, gedempfte brust; Carl Laemmle, sauerbraten with potato pancake. Now what will you have?" The regular dinner was ordered and we began to eye Mox appraisingly. Shobbus is medium in height, broad in girth, slightly bald and full of mirth, Shobbus style. By him a joke is a joke and no joking. . . .

▼

We looked for a sour puss, but Shobbus is only slightly citrous. Sartorially, he was impeccable in his way. Naturally, he could not grace the pages of *Esquire*, but Hart, Schaffner and Marx might use him as a model for their stylish stouts if they stretched it a bit. Mox was smiling. He had just received his previous night's box-office report on his run of "Mutiny on the Bounty," together with "The Country Doctor." He was chuckling and clucking at his profit. "You see, Shobbus service to my public is A Number One, tip-top, aces high. It pays to lead a good, dual life." . . .

▼

"Let's not talk business, Mr. Shobbus," your scribe suggested. "Our readers by this time are fully conversant with your viewpoints as an exhibitor, even though you are on the fringe. Tell me, have you ever been to a real Hollywood party?"

"Sure," replied Mox, rolling a hunk of salami under his tongue. "You remember I was telling you about my talk with Eddie Alperson. Well, to get on my good side what do you think happened? Charlie Skouras, that angel, told Eddie he should invite me to a hotcha Hollywood party. I was suspicious from the beginning, because a party can't get my mind off my grievances and groanings. So I went anyway. . . .

▼

"I took Yenta, my wife, also Eriv Shobbus, my older boy, and Nach Shobbus, my little Lord Fauntleroy, to see what we could see and to get some autographs maybe. Yenta went to get gossip. It was a typical Hollywood party, the kind you never read about. First we met a scenario writer with false teeth and a brief case. He talked just like his characters talked in the days of silent pictures. I was looking all around for his typewriter. There wasn't a brunette in the place. A he-man actor we also met. He smelled from toilet water. Yenta, she's so modest, right away asked the actor the brand. She said we could spray it around our theatre. Maybe she wanted it for me. Yenta is so romantic. . . .

▼

"The producer who invited us through Skouras through Alperson appeared with an English accent, a cocktail shaker and riding breeches. How do you like that? I knew him when he was an exhibitor, just like me. He eats also at Ray's. A buxom lady star, Miss Zaftig to you, posed alongside a fountain. Was she luxury? Did I *tzopple?* I looked to see if her nails were red or green, on my word, not to see the brand of perfume she carried. Yenta, who was watching, asked me 'What's she got, I ain't got?' So I told Yenta and then Yenta told me. That was the other night. Since then Yenta don't talk to me. . . .

▼

"Today when I talked to Eddie Alperson I told him I was paying too much rental and getting too little percentage for playing Miss Zaftig's pictures. Also I told Eddie my Yenta says I give Miss Z. too much publicity and Yenta thinks I am her phantom Romeo. So I told Eddie after my first tryout of a Hollywood party, I'll kiss every film salesman who stays away from my theatre. So far as my family was concerned, the party was a success. Eriv got no autographs and my little Lord Fauntleroy embarrassed me by asking for his *teppeleh.* Yenta got gossip, but to me she won't talk. As for Charlie and Eddie who forced me to play the party, I left them both having a good time. But friendship or no friendship, tomorrow I ask for an adjustment." . . .

▼

By this time we were finishing our cheese cake and tea with lemon. The check arrived and Shobbus outfumbled your correspondent; that's been done before. "Don't forget to tell all my exhibitor pals," said Mox, pulling out a wad that resembled the Metro payroll," and don't forget my enemy, Ali Gaga. Let him know Shobbus paid the check. A Shobbus always pays." . . .

British Television To Start on July 1

By BRUCE ALLAN

LONDON, March 4.—July 1 has now been set as the opening date for the British Broadcasting Corp.'s television transmissions, under the "experimental" program arrangements announced last year. These envisage a three-hour daily service. Variety and film items will predominate, but there will also be illustrated talks.

Completion of the official transmitting station at the Alexander Palace in North London is in sight. Equipment has been installed by the Baird and E. M. I. companies and the last stage will be the erection of the 215-foot mast on the 48-foot tower of the Palace.

Television cables will link London to Birmingham, Manchester and later with other provincial cities, but the B. B. C. is also experimenting with micro-waves for direct transmission.

* * *

Cinema House, Oxford St., has been transformed by D. J. James into a "two-in-one" theatre offering Continental films on the street level and newsreels in the basement. The old name has been discontinued for "Studio No. 1" and "Studio No. 2." First Continental picture in the No. 1 theatre is "Veille D'Armes," with Annabella.

* * *

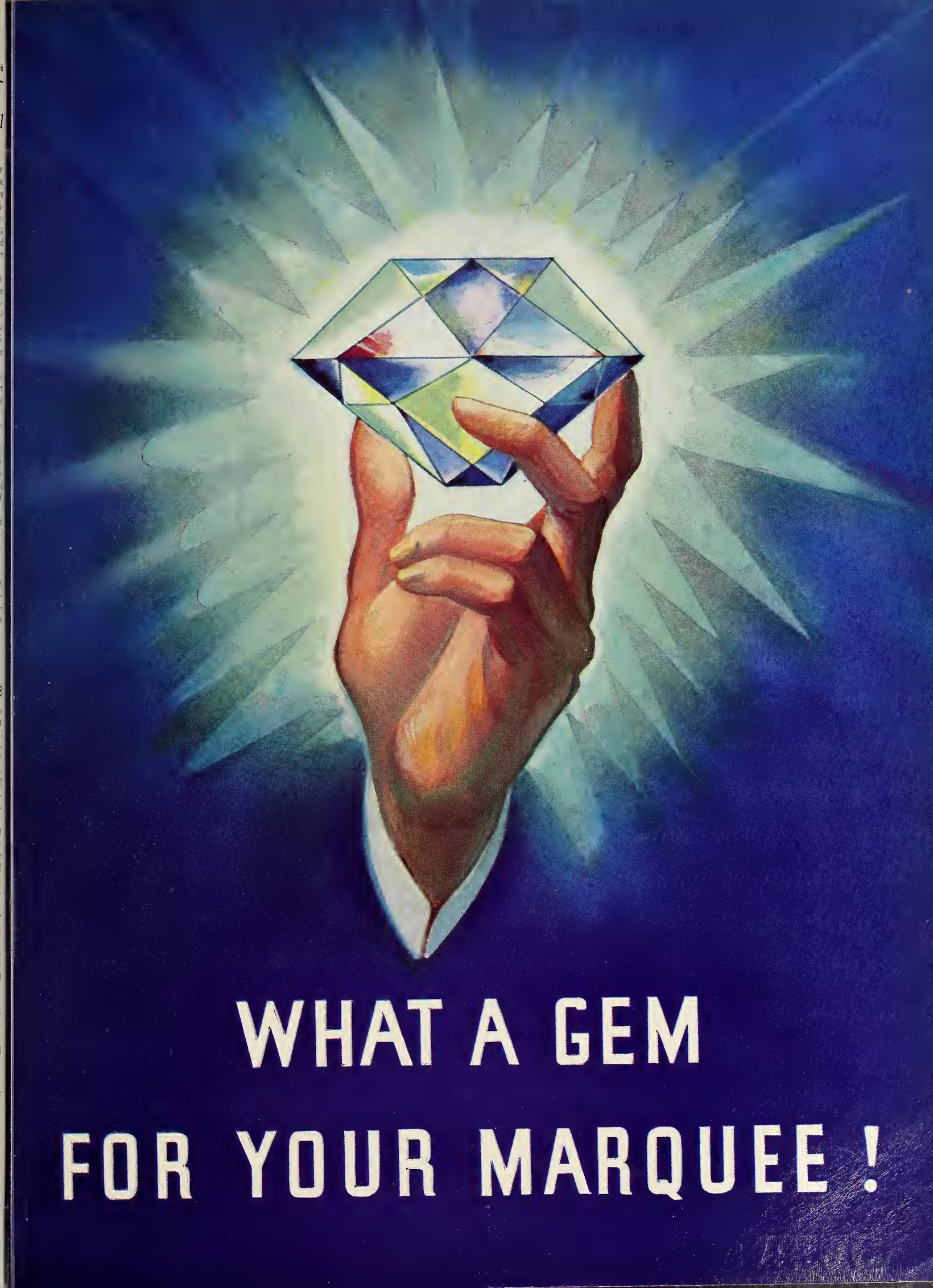
News films covering the chief events in which King George V figured during his 25 years' reign have been presented by the producing companies to the National Film Library.

Zirn Seeks Contempt Order in Para. Case

Contempt of court proceedings against former Paramount creditor banks and members of the bank group committee formed under the company's reorganization proceedings will be instituted in the Appellate Division of the N. Y. Supreme Court by Samuel Zirn, attorney for petitioning bondholders in the Paramount reorganization, Zirn said on Saturday.

Zirn had actions pending against the banks in the state court when the Paramount reorganization plan, which provided for the discontinuance of all litigation against creditors whose claims were treated in the plan, was approved in the U. S. District Court. The bank creditors obtained an order from Federal Judge Alfred C. Coxe directing Zirn to discontinue his actions against them or be held in contempt of court. The U. S. Circuit Court of Appeals dismissed an appeal by Zirn from this order and recently denied his motion for reargument.

The Appellate Division of the state court ruled in Zirn's favor in his bank actions more than a year ago. His contempt proceedings will be based on this and the banks' subsequent procedure in the Federal Court, he said.


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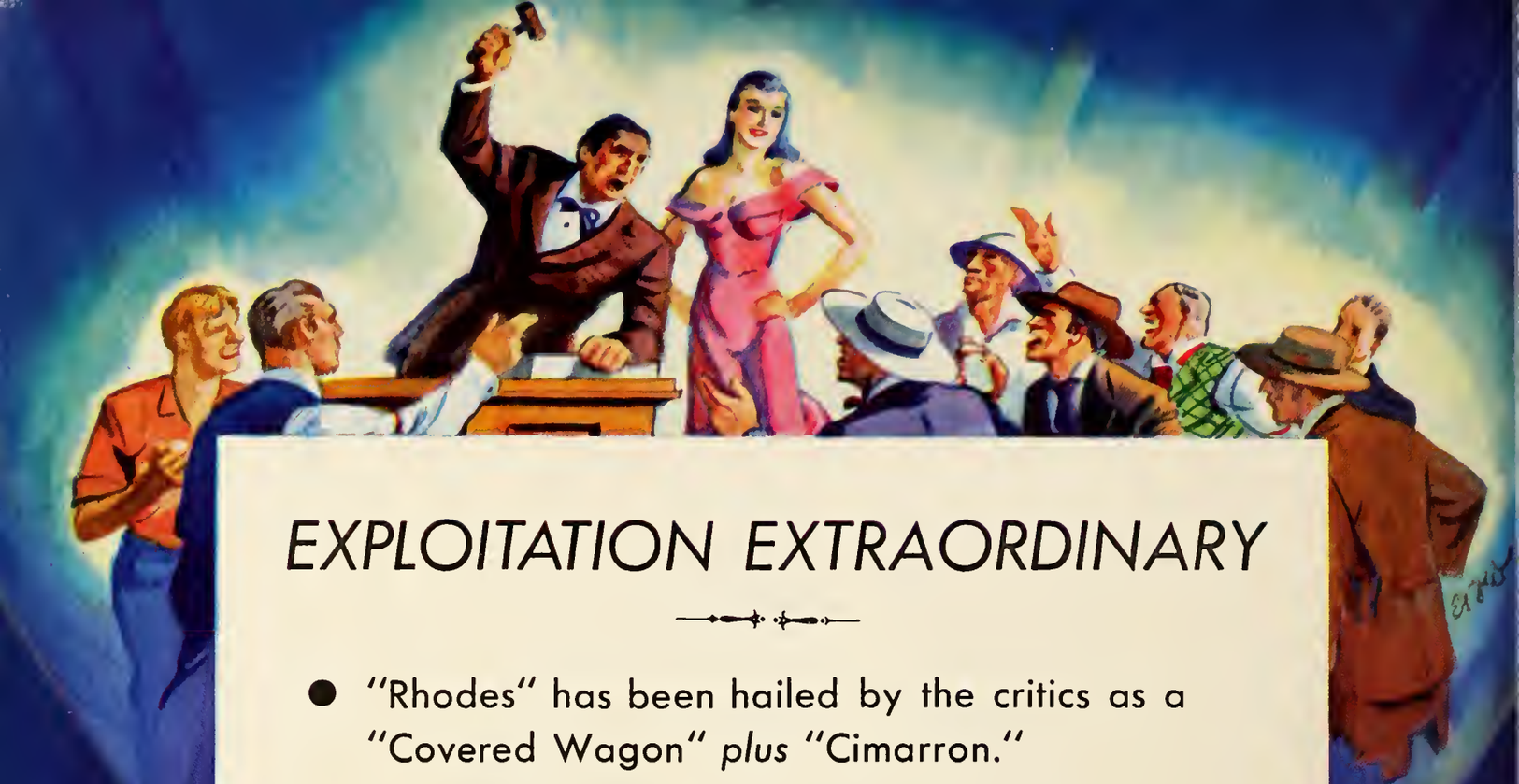


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Detail Ready For Transfer Of Sanitarium

(*Continued from page 1*)

underwriting of the sanitarium, it is expected that this sponsorship will be made a permanent one. In any event, there is little likelihood that the project will be permitted to go out of existence at the end of the five-year period. The five underwriting circuits, Paramount, Warners, RKO, Loew's and National Theatres, at present are studying plans for creating a sinking fund which might be sufficient to carry the sanitarium for a long term of years. Annual contribution drives in the theatres of all five circuits are expected to be utilized.

With the new sponsorship for the sanitarium its policies will be broadened and the admission privilege will be widely extended, it is said. Any qualified patient will be admitted who has been associated with the stage or films, whether in a professional capacity or not, according to present plans.

Fox Seeking Stay on Arrest for Contempt

(*Continued from page 1*)

Judge Bondy as punishment for Fox's contempt of court in failing to answer a subpoena for examination in supplementary proceedings when the former film executive failed to satisfy a $285,000 judgment against him. The judgment was obtained by the Capital Co., on Fox's personal liability under a defaulted lease on the Fox, San Francisco.

Fox's attorneys, Hirsh, Newman, Reass & Becker, will proceed with their petition for a writ of certiorari in the Supreme Court even though the application for a stay may be denied, it was stated on Saturday.

Goetz Planes East

HOLLYWOOD, March 15.—Ben Goetz flew east Friday night on the first leg of a trip that will take him to England on the *Berengaria* for the purpose of completing British production plans.

Spigelgass With M-G-M

HOLLYWOOD, March 15.—Leonard Spigelgass has joined M-G-M as an associate on Harry Rapf's production staff. He was formerly with the Zeppo Marx Agency and at another time was Universal scenario editor.

"Ariane" Barred in Ohio

COLUMBUS, March 15.—The censors have banned "Ariane," foreign picture, from Ohio because of the nature of the story. It had been booked in several Ohio spots.

MAE WEST
"KLONDIKE ANNIE"
WILLIAM MORRIS OFFICE

Purely Personal

WILLIAM R. FERGUSON will return today from Cleveland where he conferred with M-G-M field exploiteers on the campaign planned for "The Great Ziegfeld." On Wednesday he will have a group of judges meet at the Astor to decide the winner of "Mutiny on the Bounty" ship models sent in from all over the country.

•

KENNETH B. UMBREIT of the RKO legal department is the author of an article on the life of former CHIEF JUSTICE TANEY of the U. S. Supreme Court, which appears in the current issue of the *Journal of the American Bar Ass'n.*

•

MARY PICKFORD will leave for the coast by train Wednesday. Tomorrow night, after her broadcast, LYNN FARNOL, WILLIAM KUSER and NAT WOLF will take off via the TWA line.

•

MIKE KALLET left for Oneida, N.Y., over the week-end and is due back in a few days to confer with MILT KUSELL on a deal for Paramount's lineup next season.

•

EDWARD ANSON, independent circuit operator in Boston, was in town over the week-end. He was one of the many attending the Ampa affair at the Astor Saturday night.

•

JACK GOLDSTEIN of Rex Premiums will leave today on a week's trip. He will visit Pittsburgh, Cleveland, Detroit and Buffalo, in the order named.

•

GEORGE J. SCHAEFER plans to leave for the coast the middle of next month. Today he heads for Washington and the Pettengill hearing.

•

MARTY BARRETT, Van Beuren sales manager, is on the road in the course of an eight-week tour of RKO exchanges.

•

NATE BLUMBERG is due to return from the coast Thursday. He's making stopovers at various key cities where RKO theatres are situated.

•

FERNANDO C. TAMAYO, head of Columbia's foreign publicity, left yesterday for a month's vacation in Venezuela.

•

JEFFREY BERNERD and ARTHUR LEE of G.B. are slated to leave Hollywood this week for the east.

•

EDWARD GOLDEN is back on the job again after being laid up for nine days with the flu.

•

CHARLES REAGAN has gone to Miami for a two-week vacation.

•

. . . *Chicago*

Lieut. HARRY COSTELLO, police censor head, is recovering from pneumonia. He is able to sit up for short intervals now.

JOE LEVY, in charge of the Capitol Film Exchange in Kansas City, is here for a week at the local office.

ROY BRUDER and MRS. BRUDER are furnishing a new apartment.

WILLIAM SULLIVAN, public relations counsel for the Stevens Hotel, is the latest addition to the ranks of C.A.P.A.

SIDNEY H. SELIG, veteran showman, is feeling better with spring in the offing. SELIG has been ill for many months.

PHIL DUNAS is still vacationing in Hot Springs.

CLAUD SAUNDERS visited the Ross Federal offices here. He went to Detroit from here.

LLOYD LEWS, drama editor of the *Chicago Daily News* is on the coast visiting studios and doing interviews.

•

. . . *London*

DAVE BADER established in Haymarket office with DENNIS WATNEY as partner; representing ZEPPO MARX's English interests.

J. W. GOSSAGE of Reunion Films forming a new company to make French films and English versions in London.

PHIL REISMAN, criticizing quota, declares its abolition would be to the good of serious British producers.

JOHN MAXWELL of A.B.P. and F. W. BAKER of Butcher's on panel of honorary advisers to Cinema Christian Council, which plans to produce and exhibit films of a religious character.

•

. . . *Los Angeles*

CONRAD ROSE, salesman in charge of the Salt Lake office of G. B., has been transferred to Los Angeles to join PAUL DE OUTO's sales staff.

JACK COHN, vice-president of Columbia, expected here from New York by boat today. MRS. COHN accompanies him.

J. B. SLOATE will reopen the old Gem under the name of Maynard Theatre.

HARRY NACE, recovered from a severe illness, here for a few days from Phoenix, Ariz.

HOWARD W. STEBBINS, manager of the Republic Exchange, back from a selling trip through the Imperial Valley and San Diego.

FRED HERSHON, manager of the Trojan will open the Garden in April.

RALPH GRUNAUER, owner of the Balboa and Manchester theaters with MARCO, has moved to La Crescenta.

ARMAND COHN, head of the All-Star exchange in San Francisco, is here accompanied by his office manager, EDWARD MORRIS.

HARRY BUXBAUM, Twentieth Century-Fox New York exchange manager, and MRS. BUXBAUM have gone to Havana and Nassau for a short vacation.

•

. . . *San Francisco*

ROLLAN LLOYD is managing the recently opened Regal for AARON GOLDBERG.

SOLLY COHN is running the Circle.

FRED WILLIAMS of Consolidated Amusement Co. has just returned from Honolulu.

RALPH G. POLLACK, who publicizes the Pokin and Ringer theatres, is here handling the opening of the New Capitol.

MAURICE LOWERY, well known on film row here, has been transfered to the sales department of the United Artists exchange in Denver.

WILLIAM DEL MONTE of the Union has taken over an interest in the Bayshore.

"Fleet" at $10,500 New Haven Leader

NEW HAVEN, March 15.—"Follow the Fleet" led the week's business with a $10,500 take, more than twice normal for the Roger Sherman, and a holdover for the first time since "Little Women," a year and a half ago.

"Trail of the Lonesome Pine," on a dual with "Timothy's Quest" at the Paramount, ran second, garnering $9,300, up by $4,500, and staying for an additional five days. The College hit an average $2,800 with "Fang and Claw" and "Exclusive Story"; while "The Country Doctor" and "Paddy O'Day" dipped $1,500 under the Poli par with a $5,500 week. A constant drizzle and rain affected the second half of the week.

Total first run business was $28,100. Average is $19,300.

Estimated takings for the week ending March 13:

"FANG AND CLAW" (Radio)
"EXCLUSIVE STORY" (M-G-M)
COLLEGE—(1,499), 25c-35c, 7 days. **Gross:** $2,800. (Average, $2,800)

"TRAIL OF THE LONESOME PINE" (Para.)
"TIMOTHY'S QUEST" (Para.)
PARAMOUNT—(2,400), 35c-50c, 7 days. **Gross:** $9,300. (Average, $4,800)

"THE COUNTRY DOCTOR" (20th-Fox)
"PADDY O'DAY" (20th-Fox)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $5,500. (Average, $7,000)

"FOLLOW THE FLEET" (Radio)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $10,500. (Average, $4,700)

American Films Hit By Polish Tax Plan

(*Continued from page 1*)

prepared by the Ministry of Industry and Commerce for approval of the Council of Ministers, and would affect films arriving for next season. American interests are combining in opposition to the proposed tax. Since American product totals more than 50 per cent of all films shown in the country, U. S. companies would bear the brunt of the new levy. It is understood the Government has decided that, effective April 1, 10 per cent of all features shown must be of domestic origin, and that the entertaiment tax rebate for films of educational merit will be discontinued.

Republic Signs Chaney

HOLLYWOOD, March 15.—Republic has signed Lon Chaney, Jr., for a featured role in "The Undersea Kingdom," serial now in production, which will star Ray Corrigan. Ralph Holmes, Lee Van Atta, and D. Montague Shaw also have been added to the cast.

Warners Sign Knowles

HOLLYWOOD, March 15. — Warners have signed Patrick Knowles, English actor, to a term contract, and he is now on his way here for a role in "The Charge of the Light Brigade." Knowles made several pictures for Warners in England.

Tracy, Furness Signed

HOLLYWOOD, March 15. — M-G-M has signed Spencer Tracy and Betty Furness to new long term contracts. Tracy is currently working in three pictures: "Mob Rule," "San Francisco" and "Captains Courageous."

Bylaw Change Is Accepted By Directors

(Continued from page 1)

the date of the last classification or meeting date received screen credit for the direction of a feature for major release or began the direction of a film for which screen credit will be given.

The voting law was changed to prevent the passing of drastic measures by non-representative or inactive members in the voting group. Several prominent directors have been waiting for this change before joining, it was learned. Members will be classified on the first of January and July of each year, or at the time membership applications are accepted. Junior and associate membership qualifications remain as they were.

The only other important amendment permits members to resign on six months' notice after the guild has been organized for one year instead of the former indefinite term.

N. E. Allied Scores M-G-M Cancellation

(Continued from page 1)

feel that exhibitors might bear them in mind when Metro has the nerve to ask the signing of riders permitting the transfer of high percentages from undelivered '34-'35 product to '35-'36 pictures. If Metro thinks its '34-'35 pictures still undelivered are unworthy of percentage rates, can't they afford to be men enough to forget the prohibitive rentals they demanded for undelivered 'masterpieces' without trying to grab their high rentals for pictures they do not choose to deliver? Is all sense of fairness and decency dead in this business?"

LeRoy May Delay Trip

Mervyn LeRoy may postpone his sailing for Europe Wednesday, he stated upon his arrival from the coast. He is scheduled to sail on the *Berengaria* with Harry M. Warner and Sam E. Morris.

Queried on various reports regarding his future status with Warners, LeRoy stated he had nothing to say at this time. His trip abroad is in the nature of vacation, but at the same time he will keep an eye open for new talent and stories.

Refuses Session Change

BOSTON, March 15.—A bill favoring biennial sessions of the Massachusetts legislature, recommended by a special commission which studied the situation last summer, was disapproved by the committee on constitutional law. Many theatremen favored the measure inasmuch as it would do away with the annual avalanche of film legislation.

Thomas Col. Ad Head

HOLLYWOOD, March 15.—William Thomas has succeeded Edwin Olmstead as Columbia publicity director. Olmstead will leave here today by train for New York to assume his new duties at the home offices.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Thirteen Hours by Air"

(*Paramount*)

HOLLYWOOD, March 15.—Timely as streamlining, this comedy-drama of crooks and intrigue moves rapidly with all the action taking place aboard a plane between New York and San Francisco.

Joan Bennett, boarding the plane just before it takes off, receives financial aid from Fred MacMurray, the pilot. Fred Keating, embarking at Chicago, anxiously strives to prevent Miss Bennett from reaching her destination. As the journey progresses MacMurray learns that his passengers are all involved in intrigue of some sort and when the plane makes a forced landing in a snowstorm the identity of each is revealed. They include Alan Baxter, a killer; Brian Donlevy, detective; Bennie Bartlett, wealthy child, with Zasu Pitts as a governess. When the plane lands, Baxter wounds Donlevy and John Howard, the co-pilot. Attempting command of the situation, Baxter is foiled by young Bartlett, whose pranks have heretofore been a nuisance, and the situations are finally straightened with MacMurray winning Miss Bennett when the destination is reached.

Director Mitchell Leisen has handled all the elements skillfully, never permitting the suspense to lapse and inserting frequent comedy that is carried on chiefly by Miss Pitts. The Bogart Rogers screenplay from the original he wrote with Frank Mitchell Dazey is topnotch and bows may also be taken by E. Lloyd Sheldon, the producer, and Hans Drier and John Goodman, whose artistic settings have been well photographed by Theodor Sparkuhl.

The production offers many exploitation angles and should be sold readily.

Production Code Seal, No. 2,038. Running time, 78 minutes. "G."

"Doughnuts and Society"

(*Mascot*)

HOLLYWOOD, March 15.—This is the last of the Mascot films and its release at this time serves as a gentle but very pointed reminder of the improvement in Republic product.

Louise Fazenda and Maude Eburne, after numerous disasters with an Alaska gold mine, settle down amiably to the manufacture of doughnuts. The romance between their respective children, Edward Nugent and Ann Rutherford, has a temporary setback when Miss Eburne sells a piece of property and starts a vigorous climb on the social ladder. Miss Fazenda, cut to the quick by the desertion of her lifelong friend, buys a five-story garage as her bid to social distinction and shoulders her way into the 400, too. The resultant quarrels and jealousies are forgotten when the two find themselves back in the doughnut business.

Hedda Hopper plays a society fixer. Franklin Pangborn is seen as the final word in the intricacies of etiquette. Smiley Burnette, Rafael Corio, Harold Minjir, Olaf Hytten, Robert Light and Claudell Kaye turn in good supporting performances under direction of Lewis D. Collins. Karen deWolf, Robert St. Clair and Wallace MacDonald wrote the original story and screenplay with added dialogue contributed by Gertrude Orr and Matt Brooks. William Berke supervised.

Production Code Seal, No. 2,028. Running time, 63 minutes. "G."

Local 306 and Allied Merger Progressing

Moves to merge Local 306 and Allied M. P. Operators are progressing rapidly and a deal is expected to be concluded within the next few weeks. Three meetings were held last week, the final one on Saturday, attended by a number of exhibitors as well as union officials.

Among those attending Saturday's session were: Joseph D. Basson, president of Local 306, Bert Popkin, Joe Kelbin, Maurice Fleischman, Harry Brandt, Stanley Lawton and Irving Renner.

Empire was not present at either of the sessions, but it is anticipated that this organization will join the merger shortly after details are cleared up.

Chaplin and "Forest" Win Awards for Feb.

(Continued from page 1)

Goes West," winner of first honorable mention. The screen play was written by Robert E. Sherwood. Second honorable mention was won by "Ceiling Zero," for which Frank Wead wrote the screen play. The selections in both divisions were made from the 39 features released as first runs in Los Angeles between Jan. 21 and Feb. 19.

Warners Name McCoy

CHARLOTTE, March 15.—R. L. McCoy has been named Warner branch manager here, replacing Frank Bryan, who died recently. McCoy was a salesman in Dallas.

Missouri Studying New Taxation Move

JEFFERSON CITY, Mo., March 15.—Missouri is getting closer to a special session of the legislature. Gov. Guy B. Park has written members of the General Assembly in an effort to sound out sentiment.

The $6,000,000 voted for direct relief will be exhausted in April, Governor Park pointed out, and the demand, especially from St. Louis and Kansas City, for a special session to provide more funds, is growing.

There is some demand to appropriate more for old age pensions, payment of which now averages $10.50 per person per month. The legislature appropriated $2,500,000 at the last session.

Sentiment seems to be crystallizing around a three per cent sales tax as a solution to Missouri's fiscal problem. The last legislature raised the sales tax from one-half to one per cent, and had a difficult job doing it. It is felt this is one reason for Governor Park's reluctance to call a special session.

Returns from the one per cent levy for January dropped to the lowest figure since the tax became effective last August—$822,704, probably due to extremely low temperatures.

Brandt to Albany On Children's Bill

With the bill on the admission of children up before a committee today, Harry Brandt, head of the I. T. O. A., has left for Albany with a committee of six for the hearing.

Among the group are Rabbi Alexander Lyons, Mrs. Clarence Watterman and Mrs. M. Phelps.

D'Usseau with Halperin

HOLLYWOOD, March 15. — Leon D'Usseau has joined Academy-Halperin Prod. as a production aide. He was production assistant to William LeBaron at RKO and later held a similar post with First Division.

Wall Street

Universal, Eastman Lead Board Gains

	High	Low	Close	Net Change
Consolidated	6¾	6⅜	6½	.....
Consolidated, pfd.	19	19	19	+ ⅞
Eastman Kodak	161	160	161	+4½
Loew's, Inc.	48¼	47⅝	48	+ ¾
Paramount	10	9½	10	+ ¾
Paramount 1 pfd.	74	74	74	+2⅜
Paramount 2 pfd.	10⅞	10⅜	10⅞	+ ¾
Pathe Film	8¼	8⅛	8¼	+ ½
RKO	8	7¾	7⅞	+ ¼
20th Century-Fox	29⅜	28⅝	29⅜	+ ⅞
20th Century, pfd.	37½	37¼	37½	+1
Universal, pfd.	91	85	91	+9
Warner Bros.	11⅞	11¼	11¾	+ ¾

Technicolor Up on Curb

	High	Low	Close	Net Change
Sentry Safety	¾	¾	¾	— ⅛
Sonotone	2⅜	2½	2½	.....
Technicolor	30½	30	30½	+ ½
Trans Lux	4⅛	4⅛	4⅛	.....

Little Bond Trading

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	29	29	29	+ ¼
General Theatre Equip. 6s '40 ctf.	29	29	29	+1
Paramount Pictures 6s '55	87½	87½	87½	+ ½

(Quotations at close of March 14.)

Short Subjects

"Headlines of 25 Years"
(*Radio*)

This is a serious compilation of outstanding newsreel clips which present history as recorded by the camera during the 25 years in which Pathe News has been reporting. With over a hundred episodes flashed on the screen, the film begins with Roosevelt's African trip in 1910 and moving rapidly, dramatically shows inaugurations, royal weddings and deaths, events of the war, the Armistice, a history of aviation from the Wright brothers to the present day and industrial strife and triumphs. The accompanying narrative is fitting and the historical value of the film should be appreciated by the majority of audiences, for it is an excellent job of cutting and editing. No production code seal. Running time, 12 mins. "G."

"A Wed-Time Story"
(*Radio*)

With Lew Fields of the team of Weber and Fields starring in this comedy, there is something worth plugging. The plot of the film, after the "Krausmeyer's Alley" fashion, concerns the difficulties of Fields when he wins a prize in a contest for his essay on "How to Be Happy Though Married."

Thick with a Germanic accent, the story proceeds, when, after being interviewed by a reporter, his son, Frank Lyman, tells him that according to the law he is not married and so is taking the money under false pretenses. This gives way to a lot of domestic tears and argument, all of which are finally straightened out. The support includes Jack Rice, Harry Bowen and Bodil Rosing. Production Code Seal, No. 1,804. Running time, 21 minutes. "G."

"Prominent Personalities"
(*Radio*)

One of "The World on Parade" series, this presents Leroy N. Mills, a Mt. Vernon, N. Y., lawyer who coaches young football enthusiasts as a hobby; Miss Helen Richey, the only woman air mail pilot; Grisha Goluboff, a violin prodigy who indulges in normal boyhood pursuits, and Margaret Bourke-White, the photographer, who is shown in her studio and at work on films. At this point Alwyn Bach takes over the microphone and tells of the career of Alois Havrilla, who has been delivering the narrative, and how he made his place in radio. It is a different offering and will keep the audience interested. Production Code Seal No. 0881. Running time, 10 mins. "G."

"Slumberland Express"
(*Universal*)

This cartoon with Oswald is suitable entertainment for children and amusing for others. It is about a train that runs at night and picks up an assortment of characters and takes them to a land of child's delight. Oswald's little brother wanders away into Nightmare Land and is frightened by various spectres in the form of a hairbrush and comb and a toothbrush and paste which ogle him threateningly. Oswald comes upon the scene and some fierce fisticuffs take place. It ends up with Oswald back home in bed and his brother is squeezing a tube of toothpaste over his face. He wakens and finds it was only a dream. Production Cole Seal, No. 1,849. Running time, 7 mins. "G."

Looking 'Em Over

"Tempo Massimo"
(*World Pictures*)

A light comedy, adapted from a novel with the same title, this Italian-produced picture probably will be found reasonably entertaining by those understanding the Italian language, and of little consequence to those lacking a knowledge of it. There are no superimposed translations of dialogue to assist in following the story and their absence is felt.

It appears obvious that the film will mean nothing to the average American audience, and that it may be sold most effectively in those theatres, probably in large metropolitan centers, which can rely upon an audience predominantly Italian.

The story tells of the modernization of a young man, who has been raised by his wealthy aunt in a strictly old-fashioned manner. When he accidentally meets an attractive girl, and falls in love with her, he completely revolutionizes his mode of living in order to win her. With occasionally amusing incidents, he takes up boxing, skiing, bicycle racing, and such vices as smoking and drinking. A misunderstanding determines her to go ahead with her marriage to an insistent and penniless nobleman, until the ardent young man, in a wild dash reminiscent of the comedy of a much earlier day, steals the girl at the church door.

Reviewed without production code seal. Running time, 78 minutes. "G."

"Movie Maniacs"
(*Columbia*)

The Three Stooges rampage around a Hollywood studio in this, the latest of their series, hardly comparable with the insane, but funny, offerings of the past. Starting with some tomfoolery in a boxcar as they approach Hollywood, it uses the mistaken identity theme when they invade a studio and are taken for three experts from the east. They show how pictures should be made in some routine comic sequences, and are chased into lion's quarters, from which they hurriedly make their exit in an automobile, a lion along with them. Hardly up to the standard of the three comics, but it should be acceptable. Production Code Seal, No. 1,722. Running time, 18 mins. "G."

"The Phantom Ship"
(*Warners*)

Beans and his nephew are after treasure in this cartoon and their hunt takes them by air to the north where their objective is a ship frozen in the ice. With the usual spooky invention, they run into all sorts of difficulties. Finding the treasure, they load up their plane and are ready to make off when two frozen pirates thaw out and go after them. The chase takes place at this point and with an explosion Beans is wafted into the air, landing in the cockpit of the plane and they are off to home. A good standard cartoon offering that will be acceptable. Production Code Seal No. 1,839. Running time, 8 minutes. "G."

"Li'l Ainjil"
(*Columbia*)

This cartoon is taken from the comic strip which features the brick throwing mouse, the lovelorn cat and Officer Pup. The plot concerns the jail-breaking activities of the mouse and how he finally saves the day when a convict escapes from jail after the mouse has wrecked it. There is a good amount of action and invention interwoven, but the spoken lines are garbled as they follow the slang of the newspaper strip. It is a something new in cartoon characters. Production Code Seal, No. 1,986. Running time, 7 mins. "G."

"Brotherly Love"
(*Paramount*)

Popeye, the spinach-imbibing sailor, becomes infused with the spirit of brotherly love, as advocated by Olive Oyl, and sings his way about town, helping others. But when he sees two rival gangs mutilating each other, and his message of peace is met with fist and foot, he teaches them brotherly love in the true Popeye manner. An amusing cartoon. Production Code Seal, No. 0740. Running time, 7 mins. "G."

"Stop, Look and Guess"
(*Columbia*)

This introduces a game where the audience is invited to identify characters in the world of sport by their eyes and parts of their faces. Babe Ruth, Helen Jacobs, Lawson Little, Mary Hoerger, Danno O'Mahoney, Joe Louis and Malcom Campbell are presented and shown doing their stuff. Ford Bond introduces the piece. Sport fans should go for it. Production Code Seal, No. 0866. Running time, 11 mins. "G."

"The Star Reporter"
(*Paramount*)

Ted Husing is the microphone master of ceremonies in this rather entertaining group of variety acts. He introduces Betty Jane Cooper, attractive dancer; Donald Novis, radio tenor, and Ina Ray Hutton, with a dynamic and sparkling personality, who conducts her own girls' orchestra in syncopated fashion. Production Code Seal, No. 0883. Running time, 10 mins. "G."

Short Subjects

"Pathe Topics No. 4"
(*Radio*)

On a par with the others of the series, this issue shows how chemistry aids the farmer by putting plants on a liquid diet and raising fresh winter fodder for livestock without sunlight. Then to the Good Story Club where Gene Lockhart tells how he emptied a dozen bottles down the drain in progressive stages of intoxication which is hilarious. The last is a scenic treat in which the Bavarian Alps are photographed in winter dress from clever angles. A cable car trip up the Zugspitz, above the clouds, closes a pleasing short. Production Code Seal, No. 0907. Running time, 11 mins. "G."

"Orphans' Picnic"
(*Disney—U. A.*)

As Mickey Mouse and Donald Duck entertain the orphans at a picnic, with many laughs for the audience and disastrous results for the noisy Donald, there results a color cartoon from the Disney precincts which should be a worthwhile addition to any program. To attempt to describe what the orphans do to the duck and his reactions would be useless. Suffice it to say that this ranks with the most entertaining of the Disney cartoons in color. Production Code Seal, No. 1,675. Running time, 8 mins. "G."

"Scrappy's Pony"
(*Columbia*)

Scrappy and his brother are whooping it up about their home playing with a broomstick horse when a package is delivered and it turns out to be a real, live pony. Scrappy has difficulty trying to ride it, but his brother has better success when he feeds it sugar. Getting the idea, Scrappy does likewise and both are able to enjoy the ride. It closes with the pony pushing both of them out of bed. A standard cartoon offering that has the requisite situations and effects. Production Code Seal, No. 2,054. Running time, 7 mins. "G."

"Pictorial No. 8"
(*Paramount*)

An interesting and entertaining number in the Pictorial series, this subject is highlighted by a camera description of the work of Frederick W. Goudy, one of the foremost designers of type. The manner in which he designs, then develops a new style of type is highly interesting and instructive. Sailing competition in Sydney Harbor, Australia, is pictured in colorful fashion, and the results obtained by Brad Barker, leading imitator of animals, are little short of amazing. Production Code Seal, No. 0899. Running time, 10 mins. "G."

"Here Comes the Zoo"
(*Paramount*)

A British-produced short, this takes the audience on an alphabetical tour of the London Zoo, with Claude Gardner, English commentator, conducting the visit vocally, and occasionally amusingly. Some of his remarks may not rouse spontaneous enthusiasm on the part of the average American audience, but on the whole the subject may be found entertaining. Production Code Seal. No. 0834. Running time, 10 mins. "G."

"Anything" Pulls $2,600 in Lincoln

LINCOLN, March 15. — "Anything Goes" led the week at the Lincoln with $2,600, which was $400 over average.

"The Milky Way" went only six days at the Stuart. It was pulled to make room for an extra day of "Follow the Fleet." The take on "Milky Way" was $2,800, short of the seven-day average by $300.

The Orpheum started amateur nights in addition to the regular three days of vaudeville. The take was $2,500, which was $400 up. The Varsity, with "The Music Goes 'Round," couldn't get going.

Total first run business on the week was $9,950. Average is $9,850.

Estimated takings:

Week Ending March 4:

"GARDEN MURDER CASE" (M-G-M)
"LAST OF THE PAGANS" (M-G-M)
"SUICIDE SQUAD" (Puritan)

COLONIAL—(550), 10c-15c. 7 days. **Gross:** $950. (Average, $850)

Week Ending March 6:

"ANYTHING GOES" (Para)

LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,600. (Average, $2,200)

"MISS PACIFIC FLEET" (W. B.)
"SYLVIA SCARLETT" (Radio)

ORPHEUM — (1,350), 10c-15c-20c-25c, 7 days. **Gross:** $2,500. (Average, $2,100). First three days had stage show headlining Wally Stoeffler and his band, and one night was the first of the weekly amateur contests.

"MILKY WAY" (Para.)

STUART — (2,000), 10c-25c-40c, 6 days. **Gross:** $2,800. (Average, 7 days, $3,100)

"MUSIC GOES ROUND" (Col.)

VARSITY — (1,100), 10c-20c-25c, 7 days. **Gross:** $1,100. (Average, $1,300)

Ontario Exempts All Shows for Charities

TORONTO, March 15.—Premier M. F. Hepburn of Ontario, who reconsidered his decision to retire last November, has granted another concession under the Amusements Tax Act which became effective last June. After wiping out the levy on children's tickets and reducing the tax on low-priced admissions for adults, he has provided an exemption of taxation on performances held under the auspices of religious or educational organizations or for charity.

Under this third amendment, no tax is levied when the net proceeds are used as specified because, Premier Hepburn stated, of the splendid work which is being done to assist the Provincial Government in dealing with relief and social problems.

Co-Star Young, Taylor

HOLLYWOOD, March 15. — Robert Taylor, borowed from M-G-M, and Loretta Young will be co-starred at Twentieth Century-Fox in "Private Number," formerly called "Servant Girl." It is based on an original by William Counselman and a play by Cleves Kinkead. Gene Markey is doing the screenplay. Roy del Ruth will direct and Raymond Griffith is the associate producer.

Plans No Star Names

HOLLYWOOD, March 15.—Sol Lesser will not feature any one star in the series of six pictures he will make for Twentieth Century-Fox release. They will be known as "The Harold Bell Wright and Zane Grey Classics." The decision was reached after a canvass of exhibitors as to the drawing power of the authors' names.

Out Hollywood Way

HOLLYWOOD, March 15.—JOE BREEN over a week's attack of the flu. . . . NED E. DEPINET and JULES LEVY have left for sales pow-wows in various territories. . . . CLIFF WORK again in the northern city after a few days here. . . . IRVING THALBERG and NORMA SHEARER, NATE and VERA BLUMBERG, CLIFF WORK, EDGAR SELWYN, JOHN J. RASKOB, HOWARD and MRS. CULLMAN, EDMUND GRAINGER, DAVE LOEW and MERVYN ASCH among those at Palm Springs over the weekend. . . . CLIFFORD ODETS and LEWIS MILESTONE back from Arrowhead where they have been huddling on "The General Died at Dawn." . . . FRANK LLOYD on a Mexican vacation. . . . JOE EGLI, assistant casting director at Paramount, on six-week leave due to illness. . . . FRANCLEIN MACCONNELL, former reader at M-G-M, signed by DAVID O. SELZNICK.

BETTE DAVIS, now at Palm Springs, soon to leave for Honolulu. . . . TED OLIVER, actor, injured by broken glass at Paramount, while working in "Border Flight." . . . Somebody broke into FRANK SHIELDS' home and stole dozens of cups he has won in the past few years. . . . LINCOLN QUARBERG pinch-hitting for MARK LARKIN on publicity at Pickford-Lasky. . . . Latter ill.

DICK POWELL'S laryngitis delays ending of "Hearts Divided," Warners. . . . JACK WIENER, formerly with WILLIAM MORRIS, joins Republic as casting director.

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Casting—RICHARD CARLE signed for "The Case Against Mrs. Ames," WALTER WANGER. . . . HALLIWELL HOBBES cast in "Angel of Mercy," Warners. . . . ROSINA LAWRENCE in "Mr. Cinderella," Hal Roach. . . . FRANCES DEE, HELEN WESTLEY and BRYAN DONLEVY in "Half Angel," Twentieth Century-Fox.

GASTON GLASS, FRED MALATESTA, D'ARCY CORRIGAN and JEAN DE BRISAC added to "Mary of Scotland," Radio. . . . JACK ADAIR and STANLEY ANDREWS in "Florida Special," Paramount. . . . DICK FORAN cast in "Earthworm Tractor," Warners. . . . ROBERT MCWADE in "Early to Bed"; SAMUEL HINDS in "Rhythm on the Range," and MARY GORDON in "Something to Live For," Paramount. . . . AKIM TAMIROFF in "Angel of Mercy," Warners.

WALTER BRENNAN in "Mob Role," M-G-M. . . . BETTY HEALEY and DAPHNE POLLARD cast as wives of LAUREL and HARDY in their next feature. . . . LOIS WILDE gets lead opposite RAY CORRIGAN in Republic serial, "The Undersea Kingdom." . . . HARRIET HILLIARD in top spot of "Twinkle Twinkle," Radio. . . . CHARLES JUDEL in "San Francisco," M-G-M.

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Writers—HOMER CROY doing adaptation of "Michael O'Halloran," Republic. . . . SHERMAN ROGERS, JACK BATTEFORD and REX TAYLOR collaborating on script of "Sitting on the Moon," Republic. . . . RICHARD CONNELL, FELIX ADLER and CHARLES ROGERS doing script of LAUREL and HARDY feature, HAL ROACH. . . . JACK JAYNE gets term contract from ROACH for work on "Kelly, the Second." . . . DOROTHY PARKER and ALAN CAMPBELL borrowed from WALTER WANGER by Paramount to do an original. . . . STANLEY KOPS, formerly with WOR, added to short subjects department at M-G-M.

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Story Buys—LEONARD LEVINSON'S original, "Hell on Wheels," acquired by Republic. . . . WILSON COLLISON'S "Save a Lady" acquired by Radio. . . . LEO BIRINSKI'S "The Gay Desperado" purchased by Pickford-Lasky for NINO MARTINI.

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Title Changes—Warners change title of "The Gentleman from Big Bend" to "Broadway Playboy." . . . FRANK CAPRA'S Columbia opus which has been called "Opera Hat" and "A Gentleman Goes to Town" will be released as "Cinderella Man." . . . New title of WILLIAM POWELL'S film at Radio, formerly called "One to Two," is "The Ex Mrs. Bradford." . . . Thorobreds All," same studio, to be released as "Two in Revolt."

French Tax Revenue Drops 13% in Year

WASHINGTON, March 15.—The total theatre tax revenue in France during 1935 amounted to 81,316,000 francs, according to a notice published in the *Journal des Contributions Indirects*, relayed to the U. S. Department of Commerce by Assistant Trade Commissioner Earle C. Taylor, in Paris.

The 1935 receipts represents a decrease of 22,007,000 francs from the budget estimates. During 1934, the tax on theatres amounted to 93,444,000 francs, or practically 13 per cent higher than during 1935.

Ocala Feels Canal Boom

OCALA, Fla., March 15.—Thousands of workers have come into this territory as a result of preliminary work on the trans-state canal started by the Government and theatres are feeling the boom. The Dixie has been redecorated.

Berlin Attendance 53,887,650 in '35

WASHINGTON, March 15.—A total of 53,887,650 people visited film theatres in Greater Berlin during 1935, according to figures sent to the U. S. Department of Commerce by Assistant Trade Commissioner Rolland Welch in Berlin. Admissions totaled 42,515,884 reichsmarks, on which 3,224,093 reichsmarks were paid in taxes. The tax represented 7.58 per cent of the gross.

The 1934 figures were: attendance, 50,225,349; grosses, 39,274,653 reichsmarks; taxes, 2,988,379 reichsmarks; percentage of gross paid as tax, 7.06.

Hoffberg Takes Series

J. H. Hoffberg Co. has closed for the world distribution of the four subjects in the "New York Uncensored" series produced by Celebrated Pictures. The subjects will be retitled "Personalities on Parade."

"Rose Marie" Hits $13,500, Montreal

MONTREAL, March 15.—"Rose Marie" started out nicely at the Palace for a take of $13,500. It was held over.

The third and final week of "Modern Times" at the Princess brought a par $7,000, as compared with $12,500 for the first week and $9,000 for the second stretch.

Loew's continued above the line at $11,000 with "The Great Impersonation" and a stage show, while the Imperial, with new low prices, registered par of $3,500 with "Mutiny on the Bounty" which had previously played the Palace. The Capitol dropped to $8,500, or $1,000 below par, with a double bill headed by "Ceiling Zero." There was nothing much in the way of opposition except hockey games.

Total first run business was $43,500. Average is $41,500.

Estimated takings for the week ending March 7:

"CEILING ZERO" (F. N.)
"FRESHMAN LOVE" (Para.)

CAPITOL — (2,547), 25c-35c-40c-50c-60c. 7 days. **Gross:** $8,500. (Average, $9,500)

"MUTINY ON THE BOUNTY" (M-G-M)

IMPERIAL — (1,914), 15c-20c-25c-34c. 7 days. **Gross:** $3,500. (Average, $3,500)

"THE GREAT IMPERSONATION" (Univ.)

LOEW'S — (3,115), 30c-34c-40c-50c-60c, 7 days. Stage: "Life Begins at Loew's." **Gross:** $11,000. (Average, $10,500)

"ROSE MARIE" (M-G-M)

PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $13,500. (Average, $11,000). Held over.

"MODERN TIMES" (U. A.)
"GUARD THAT GIRL" (Col.)

PRINCESS—(2,272), 25c-30c-35c-50c-65c. 7 days, 3rd week. **Gross:** $7,000. First week: $12,500. Second week: $9,000. (Average, $7,000)

Brazil Passes All Of Films Submitted

WASHINGTON, March 15.—All of a total of 184 films submitted to Brazil's Department of Propaganda and Cultural Diffusion, of the Federal Ministry of Justice have been passed, according to a report from Trade Commissioner J. Winsor Ives, in Rio de Janeiro, to the M. S. Department of Commerce.

Of the total, 177 were approved without qualification, six classed as educational, and one called "improper for children." Of the total, 106 came from the United States, 57 were of domestic origin, seven each from Italy and Germany, two from England, one each from France and Japan, and three miscellaneous.

U. S. Leads in Colombia

WASHINGTON, March 15. — The United States supplied over 82 per cent of the total volume of films and film equipment imported into Colombia during 1935, according to a report to the Department of Commerce from Assistant Trade Commissioner Jack B. Heathery at Bogota. Germany, France and Great Britain, in that order, followed.

Plan Children's Theatre

NEW ORLEANS, March 15.—A children's theatre for pictures suitable for children less than 12 years old will be sponsored by the New Orleans Better Films Chapter of the Louisiana Co-operative M.P. Council.

They Endorse Richardson's BLUEBOOK *of* PROJECTION



Did you get your copy of the Bluebook?

The new sixth edition contains 714 pages plus 153 illustrations. It details and describes every piece of sound and projection apparatus in the modern projection booth and gives all instructions for operation and maintenance. It includes a complete trouble-shooting department as a first aid in breakdowns and features a quick-finding index system that provides the answer immediately to any projection problem.

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● "The Sixth Edition of 'Richardson's Bluebook' is an encyclopedia of projection information, and the arrangement of the material makes it extremely convenient for reference. No matter how competent a projectionist may be, no matter how steadily he may be working, it will pay him to do a little reading every day in your 'Bluebook of Projection.' As you know, I have always been greatly interested in any activities which might raise projection standards and I shall feel that I am doing the best thing for members of Local No. 306 and the industry as a whole when I urge projectionists to look up the 1600 questions in your book and the replies you supply. No matter how much practical information a projectionist may have, he will be a better member of this Local and more valuable to his employers if he makes it a habit to read your 'Bluebook' regularly."

QUIGLEY BOOKSHOP
ROCKEFELLER CENTER • NEW YORK CITY

MODERN TIMES

on Broadway



An event eagerly awaited for five years—the World Premiere of Charlie Chaplin in "MODERN TIMES"— turns Broadway into a struggling mob of thousands eager to be the first to acclaim the world's greatest comic.

In every portion of the globe the name of Chaplin means box-office magic, for his actions speak every language.

Photographed by
ROLLIE TOTHEROH
and
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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 64 NEW YORK, TUESDAY, MARCH 17, 1936 TEN CENTS

Hardy Fights Extension on Suit Answers

Moves to Vacate Order By Judge Coxe

Following the granting of a 30-day extension Saturday by Federal Judge Alfred C. Coxe for the filing of answers in the Government's civil suit against Warners, Paramount, RKO and 37 other corporate and individual defendants, Russell Hardy, prosecuting attorney, yesterday moved to vacate the order with the filing of a petition, returnable this morning before Judge Murray Hulbert.

Bruce Bromley of Cravath, de Gersdorf, Swaine & Wood obtained the month's extension and today will make a motion to refer the matter back to Judge Coxe, who issued the original order.

Louis Nizer of Phillips & Nizer, attorneys retained by George J. Schaefer, Sam Dembow and Ralph Kohn, three of the 30 individual defendants, also was successful in getting a month's extension. He will appear in the U. S. District Court this

(*Continued on page 7*)

Rules Cagney Pact Voided by Warners

Los Angeles, March 16.—The contract of James Cagney was voided by Warners, according to the judgment rendered here today by Judge Charles I. Bogue, who based his decision on the fact that Warners had given the actor subordinate rather than star billing in two pictures, "Ceiling Zero" and "Footlight Parade." The Warner claim that this billing was an error was of no avail.

The decision makes Cagney a free agent. J. Ray Files, Warner attorney, who stated that he would appeal the case within a week, added that any

(*Continued on page 6*)

Hope Williams Gets Quigley London Post

Hope Williams (Mrs. J. D. Williams) has been appointed special London representative of Quigley Publications—*Motion Picture Herald*, Motion Picture Daily and *Motion Picture Almanac*—and will sail to assume her duties at the London Bureau on Friday, March 27. Mrs. Williams will be associated there with Bruce Allan, London represenattive.

Hope Williams was born in Shef-

(*Continued on page 7*)

Few Pictures From England On "U" Slate

Woolf Organization to Handle Distribution

Only two or three pictures from General Film Distributors of London will be included in Universal's new season schedule, according to present expectations. Universal retains the right of final approval of pictures from the British organization which will be distributed here and only product definitely suited for this market will be added to the release schedule, it was said.

General Film Distributors, the C. M. Woolf organization which has an approximately $2,000,000 participation in the Standard Capital Co.—Charles R. Rogers purchase of a controlling interest in Universal, will take over

(*Continued on page 6*)

Sanitorium Board To Be Named Soon

A call for an election of a new governing board for the Will Rogers Memorial Hospital at Saranac, formerly the N. V. A. Sanitorium, will be made by the executive committee of the Rogers Memorial Commission, to whom the hospital will be officially turned over soon, it was said yesterday.

Will H. Hays is expected to be elected to the new governing board as the representative of the five national circuits which have contracted

(*Continued on page 6*)

Vaude Outlook Dark

Charles B. McDonald, who supervises 19 "A" theatres in the RKO metropolitan circuit, says vaudeville is as dead as a doornail.

"You'll see the revival of vaudeville," he opines, "when the street cars replace the busses."

Film Writers See Benefits In New Merger

Important benefits in jurisdictional authority and organizational strength for the Screen Writers' Guild are expected to accrue from a plan for reorganizing the Authors' League of America by which the full strength of the latter will be made available to its affiliated organizations.

The plan, which will be voted on at a league meeting at the Hotel Shelton, March 30, calls for the absorption of the guild by the Authors' League in order to obtain uniform contracts for members of the Screen Writers' Guild, Dramatists' Guild and Authors' Guild. The latter two organizations already have surrendered their legal entities to the Authors' League, but a "firmer solidarity" is expected to result from the plan for vesting full control of the three guilds in the council of the Authors' League.

The community of interests of authors, dramatists and screen writers was cited by league officials as the

(*Continued on page 16*)

Lent Puts New Dent in Key City Grosses After a Rise

Lent, coming on the heels of the cold spell which reached its height—or, was it low?—in late February, put a new dent in key city grosses for the first week of March after a one-week rivival. The take for the 29 key centers reporting to Motion Picture Daily was $1,689,550.

For the previous week, when the mercury showed marked rises in most of the northern sections and when several big pictures, including "Modern Times," were beginning to turn in good grosses, the total was $1,777,650.

The opening week of March, in spite of the fact that it was lower than during the previous week, was still considerably ahead of the six previous weeks when roads were impassable in many places, especially in the midwest and northwest. It is also above the high mark for last September, when the new season pickup set in, but it is $311,905 under the high mark reached at the opening of the year.

The only exceptions to the general decline for the week ending March 5-6 were in Buffalo, Detroit, Indianapolis, Kansas City, Los Angeles, Milwaukee, Minneapolis, Pittsburgh and San Francisco. (Comparative tabulation will be found on page 16.)

Federal Trade Body Against Booking Bill

Report Calls Parts of It Unconstitutional

By CLARENCE LINZ

Washington, March 16.—What is regarded as the death knell of the Pettengill Bill, for this session of Congress at least, made its appearance today before the sub-committee hearings in the form of a highly critical report from the Federal Trade Commission. Parts of the measure were called unconstitutional. It was signed by W. T. Kelley, chief counsel.

Kelley called the paragraph calling for synopses of stories "arbitrary and discriminatory" and contrary to the protection guaranteed by the fifth amendment.

Canon William Sheafe Chase, appearing after the proponents of the bill, who were being heard for the first time, demanded the creation of a Federal film commission. He said the bill was all right, as far as it went, but that it didn't go far enough.

With Kelley's opinion was a brief prepared by Eugene W. Burr, commission attorney, which upheld the constitutionality of the measure with respect to some of the points challenged by Kelley, but admitted that in some respects it was "unique."

The opinions and Canon Chase's ap-

(*Continued on page 6*)

Senate Studying New Booking Probe

Washington, March 16.—The creation of a special Senate committee, adequately financed, to make a thorough investigation of every phase of the block booking question and make its report at the next session, was understood today to be under consideration by members of the Senate Interstate Commerce Committee.

The Neely sub-committee on films has not yet met to consider the testi-

(*Continued on page 7*)

Jersey Still Trying To Pass 4% Tax Bill

Trenton, March 16.—Undismayed by four defeats administered to various theatre tax bills introduced in the legislature here, proponents of the latest 4% admission levy are striving to bring the bill up again for consideration, having gained one vote with the return of Mrs. C. W. Hand from Florida. Likelihood of passage, however, is regarded as slim since the

(*Continued on page 7*)

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Two Quigley Winners To Be Named Today

The two winners of the 1935 Quigley Grand Awards for exploitation will be named today at noon at the New York Athletic Club at a luncheon following the judging by more than 30 industry executives. The winning campaigns will be selected from the 24 winners of the silver and bronze plaques awarded each month.

Arrangements are progressing for the presentation of the grand awards in Hollywood late this month or early in April.

LeRoys Guests at Party

Mervyn LeRoy and Mrs. LeRoy were honor guests at a cocktail party at the Ritz Carlton yesterday which was attended by the trade and daily press representatives. The LeRoys will sail on Wednesday on the *Berengaria* to be gone about two months. They arrived Saturday from the coast, where LeRoy recently finished directing "Anthony Adverse."

Sears Meets Managers

Gradwell Sears, western and southern sales head for Warners, is holding a number of meetings with three of his district managers. Attending are Jack Brower, Los Angeles; Fred Jack, Dallas, and James Winn, Chicago.

Music Hall Holds Quins

"The Country Doctor" is being held for a second week at the Music Hall. The holdover is the 54th for the picture throughout the nation.

Insiders' Outlook

By RED KANN

Hollywood, March 16.

THE official word on Irving Thalberg and his status at Metro is not to be had. The understanding on excellent authority is that he has signed his ten-year contract. If he has not, certainly he will. It took Nick Schenck long weeks to work it out, what with Thalberg's insistence on this and that point. Now that Schenck is back in New York, the conclusion, and an obvious one, is that the Thalberg situation was cleared up before he left this sunny clime. Where and when Irving actually will dip the pen, if he has not, are not particularly important at this late date. . . .

▼

The slant on all of this is interesting. With three years to go on his old pact, the new agreement will keep him at Metro for the next thirteen years. In this business, that is a life contract, plus. Highlighted in the terms is understood to be one which gives him first call on all talent in the studio. Another is reported to vest in him determination to permit or not to permit talent out of the gate. Granting to Thalberg the privilege of deciding loan outs is more significant than appears on the surface. It obviously makes him the ruler of the lot again and would appear to restore him to his one-time post of supreme authority in the very formidable task of producing the M-G-M lineup. . . .

▼

The development very likely will make M-G-M even more self-contained than it has been. One of the inside angles on Thalberg's alleged grievances tells of his disapproval over the frequency with which Metro star timber had been farmed to Twentieth Century when it was releasing through United Artists and now that it has combined with Fox. Wally Beery and Clark Gable are the two notable instances and even now talk has been revived of their possible joint appearance in a remake in sound of "What Price Glory," not for Metro but for Twentieth Century-Fox. Talent disposition placed in Thalberg's final hands immediately opens up vistas of an extremely interesting situation not only in Hollywood but with exhibitors who buy Beery and Gable from M-G-M and who, in the past, have found their opposition with the same names in their marquee lights. . . .

▼ ▼

Beset and bedeviled with worries of its own, Hollywood is suffering from another, but not of its own making. Visitors, hordes and hordes of them, shipped in by company directors in New York and sales executives in the field have been descending on the studios in ever increasing number. Patient publicity departments do the best they can, which is pretty good. The routine ordinarily includes lunch and a couple of hours on the stages. It removes from his normal function the explanatory press agent turned guide and is saddling to the cost of production what must be a handsome amount of money each year. . . .

▼

Visitors are not looked upon with favor since they distract from the job at hand. Many performers react nervously and the pace is further slowed down. It is, in general, a condition which ought to be alleviated and can be if courtesies are not thrown about with such inconsiderate carelessness. Exhibitors, it appears to this space, should be welcomed at all times on the other hand. As the customers, they ought to be viewed as a privileged class for conclusions which should require no explanation. . . .

▼ ▼

Twenty-five years in the executive end of the industry and now a rapidly growing cub in production, Dario Faralla is completing his second supervisory job at Paramount with "Border Flight." It was Faralla who took on an assignment which everyone else in the studio refused some time ago. It was what to do with the 150,000 feet of negative brought back by Admiral Byrd's second expedition to Little America. The task was a rather good-sized one and had its obstacles, but the outcome has given the Paramount foreign department an attraction of substantiability and Faralla a promising start as a picture maker. . . .

▼ ▼

Merely for laughs: Hollywooder dropped in on a friend the other evening. Waiting for him was a Busby Berkeley girl. Together they were to attend a preview. Hollywooder, jocosely, turned to the girl and remarked: "I understand Jack is sending you a Rolls Royce and a Rembrandt." Believe it or not, he insists her reply was: "Which one will I drive?" . . .

Ampa Party Produces Series of Novelties

It was different, anyway. All agreed on that point in discussing the Ampa Naked Truth dinner. And the turnout included figures prominent in practically all the companies in the business.

The orchestra was up in the balcony to the right of the stage most of the evening, and the program began during the dinner. The travesty on a producer and his publicity man went over big. When the big ballyhooed scene, with tabloid newspapers, barrels of confetti from the upper balconies and balloons, arrived there was plenty of excitement. A donkey, goat and a flock of girls and messenger boys paraded about among the tables.

Ralph Rolan and the March of Time crew did a swell job on the sketch. It was directed by Charlie Williams and was written by Williams and Marcy Klauber. The exploitation parade was conceived by Charles Curran, with Frank Ventre as musical director and Chris Benze as stage manager.

In the rooms adjacent to the ballrooms studio sets were scattered, with scripts, cameras, microphone dollies and other equipment in evidence. Gordon White succeeded in getting things quieted down long enough at a late hour to show the newsreel of the occasion turned out by Paramount News. It furnished plenty of laughs.

Revue Principals to Be Guests

The writers and principals of the cast of the Naked Truth Revue, staged at the Astor Saturday night, will be the guests of honor at Thursday's regular Ampa luncheon. The election of the nominating committee to select candidates for next year's Ampa officers also will be held.

20th-Fox-S. & C. Suit Set for Today

The trial of the suit of Twentieth Century-Fox against Springer & Cocalis for $18,000 allegedly due on overages from six pictures of last season's lineup is slated to begin today before a jury with Judge Cunningham presiding.

The case has been on the calendar for some time, but because of a crowded docket has been postponed several times. However, with the selection of a judge yesterday, the trial is due to get under way today. Louis Nizer will represent the distributor and Kelly & Connolly will represent the exhibitors. E. C. Grainger is scheduled to be the first witness.

Plan Editors' Previews

HOLLYWOOD, March 16.—The Academy Technicians' Branch on Wednesday will inaugurate bi-weekly showings of two features for the Film Editors' Section. The screenings will be followed by discussions. Harold McCord, section chairman, will preside at Wednesday's preview at the United Artists studio. Forty-five are now enrolled in the section.

Merger Talks Resumed

Another meeting between Allied M. P. Operators and Local 306 to discuss merger negotiations will be held today.

Harry Brandt, Joseph D. Basson, Frank Ruddick and other exhibitors and union executives are slated to attend.

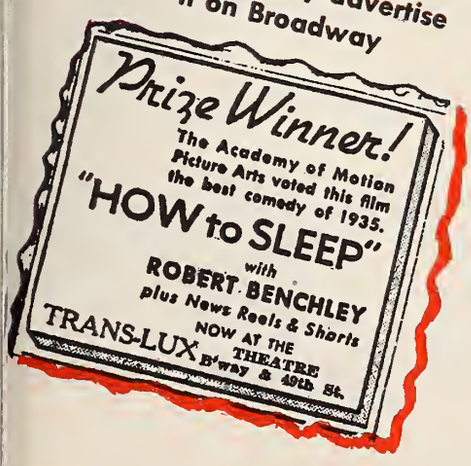


JUNIOR WINS, TOO!

The little rascal copped a statue! After Momma and Poppa Leo brought home the big Academy Award with "Mutiny on the Bounty" there was such excitement in the family when Junior showed up with the Prize for the Year's Best Comedy Short — "How to Sleep"— featuring Robert Benchley. The Prize Committee always has a tough time picking out the winning M-G-M Short because Leo, Jr., is awful smart at making snappy short subjects. It's hard to choose among Shorts like M-G-M's "Audioscopiks" and Chic Sale's "Perfect Tribute" and those wonderful Harman-Ising Happy Harmonies Color Cartoons and Pete Smith's fun films, etc. Exhibitors solve the problem by getting them *all*, which pleases us of course and ditto exhibitors!

P. S. By the way, M-G-M won several other Academy Awards for Best Sound Recording, Best Dance Direction, Special Award for Technical Achievement and what not . . . ***sure we're proud!***

Look how they advertise it on Broadway





Carl Laemmle presents

CAROLE LOMBARD

PRESTON FOSTER

CESAR ROMERO

in Faith Baldwin's

LOVE BEFORE

Directed by Walter Lang. From the novel "Spinster Dinner"

ELD OVER!

AND NO WONDER!..... N. Y. ROXY DOES LANDOFFICE BUSINESS WHILE CRITICS RAVE!

"GRAND LAUGHS! THE BEST OF THE LIGHT COMEDIES SINCE 'IT HAPPENED ONE NIGHT' AND 'HANDS ACROSS THE TABLE' ...SPRIGHTLY, AMUSING, ROMANTIC...EXCEEDINGLY FUNNY BECAUSE IT DOES HAVE SOME GRAND LAUGHS . . . THE WHOLE THING RIPPLES ALONG PLEASANTLY IN A SMART AND CHEERFUL MANNER."

—William Boehnel, N.Y. World-Telegram

●

"CAROLE LOMBARD IS DELIGHTFUL TO LOOK AT AND AMUSING TO HEAR IN UNIVERSAL'S WHOLLY CHARMING COMEDY ...FURNISH THE AUDIENCE WITH MANY HEARTY CHUCKLES."

—Kate Cameron, N.Y. Daily News

●

"A MERRY PIECE...FAST, LIVELY AND GOODLOOKING...THE CLIMAX IS EVEN FUNNIER THAN THE BEGINNING."

—Eileen Creelman, N.Y. Sun

BREAKFAST

An Edmund Grainger Production
A Universal Picture

Federal Trade Body Against Booking Bill

(Continued from page 1)

pearance followed the completion of testimony for the proponents of the bill, during the course of which the views of 11 national organizations were aired.

Appearing for the National Education Ass'n., Callie Waldran of Washington said block booking and blind selling "make it impossible for local theatre managers and parents to control the type of pictures available for children and difficult to get satisfactory consideration from the producers."

She offered a telegram from Dr. Ray Lyman Wilbur, former Secretary of the Interior, in which he said, "I am satisfied that the Pettengill Bill offers the most promising solution of this vitally important matter. Miss Waldran also submitted a statement favoring the bill from Dr. Henry James Forman of the M. P. Research Council.

Chairman Pettengill called attention to a New York speech on March 12 of J. Edgar Hoover, chief of the Federal Bureau of Investigation, in which he estimated $15,000,000,000 as the total annual cost of crime in this country. His reference followed Forman's statement that 80 per cent of all films deal with love, sex and crime.

Witness Concedes Improvement

Representative Peyser of New York questioned at length Mrs. Mary T. Bannerman of the legislative committee of the Research Council, on whether she thought the morals of pictures have improved. She replied that she is not a "movie fan," but "had heard" that such was the case.

Support for the Pettengill measure was offered also by Mrs. Mary Nourse of the American Ass'n. of University Women, Helen W. Atwater of the Home Economics Ass'n. William H. Bristow of the National Congress of Parents and Teachers. The National Grange is in favor of the bill, it was declared in a statement introduced for Fred Brenckman, Washington representative.

Abram F. Myers, general counsel of Allied, answered questions of Representative Cooper of Ohio as to how, if films are sold before they are produced, the exhibitor would know what to buy if the bill was enacted. Myers declared the provision for a synopsis would take care of the situation.

Peyser then read into the record a letter from Michael Freedman, Pennsylvania exhibitor, opposing the bill "because it does not meet the moral situation." The exhibitor said, "You have been misled by the arguments and alibis presented to community leaders over a period of years by a selfish group of exhibitors." He added that film companies have never compelled him to play a picture he knew would cause criticism in the community. The majority of exhibitors will face a bitter fight to stay in business if the bill is passed, Freedman concluded.

Myers charged that exhibitors "have been invited to come into the exchanges and requested to write and wire the committee" in opposition to the bill.

The creation of a Federal commission as preferable to the Pettengill Bill was urged by Dr. Izora Scott on behalf of the National Women's Christian Temperance Union. Endorsements also came from the Council of Women for Home Missions, Y.W.C.A. and the National Women's Trade Union League.

Kelley, in the Trade Commission report, held the bill's prohibition against block booking and blind selling is valid and within the power of Congress, but the synopsis provision "is arbitrary and discriminatory." The provision "to say the least is a burden on the sale or lease of futures," Kelley declared, pointing out that "sales of futures are a recognized incident of property ownership."

Chase Asks Law with Teeth

"The current bill attacks a business method which has grown up with this $2,000,000,000 industry during the past 20 years," the opinion said, "stamps the practice as monopolistic, and overlooking available experienced administrative machinery for the treatment of such practice, proceeds to define it as a crime." The practice should not be termed as unfair competition, the opinion held. Raising the question of whether the Pettengill Bill could be enforced, Chase declared that if the responsibility for showing bad pictures were placed on the exhibitor, "we could bring pressure and secure punishment for exhibiting something that will incite to crime.

"I am not asking for censorship," he said, "but I am asking that a commission be appointed which would have some authority."

The sub-committee tomorrow will begin to hear testimony from opponents of the measure.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Moonlight Murder"

(M-G-M)

Hollywood, March 16.—This is something new in the line of multiple-suspect murder-mystery drama. The principal departure from the formula is an idea accentuating the show's entertainment and commercial value, the unique motive for and the novel method of killing. The highly complicated plan is to thrill, mystify and baffle until the final sequence. As it works out, an advance solution is impossible.

As the location is the Hollywood Bowl and a grand opera performance the occasion, the picture has a musical background, the highlight of which is an elaborate presentation of a choral scene from "Il Trovatore."

It it smartly directed and convincingly acted by all, with the thread of suspense adding to the pre-planned baffling complication in which tenor Leo Carrillo is warned he will be killed if he sings. Upon his death at the premiere performance, ambitious detective Chester Morris, aided by Madge Evans, scientific assistant to Grant Mitchell, sets about solving the case. Comedy is contributed by Robert McWade and Frank McHugh. Two women, Benita Hume and Katherine Alexander, with whose affections the victim has trifled, and their husbands, H. B. Warner and Duncan Renaldo, and J. Carrol Naish, madman, all of whom had motives for wishing Carrillo's death, are suspects. The progress of Morris' sleuthing, adding to the dramatic mystery and comedy of the show, builds to a surprise climax revealing the idea of a mercy killing as a motive for the singer's death and a heretofore unsuspected character as the killer.

Based on a story by Albert Cohen and Robert Shannon, with the screen play by Florence Ryerson and Edgar Allan Woolf, Edwin L. Marin's direction concentrates on providing the maximum of the novel mystery, drama, comedy and suspense. The operatic sequence by Wilhelm von Wymetal is a feature that should thrill audiences.

Previewed without production code seal. Running time, 65 minutes. "G."

Rules Cagney Pact Voided by Warners

(Continued from page 1)

contractual move by Cagney would be made at the star's own risk. Prior to the trial the actor held a number of conferences with Darryl Zanuck.

Jack L. Warner, following the decision, issued a statement in which he said, "The issues in this case were simple and clear-cut. The Court has held that Cagney had no basis for his claim that cancellation was justified because of any defect in the instrument. His contract, including options, has a long time to run, and we intend to protect our interests throughout. Regarding subordinate billing, this was purely inadvertent and the contract stipulates that casual and inadvertent failures to comply with billing provisions do not constitute a breach of contract. As a matter of principle we will prosecute, and appeal in due course to the state's highest court."

Cagney pleaded during the trial that he had agreed orally with Warners that no more than four pictures annually were to be made, but his right to contest on these grounds was waived by his appearance in five pictures during 1932 and 1935, the court held.

Few Pictures From England On "U" Slate

(Continued from page 1)

all of the physical distribution of Universal product in the United Kingdom. Universal's sales organization there, however, is expected to remain virtually intact under the new arrangement.

The formal transfer of the Carl Laemmle holdings to the Standard Capital-Rogers group may take place here on April 3. This has been requested by the eastern interests although, under the terms of the option, Laemmle has the right to elect the date and place for the transfer. When this takes place Laemmle will formally resign the Universal presidency and resignations from the board will also be received. The board will be reconstituted to include representation for the new financial interests and the new officers will be elected.

No major executive changes other than those already announced are in prospect, it was stated officially. The home office executive lineup continues as is under R. H. Cochrane, who becomes president, and J. Cheever Cowdin, chairman of the board. Likewise, few, if any, major changes are in view at the studio, which will be headed by Rogers, with William Koenig as studio manager. Laemmle is expected to remain on the board and Carl Laemmle, Jr., may also continue as a producer.

The capitalization of the company may be increased in the near future for working capital purposes.

A deposit of $1,500,000 in cash with the Manufacturers Trust Co. on Saturday, as formal notice of the exercise of the option by Standard, will be followed by a cash payment of $4,000,000 in about two weeks, clearing the way for the actual transfer. Standard officials decided against the payment of the balance in securities, regarding the fulfillment of the option's requirements for the posting of bonds as a continuing obligation which could be avoided by a cash payment.

For the same reason, preliminary arrangements under which Laemmle was to have accepted either $500,000 or $1,000,000 in Universal debentures as part of the option money were not consummated.

Sanitorium Board To Be Named Soon

(Continued from page 1)

to supply $500,000 for maintenance of the hospital over a five-year period.

The Memorial commission reported that $256,489 had been contributed to the Rogers' memorial fund by 541,490 individuals, although no solicitation of funds was permitted. The donations were entirely voluntary and came from every state in the Union, Alaska, Canada, Hawaii and England. The report is not a final one as banks and newspaper offices throughout the country which acted as voluntary depositories for contributions are still receiving scattered amounts.

Purely Personal

DOUGLAS FAIRBANKS, JR., who has booked passage on the *Berengaria*, sailing tomorrow, may delay his departure because of several pending negotiations. His next picture will be "Turn Back the Clock." Accompanying the star will be ADELA ROGERS ST. JOHN, who will do the script for the next Fairbanks picture, which is scheduled to start production in the fall.

•

GRAD SEARS won the handicap cup event, the doubles shoot and tied for high scratch gunner at the Westchester C. C. trap shooting events on Sunday. GEORGE .SKOURAS, veteran Pan-Hellenic nimrod, won the handicap doubles shoot and tied for the handicap prize at skeets.

•

LEO SPITZ is expected in from the coast by plane today. NED E. DEPINET is holding sales meetings at Dallas, New Orleans and Chicago en route here, and is not expected back until early next week.

•

JOSEPH B. KLECKNER, president, and WALTER HIRSCHFELD, vice-president and general sales manager for Motiograph, are in town from Chicago. They plan to spend a few days here.

•

ED OLMSTEAD, formerly in charge of Columbia studio publicity, arrived from the coast yesterday to take up new publicity work for MAJOR EDWARD BOWES' radio activities.

•

JACK HOBBY's wife presented him a seven-pound boy Sunday night. THELMA and KENT are doing swell at the Mary Immaculate Hospital in Jamaica.

•

PERCY KENT, real estate head for National Theatres, has arrived from Los Angeles to make his headquarters here from now on.

•

EDDIE J. MANNIX was in town over the week-end and is now back on the M-G-M lot after a visit to his folks in New Jersey.

•

ANNE SOTHERN arrived from the coast by plane yesterday for a vacation of a week or 10 days.

•

EDWARD L. ALPERSON has delayed his return from Miami until tomorrow. He was due yesterday.

•

HARRY FUCHS is celebrating his fourth year as manager of Skouras' Capitol, Port Chester.

•

GARY COOPER and his wife, SANDRA SHAW, are extending their Bermuda vacation for four or five weeks.

•

AL LICHTMAN, recovered from bronchial pneumonia, has gone to Bermuda for a rest. He'll return next Monday.

•

WALTER GOULD, who was scheduled to accompany ARTHUR W. KELLY to Mexico, didn't.

•

JOE VOGEL returned yesterday from a Miami vacation.

•

TOM GERETY has returned from a cruise.

A. T. & T. Hearings Get Started Today

WASHINGTON, March 16. — The Federal Communications Commission tomorrow will begin a series of public hearings as part of its investigation of the affairs of A. T. & T. and its affiliates. The study was ordered by Congress. The first series of hearings is expected to be devoted to the long lines department of the company and the affairs of Western Electric. The license service contracts between A. T. & T. and its associated companies are to be scrutinized.

Among those who have been subpoenaed to testify are Walter S. Gifford, A.T. & T. president; Edgar S. Bloom, president of Western Electric; T. G. Miller, vice-president of A. T. & T. in charge of the long lines department, and Charles M. Bracelen, another vice-president.

Jersey Still Trying To Pass 4% Tax Bill

(*Continued from page* 1)

extra vote will still leave the bill's sponsors one vote short of the necessary 31. The measure received 29 votes at Saturday's session, which was not adjourned until 6 o'clock Sunday morning.

The present bill calls for a levy of 4% on gross receipts, with all admissions of 10 cents or under exempted.

The Democratic minority thus far has voted solidly against the bill. The Republican sponsors hope that if they cannot gain the necessary extra votes from among their own group, the Democrats will produce sufficient tallies to pass the measure.

Decision Reserved On Fox Stay Plea

Federal Judge William Bondy yesterday reserved decision on an application for a stay of execution of an order fining William Fox $235,000 and $10,000 in attorney fees for contempt of court, and directing that Fox be taken into custody until the fine was paid.

The stay was sought by Fox's attorneys, Hirsh, Newman, Reass & Becker, who said that papers for a writ of certiorari were now being prepared to appeal the punishment order to the U. S. Supreme Court. If the stay is granted Fox would not be subject to arrest here while his appeal was pending before the high court.

Mullen Succeeds Abeles

Joseph G. Mullen, formerly assistant manager for Warners in the Argentine, has been promoted to manager of the Mexico branch. He succeeds Arthur S. Abeles, who was recently appointed supervisor of the company's activities in South America.

Dave Canavan to Chicago

Dave Canavan, head of the RKO theatre maintenance department, will leave for Chicago today to meet Nate Blumberg there tomorrow. Blumberg was in Denver yesterday and is due in the Windy City tomorrow and back in New York on Saturday.

Re-Release "Yankee"

Twentieth Century-Fox is reissuing "The Connecticut Yankee," produced about five years ago with Will Rogers as the star.

Philadelphia Meet Is Called by Segall

PHILADELPHIA, March 16.—Charles Segall, president of the new I. M. P. T. O., has called a non-partisan meeting of all Philadelphia exhibitors for March 19 at the Broadwood Hotel, to discuss problems of the new selling season and to act on the drastic new regulations of the city fire marshal.

The meeting is apparently being called by Segall as an individual, rather than as head of the new exhibitor group, as the announcement came on his personal stationery. He is specifically calling attention to non-partisan angles of the meeting, calling on both members of the M. P. T. O. and the I. M. P. T. O.

Post election changes have resulted in several drastic upheavals in the fire marshal's staff. Rules for theatres have become more stringent than they have been for years and some exhibitors have complained.

Hope Williams Gets Quigley London Post

(*Continued from page* 1)

field, England. Her first employment was in the office of Frank Macnaghten, owner of the Macnaghten Vaudeville Circuit. At the age of 18 she became the first woman manager of one of Macnaghten's theatres. She went to Australia as executive secretary to Hugh D. McIntosh, theatre owner, newspaper publisher and member of Parliament. In Australia she married Jaydee Williams, and, coming to America, acted as his confidential secretary during the organization and formative years of First National Pictures. She assisted Williams during his several years' residence in London when he was engaged upon a work which contributed important impetus toward the development of British production.

Henry C. Lomb Dies

Henry C. Lomb, son of Henry Lomb, one of the founders of Bausch & Lomb, Rochester optical company, died at his home here Sunday at the age of 64. For some years Lomb was connected with the optical company, but following the death of his father, he came here and established Standard Scientific Corp., for the manufacture of scientific instruments. At the time of his death, Lomb was president of the Waverly Novelty Co., Jersey City, which manufactured musical instrument parts. His widow, a son, three daughters and his mother survive.

"Bounty" Model Test Set

Five judges have been selected by William Ferguson, head of M-G-M exploitation, to decide the winning "Mutiny on the Bounty" model tomorrow in the Astor Yacht Room. About 35 ship models from all over the country are to be judged. Lowell Thomas and Gordon Grant will be among the five judges.

U. A. Crew in Idaho

LEWISTON, Idaho, March 16.—Exterior scenes for the United Artists film version of Edna Ferber's new novel, "Come and Get It," are being filmed at Clearwater River, near here. Fifty are in the technical crew. The film is being directed by Richard Rossen.

Hardy Fights Extension on Suit Answers

(*Continued from page* 1)

morning to argue on behalf of his clients.

Schaefer, Dembow and Kohn are former Paramount executives. Schaefer now is vice-president and general manager of U. A. Dembow is an executive of National Screen and Kohn is a partner with Ben P. Schulberg in B. P. Schulberg Prod. Schaefer, who at the time was general manager of Paramount, testified in the criminal action in St. Louis last November. Dembow has never testified, although he had been called to the Mound City during both actions. Kohn has never been subpoenaed.

Walter Rice, who assisted Hardy in the civil suit, will participate in today's court hearings.

Senate Studying New Booking Probe

(*Continued from page* 1)

mony taken at its hearings last month, but members of the group are represented as feeling that the whole subject of block booking is so hedged about with technicalities as to demand a thorough study before any legislation is considered.

Indications are that, even though the House may pass block booking legislation this session, which is doubtful, the Senate will demand that the measure be laid aside until more careful consideration can be given. To that end, it is likely, the suggestion will be made that a special committee be appointed to study the subject during the summer, and to make recommendations next session as to the desirability of legislation.

Wall Street

Most Off Slightly on Board

	High	Low	Close	Net Change
Consolidated	6¾	6½	6½	.....
Consolidated, pfd.	18⅞	18⅝	18⅝	— ⅜
Eastman	161½	160	161½	+ ½
Loew's, Inc.	48	47½	47½	— ½
Loew's, Inc., pfd.	105⅝	105⅝	105⅝	+ ⅛
Paramount	9⅞	9⅝	9¾	— ¼
Paramount 1 pfd.	72⅞	72¼	72⅞	—1⅛
Paramount 2 pfd.	10¾	10⅜	10⅜	— ½
Pathe Film	8⅛	8	8⅛	— ⅛
RKO	7⅞	7½	7⅝	— ¼
20th Century-Fox	29⅞	29½	29¾	+ ⅜
20th Century, pfd.	37¼	36½	37	— ½
Universal, pfd.	92	88	91	.....
Warner Bros.	11⅞	11¼	11½	— ¼

Sonotone Lone Curb Gain

	High	Low	Close	Net Change
Sonotone	2¾	2½	2¾	+ ⅛
Technicolor	30⅜	29¾	30	— ⅛
Trans-Lux	4¼	4⅛	4⅛	.....

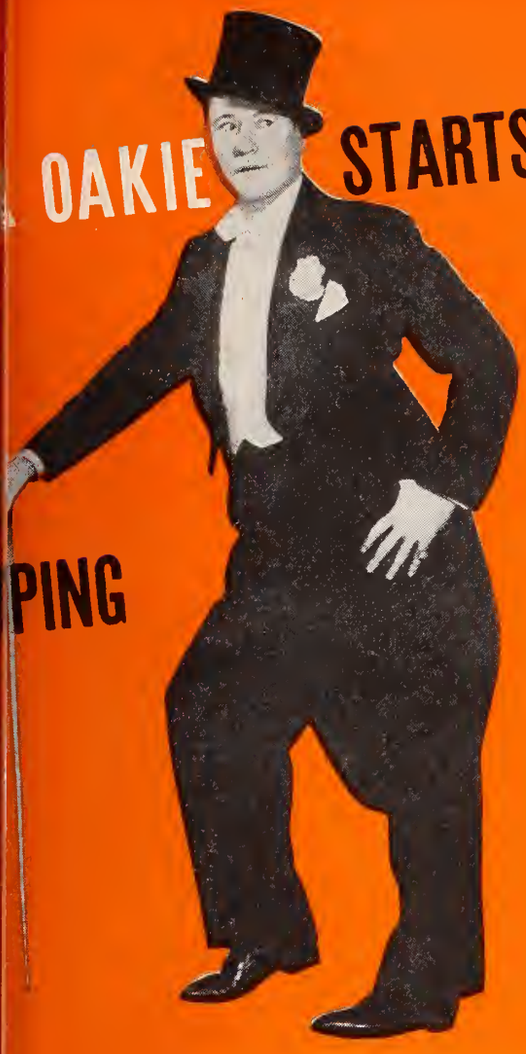
Bonds Up Slightly

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	29	28¼	28¼	+ ¼
General Theatre Equip. 6s '40 ctf	29	28½	28½	— ½
Keith B. F. 6s '46	95	94⅝	95	.....
Loew's 6s '41 ww deb rights	102⅝	102⅝	102⅝	.....
Paramount Pict. 6s '55	90½	89½	90½	+ ⅝
Warner Bros. 6s '39 wd	93½	92¾	93½	+1⅜

(Quotations at close of March 16)


DICK POWELL STARTS SINGING
RUBY KEELER
HUGH HERBERT STARTS CLOWNING
PAUL DRAPER STARTS STEPPIN
Ruby's sensational new dancing partner imported from Broadway.

OAKIE STARTS SWINGING



PING



JOAN BLONDELL STARTS TRUCKING

OUISE FAZENDA STARTS A RIOT



"COLLEEN"

STARTS 200 KEY RUNS MARCH 21ST!

With 100's of Hollywood's Choicest Colleens. Directed by Alfred E. Green. Dances Staged by Bobby Connolly. 4 Songs by Warren & Dubin—All Brand New

"You Gotta Know How To Dance"
"I Don't have to Dream Again"
"Boulevadier From The Bronx"
"An Evening With You"

. . . And the New York Strand pre-release engagement starts its second week with a bang!
WARNER BROS.' FIRST BIG MUSICAL IN NEARLY A YEAR

OUR ANSWER TO THE



THERE have always been in show business a few who envy anybody else's success. They take joy in spreading false propaganda about their competitors or their competitors' product.

It is unfortunate that a grand production, such as "THE COUNTRY DOCTOR", which is both a credit and an asset to the entire motion picture industry, should be the victim of this propaganda.

Certain people have gone out of their way to spread the rumor that this picture is flopping. We have a good idea who is behind it and it should be to their eternal shame.

For the benefit of those who bought the picture and who have still to run it, I want to quote a few statistics about one of the most successful pictures this business has seen in many a day:—

"THE COUNTRY DOCTOR" opened in 322 theatres between March 3rd and March 8th.

Of those theatres playing the picture for a week's engagement, 53 held "THE COUNTRY DOCTOR" over for a second week or transferred it to another first-run theatre for a second week.

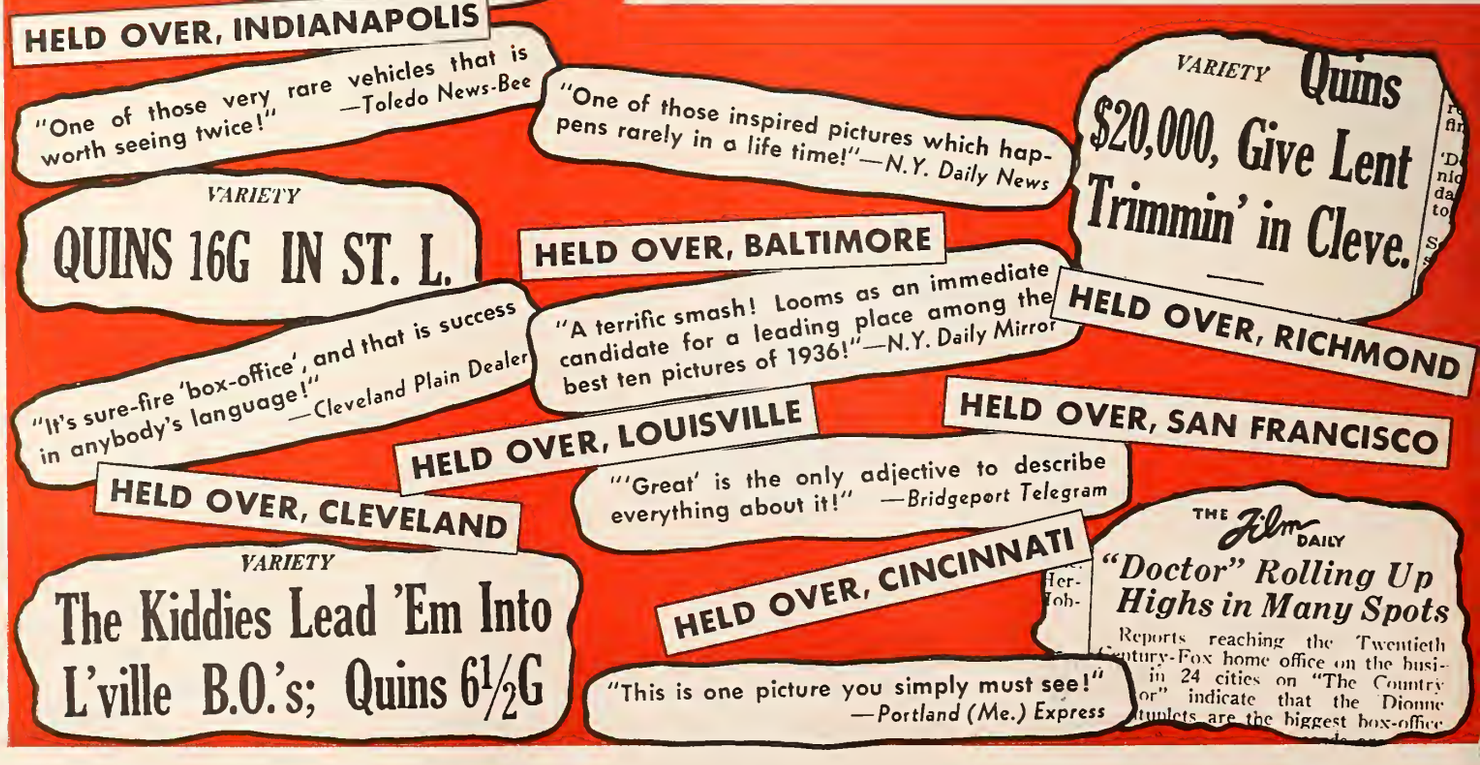
48 theatres extended their engagements from three to four days.

31 theatres extended their engagements two days, and 83 theatres found it necessary to play the picture an extra day.

In all, 215 theatres—or more than 67 per cent—of the 322 that played the picture in its first week of release, held the picture over for additional playing time.

One of the most successful pictures released by Twentieth Century-Fox Film Corporation this year was Shirley Temple in "THE LITTLEST REBEL." Released on Christmas Day, it played during the holidays to enormous business.

"THE COUNTRY DOCTOR" already has surpassed "THE



WHISPERING CHORUS

LITTLEST REBEL" in receipts by more than 15%.

Of course, there are individual spots affected by terrific weather conditions that have not done as well as the exhibitor might have hoped. We speak of the average.

We are proud to point to the chorus of critics' praise which has greeted the picture from coast to coast and from Canada to the Gulf. Not only have the motion picture reviewers accorded "THE COUNTRY DOCTOR" their highest rating and most enthusiastic praise, but great publishers and editorial writers have gone out of their way to urge the American people to see this great human document.

Elsewhere on this page are printed excerpts from some of these reviews.

We are not responsible for certain greedy individuals who hoped this picture would pay off the national debt. We are, however, humanly happy that "THE COUNTRY DOCTOR" has brought profits to our customers, entertainment to millions and has been a credit not only to ourselves but to the entire motion picture industry.

This picture is a sincere contribution to the business we are all making our living out of. It is an asset to the cause of better pictures, no matter who turns them out.

This, then, is the record of "THE COUNTRY DOCTOR." These figures do not lie, and if this be a flop, we pray give us more like it.

Sidney R. Kent

President,
Twentieth Century-Fox Film Corporation

VARIETY

Quints Romp Through L. A. for Smash $33,000 at State-Chines

HELD OVER, MILWAUKEE

HELD OVER, SEATTLE

VARIETY

...e,' Quins, 6G Each, Balto

"An epochal event. The summit of showmanship. Tops as entertainment!" —Los Angeles Times

VARIETY

'DOC' DELIVERS $15,000 IN CINCY

(Best Exploit...

HELD OVER, PORTLAND, ME.

"A picture every mother and daughter, every father and son will relish, because to see it is to love it!" —Milwaukee Sentinel

HELD OVER, PITTSBURGH

"A masterpiece!" —Pittsburgh Sun-Telegraph

HELD OVER! RADIO CITY MUSIC HALL

"A grand, magnificent picture without the quintuplets—with them, it is sensational!" —Los Angeles Herald and Express

"The screen's proudest creation!" —Hartford Times

HELD OVER, ST. LOUIS

HELD OVER, SPRINGFIELD, ILL.

HELD OVER, LOS ANGELES

"Much has been heard about the greatness of this picture. It does not disappoint!" —New Haven Register

VARIETY

'Country Doc' A Sock $26,000, Ch...

HELD OVER, PHILADELPHIA

VARIETY

'Doctor' $14,000, Ted Lew Up Mpls.; ...

"One of the finest pictures that has come out of Hollywood!" —St. Louis Post-Dispatch

HELD OVER, ATLANTA

HELD OVER, DETROIT

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

VARIETY

'Doctor' Strong, $35,000

HELD OVER, DALLAS

"Must be seen by everybody!" —Indianapolis Star

Denver Boom Gives "Pine" $9,500 Gross

DENVER, March 16.—"Trail of the Lonesome Pine" was outstanding in a general boom here last week. It was just one packed house after another at the Denham, the take reaching $9,500, over normal by $5,000. It was held over.

Six of the seven first runs were above average, with four pictures being held over and two finishing extended runs.

"Follow the Fleet" ran up to $11,500, over normal by $5,500. It was held at the Orpheum. "The Bohemian Girl" was strong at $4,000 in the Aladdin.

Total first run business was $38,200. Average is $27,750.

Estimated takings for the week ending March 11:

"BOHEMIAN GIRL" (M-G-M)
ALADDIN—(1,500), 25c-40c,-50c, 7 days. **Gross:** $4,000. (Average, $2,750)

"MODERN TIMES" (U. A.)
BROADWAY—(1,500), 25c-40c, 7 days, following a week at each the Denver and Paramount. **Gross:** $1,000. (Average, $1,500)

"DANCING FEET" (Republic)
CENTER—(1,500), 20c-25c-35c, 7 days. Stage show. **Gross:** $3,500. (Average, $3,000)

"TRAIL OF THE LONESOME PINE" (Para.)
DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $9,500. (Average $4,500)

"MUSIC GOES 'ROUND" (Col.)
DENVER—(2,500), 25c-35c-50c, 4 days. **Gross:** $1,200.

"COUNTRY DOCTOR" (20th-Fox)
DENVER—(2,500), 25c-35c-50c, 3 days and being held over. **Gross:** $4,500. (Average for week, $7,000)

"FOLLOW THE FLEET" (Radio)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $11,500. (Average, $6,000)

"PROFESSIONAL SOLDIER" (20th-Fox)
PARAMOUNT—(2,000), 25c-40c, 7 days, following a week at the Aladdin. **Gross:** $3,000. (Average, $3,000)

Warners' Schedule Is 75% Completed

HOLLYWOOD, March 16.—Warners have completed 75 per cent of the scheduled 60 features for 1935-36 release. Forty-five features have been completed and the remaining 15 are in various production stages. Five are shooting and 10 are set to get under way shortly.

Now in production are: "Angel of Mercy," with Kay Francis; "The Earthworm Tractor," with Joe E. Brown; "Big Business," with Guy Kibbee; "Two Against the World," with Humphrey Bogart, and "Murder in the Big House," with Barton MacLane.

Withholds Decision On RKO Interim Fees

Applications for interim fees totaling $150,000 for services in the RKO reorganization proceedings were taken under advisement yesterday by Federal Judge William Bondy.

The applications were filed by Irving Trust Co., trustee of RKO, which asks $65,000, and by Donovan, Leisure, Newton & Lumbard, counsel to the trustee, who ask $85,000. The allowances sought are for services rendered from July 1, last.

"Doctor" Is Detroit Wow With $22,200

DETROIT, March 16.—"The Country Doctor" jammed the Fox practically all week and ran the gross up to $22,200. This was $7,200 over average. Phil Baker & Co. were on the stage.

Business elsewhere was nothing to get excited about. "Desire," at the Michigan, with John Boles on the stage, went only $600 over par for a take of $20,600.

"Modern Times" and "Follow the Fleet," both in their third weeks at the United Artists and RKO Downtown, respectively, were still in the profit column.

Total first run business was $75,300. Average is $65,000.

Estimated takings for the week ending March 12:

"HELLSHIP MORGAN" (Col.)
"SONG AND DANCE MAN" (20th-Fox)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $4,300. (Average, $5,000)

"THE COUNTRY DOCTOR" (20th-Fox)
FOX—(5,100), 15c-55c, 7 days. Stage: Phil Baker & Co. **Gross:** $22,200. (Average, $15,000)

"DESIRE" (Para.)
MICHIGAN—(4,100), 15c-65c, 7 days. Stage: John Boles and vaudeville. **Gross:** $23,600. (Average, $20,000)

"PREVIEW MURDER MYSTERY" (Para.)
"BOULDER DAM" (W. B.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $4,100. (Average, $5,000)

"MODERN TIMES" (U. A.)
UNITED ARTISTS—(2,070), 15c-65c, 7 days, 3rd week. **Gross:** $10,800. (Average, $10,000)

"FOLLOW THE FLEET" (Radio)
RKO DOWNTOWN—(2,950), 15c-65c, 7 days, 3rd week. **Gross:** $10,300. (Average, $10,000)

"Doctor" $13,000 Milwaukee Leader

MILWAUKEE, March 16. — "The Country Doctor," on a twin bill with "Dancing Feet," went to town at Fox's Wisconsin, grossing $13,800. The picture was $5,800 above average and was held over for a second week. A favorable front page *Milwaukee Sentinel* editorial helped.

"Modern Times" and "You May Be Next" at Fox's Palace took second high honors for the week with $7,200, just $2,200 to the good.

With this kind of competition to face, "Follow the Fleet" in its second week at the Warner had tough sledding and was pulled after five days to make way for "Next Time We Love" and "Road Gang."

Total first run business was $29,800. Average is $23,000.

Estimated takings:

Week Ending March 10:

"FOLLOW THE FLEET" (Radio)
WARNER—(2,400), 25c-40c, 5 days, 2nd week. **Gross:** $3,800. (Average, $5,000)

Week Ending March 12:

"MODERN TIMES" (U.A.)
"YOU MAY BE NEXT" (Col.)
PALACE—(2,800), 25c-40c, 7 days. **Gross:** $7,200. (Average, $5,000)

"THE MORALS OF MARCUS" (G.B.)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: "Cocoanut Grove Revels" with Elenore Wood, The Clymas, Kirby and Duval, Rhythm Redheads. **Gross:** $5,000. (Average, $5,000)

"THE COUNTRY DOCTOR" (20th-Fox)
"DANCING FEET" (Republic)
Wisconsin—(3,200), 25c-40c, 7 days. **Gross:** $13,800. (Average, $8,000)

Film via Air

Toronto, March 16.—Lack of transportation facilities has forced J. Chalykoff, operating the Princess in the new mining community of Val d'Or, in northern Quebec, to resort to airplanes for his film supply. The air shipping charges are greater than his film rentals.

"Doctor" Big In Pittsburgh With $15,000

PITTSBURGH, March 16. — Despite the beginning of Lent, business was up all over town last week. The outstanding leader was "The Country Doctor" at the Alvin, which came within an eyelash of shattering the house record at $15,000, enough to win a holdover and raise hopes for a third week.

Although it did a nice $14,000 at the Penn, "Modern Times" was considered something of a disappointment. It was moved to the Warner for another week. Jan Garber's band on the stage was an effective bolster for "The Prisoner of Shark Island" and sent the Stanley to an excellent $22,000, while "Follow the Fleet," at the Warner after a week at the Penn, continued its brisk pace at $6,000.

"Love Before Breakfast," on a double bill with "The Return of Jimmy Valentine," improved the Fulton 100 per cent over the previous week at $4,000, and only the Casino, with "One Way Ticket" and Count Berni-Vici's unit, "Spices of 1936," fell a bit short of par with $6,000.

Total first run grosses were $67,000. Average is $51,500.

Estimated takings for the week ending March 12:

"THE COUNTRY DOCTOR" (20th-Fox)
ALVIN—(2,000), 25c-40c, 7 days. **Gross:** $15,000. (Average, $5,500)

"ONE WAY TICKET" (Col.)
CASINO—(1,800), 25c-40c, 6 days. Stage: "Spices of 1936," with Count Berni-Vici, Joe Besser, Bob Carney, Isabelle Dawn. **Gross:** $6,000. (Average, $6,500)

"LOVE BEFORE BREAKFAST" (Univ.)
"RETURN OF JIMMY VALENTINE" (Rep.)
FULTON—(1,750), 15c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"MODERN TIMES" (U.A.)
PENN—(3,300), 25c-40c, 7 days. **Gross:** $14,000. (Average, $12,000)

"PRISONER OF SHARK ISLAND" (20th-Fox)
STANLEY — (3,600), 25c-55c, 7 days. Stage: Jan Garber's band with Lorraine Santschi and Josephine Buckley, Georgia Leroux, Fritz Heilbron, Lee Palmer, Lew Bennett, Judy Randall, Rudy Rudisill. **Gross:** $22,000. (Average, $18,500)

"FOLLOW THE FLEET" (Radio)
WARNER—(2,000), 25c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $5,000)

Danz Takes Long Lease

SEATTLE, March 16.—John Danz, head of Sterling Chain Theatres, Inc., has taken a 15-year lease on the original Pantages here. Danz now operates the house as the Rex, on a short-time lease. He has also taken a lease on one entire floor of the office building in which the theatre is housed, and will establish circuit offices there.

The Rex will be remodeled at a cost of more than $50,000, and will be renamed. First run pictures and vaudeville will be continued.

"Doctor" Gets $25,000; Tops Philadelphia

PHILADELPHIA, March 16. — "The Country Doctor" was the week's leader with $25,000 at the Fox. Pre-run estimates had put the possible take at $30,000. Business kept building steadily, and the second week may nearly equal the first.

"Little Lord Fauntleroy" rang the bell at the Aldine with $15,000 and will stay at least two more weeks. "Wife vs. Secretary" took $23,000 at the Stanley, also holding. Riley and Farley and "The Music Goes 'Round" got a pretty good $16,000 at the Earle.

Even the second runs caught the fever. The Karlton and Keith's, which have been sleepers for several weeks, roused with "The Story of Louis Pasteur," $4,700, at the first, and "Follow the Fleet," with $4,300, at the second. Both hold for second weeks. "The Milky Way" also did a neat $3,300 second run week at the Arcadia.

Total first run business was $121,800. Average, exclusive of the Erlanger, is $81,960.

Estimated takings for the week ending March 12:

"LITTLE LORD FAUNTLEROY" (U.A.)
ALDINE—(1,200), 40c-55c-65c, 7 days. **Gross:** $15,000. (Average, $8,160)

"THE MILKY WAY" (Para.) (2nd run)
ARCADIA—(600), 25c-40c-50c, 7 days. **Gross:** $3,300. (Average, $2,800)

"DESIRE" (Para.)
BOYD—(2,400), 40c-55c, 7 days. **Gross:** $12,000. (Average, $14,000)

"THE MUSIC GOES 'ROUND" (Col.)
EARLE—(2,000), 25c-40c-50c, 7 days. Stage: Riley & Farley; Herman Timberg, Audrey Parker, Ada Brown, Ray Wilbert, Helen Reynolds & Co. **Gross:** $16,000. (Average, $14,000)

"MODERN TIMES" (U.A.)
ERLANGER—(2,000), 40c-55c-87c, 11 days, 4th week-plus. **Gross:** $12,000.

"THE COUNTRY DOCTOR" (20th-Fox)
FOX—(3,000), 40c-55c-65c, 7 days. Stage: Edgar Bergen, Boy Foy, Sylvia Manon & Co. **Gross:** $25,000. (Average, $14,000)

"STORY OF LOUIS PASTEUR" (F.N.) (2nd run)
KARLTON—(1,000), 25c-35c-40c, 7 days. **Gross:** $4,700. (Average, $4,000)

"FOLLOW THE FLEET" (Radio) (2nd run)
KEITH'S—(2,000), 30c-40c-50c, 7 days. **Gross: $4,300.** (Average, $4,000)

"WIFE vs. SECRETARY" (M-G-M)
STANLEY — (3,700), 40c-55c, 7 days. **Gross:** $23,000. (Average, $14,000)

"GARDEN MURDER CASE" (M-G-M)
STANTON—(1,700), 30c-40c-50c, 7 days. **Gross:** $6,500.

Milwaukee Job Total In Month Passes '29

MILWAUKEE, March 16.—According to figures of the Wisconsin Industrial Commission, Milwaukee factory employment in January exceeded that for the corresponding month of 1929. The commission reported its index for Milwaukee stood at 95.2 of the 1925-27 normal of 100 in the first month this year as compared with a position of 92.4 in the similar 1929 month.

Based on these figures, unofficial but conservative estimates place the number of workers in plants here at roughly 84,000 for January. This would be about 2,300 more than the same 1929 month, but 10,000 under the 1929 peak in the summer of that year, when the index was about 105. As compared with the low point of the depression, a gain of about 28,000 workers is reflected in the January level.

OUT OF THE WORLD'S LARGEST AND FINEST FILM LABORATORY COME CONSOLIDATED *"CERTIFIED PRINTS"*



SOMETIMES your experts take an entire day to light a single scene that the audience sees for only three or four minutes. It's this devotion to detail that makes the American motion picture the most beautiful in the world. Here at Consolidated we take similar pains to produce theatre prints that bring these artistic effects to the screen with unerring accuracy. No other film laboratory anywhere has such elaborate and costly machinery for controlling quality, for assuring uniformity, for reproducing all the sound and action in the master negative, for providing the producer with theatre prints that are *always* "a triumph of accuracy, a miracle of uniformity".

CONSOLIDATED FILM INDUSTRIES, INC.

NEW YORK HOLLYWOOD



BEYROUTH



SIAM

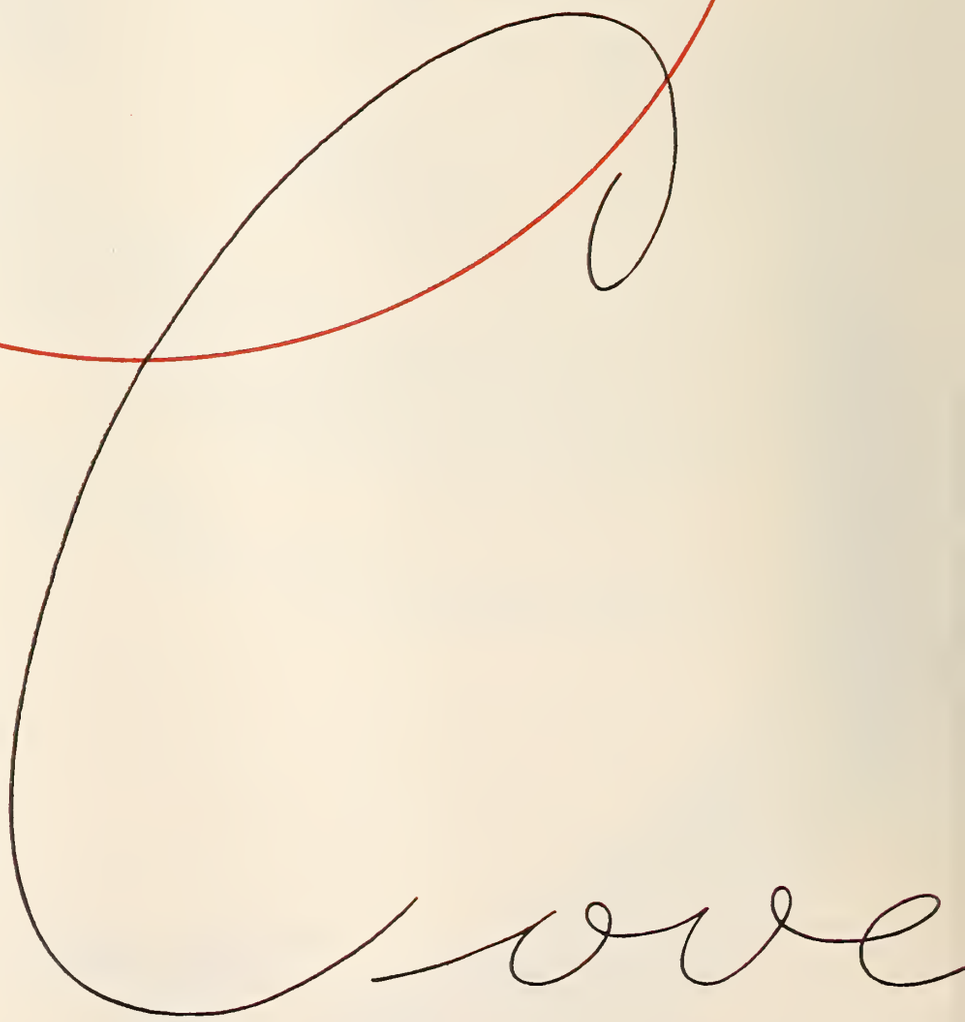


BOMBAY



GUAM

MOTION PICTURE HERALD



THE GAIETY THEATRE

Agana, Guam

Gentlemen:

In the 20th Anniversary Edition of the Motion Picture Herald, I saw your advertisement of the serial "CUSTER'S LAST STAND."

We would like to get this serial in the near future and we would be pleased to hear from you concerning the booking of this production.

At present we are obtaining our serials or chapter plays from the Universal Film Exchange, and have recently played "Pirate Treasure," "Gordon of Ghost City" and are now showing "Tailspin Tommy." What advertising matter (posters, etc.) are available with this chapter play? We would appreciate your forwarding us press sheets by mail.

In the same advertisement you also mentioned "CUSTER'S LAST RIDE," a 10-reel feature. Is this a sequel, a preliminary feature showing the highlights of the serial, or is it a different picture altogether?

The pictures will be out about four months, as there is only one commercial freight ship that comes to Guam four times a year.

Awaiting your reply in this matter, we are,

Very truly yours,

THE GAIETY THEATRE,

W. G. Johnston, Manager

Evergreen Pictures

Motion Pictures Distributors

IMPERIAL CHAMBERS

BOMBAY

P O BOX 737

Dear Sirs:

We have the pleasure to learn through the medium of your advertisement in the MOTION PICTURE HERALD of December 14th, 1935, that you are producing three 15-Chapter Serials, viz.:

"CUSTER'S LAST STAND"
"THE CLUTCHING HAND"
"JUNGLE PERILS"

As we are interested in the serials, we sent you a cable on the 25th inst. which reads as under:

WEISSPICT, NEW YORK CITY,

"POST AIRMAIL PRESSBOOKS PARTICULARS WITH LOWEST PRICES YOUR THREE SERIALS INCLUDING CUSTER LAST STAND EVERGREEN PICTURES BALLARD ESTATE CABLE ADDRESS PICTORIAL."

As we had no previous occasion to correspond with you, we have given detailed particulars regarding our whereabouts, too, in the cable, and trust that by the time you get this letter, we shall also be getting from you the pressbooks and detailed particulars of your product which we have requested you to send per Air Mail.

Yours faithfully,

S. W. Kotwal, Partner

WILLIAM MALLUK

FILMS CINEMATOGRAPHIQUES

Avenue Allemby

BEYROUTH - LIBAN

Dear Sirs:

While reading one of the last issues of the "MOTION PICTURE HERALD" we have found your advertisement concerning the new serial you have produced under the title "CUSTER'S LAST STAND."

I will be obliged if you will send me in the meantime a synopsis of your serial "CUSTER'S LAST STAND," as well as from the new serial "JUNGLE PERILS," which you are producing at present. I am only interested in serials for the territory of Syria, therefore quote me your best price for Syria alone.

Expecting the pleasure of receiving your interesting news, and synopsis, I beg to remain,

Yours very truly,

WILLIAM MALLUK

Prabas Nilubol

FILM DEALER & TRAVELLING SHOWMAN

62. NAKORN JAISRI RD.

BANGKOK. SIAM.

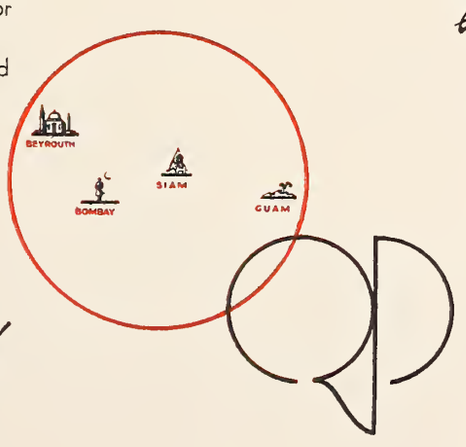
Dear Sirs:

Replying to your ad in the Motion Picture Herald, we shall be much obliged if you will kindly forward us press-book, together with terms and full particulars on your serial, "CUSTER'S LAST STAND."

Thanking you in anticipation for your kind attention, we are,

Faithfully yours,

PRABAS NILUBOL



Film Writers See Benefits In New Merger

(Continued from page 1)

reason for the proposed consolidation. Members of any one of the guilds frequently are to be found engaged in activities within the jurisdiction of one of the other guilds. The consolidation would eliminate the necessity for a writer so engaged from joining two or all three of the guilds. Membership in the Authors' League would be made to cover activities which automatically assign the writer to any or all of the affiliated guilds.

The uniform contracts for writers with screen and stage producers, radio and book and magazine publishers would be facilitated, it was said, by the centralization of authority over the three guilds in the Authors' League.

No demand for recognition of the Screen Writers' Guild will be made of Hollywood producers if the consolidation is approved, officials of the Authors' League said yesterday. Such a demand was characterized as a "meek and unnecessary gesture" by these officials who said that if the consolidation is approved film producers would be dealing with the Authors' League, which has been in existence for more than 20 years and which "no one dealing with writers can avoid recognizing."

Draws Dramatists' Comment

Dramatists' Guild officials, commenting yesterday on the recent resolutions drawn up by the League of N. Y. Theatres, a producing managers' organization, authorizing its contract committee to attempt the drafting of a new minimum basic agreement with the guild covering the sale of film rights to stage plays, or, this failing, to submit disputed points to arbitration, said that no attempt had been made by the managers' committee yet to arrange a meeting with the guild. If efforts to obtain a new agreement and to arbitrate disputed points both fail, the managers resolved to draw up and use exclusively their own contract with writers. Commenting on this, a guild official said:, "They mean, of course, they will use their own contract to deal with non-members of the guild. That's all right with us. We're not interested in what non-members do. The managers can do that any time they want.

"The question then is whether there are enough young playwrights coming up every year to keep the theatres going, and if there are, whether these newcomers will be willing to accept the managers' contract or join the guild and have the writers' contract."

"Folies Comique" to Open

"Folies Comique," produced by RKO under the supervision of William Howard, head of the circuit's vaudeville department, will open tomorrow for a two-day tryout at the Albee, Providence.

On Thursday, the show is scheduled to open at Keith's, Boston. About 35 are in the cast. Charles Koerner, RKO theatre district head in Boston, has returned to his headquarters after spending two weeks working with Howard.

Lent Puts New Dent in Key City Grosses After a Rise

Comparative grosses for the latest available periods:

	Week Ending Mar. 5-6		Week Ending Feb. 27-28	
	No. Theatres	Gross	No. Theatres	Gross
Boston	7	$116,000	7	$1,127,000
Buffalo	6	58,100	6	46,100
Chicago	8	124,300	8	141,700
Cincinnati	9	60,400	9	67,600
Cleveland	5	50,500	5	73,200
Denver	7	37,000	6	40,000
Detroit	6	81,900	6	77,100
Houston	4	23,900	4	33,400
Indianapolis	5	34,200	5	33,000
Kansas City	5	50,800	5	41,700
Lincoln	5	9,950	5	12,300
Los Angeles	10	95,150	10	87,000
Louisville	7	25,300	7	35,000
Milwaukee	4	28,900	4	26,600
Minneapolis	5	25,500	5	24,050
Montreal	5	43,500	5	43,000
New Haven	4	22,300	4	24,900
New York	9	258,500	9	270,500
Oklahoma City	4	15,100	4	15,350
Omaha	3	24,600	3	31,750
Philadelphia	10	102,600	10	113,300
Pittsburgh	6	67,400	6	55,300
Portland	6	31,700	6	35,700
Providence	5	37,800	5	47,300
San Francisco	9	77,000	9	76,950
St. Louis	6	55,400	6	62,350
St. Paul	5	16,000	5	17,500
Seattle	7	36,850	7	32,900
Washington	7	78,900	7	85,100
	179	$1,689,550	178	$1,777,650

Key city grosses from September to the end of the first week in March:

	No. Theatres	Gross
Sept. 26-27	164	$1,655,050
Oct. 3-4	178	1,572,310
Oct. 10-11	178	1,452,499
Oct. 17-18	178	1,563,750
Oct. 24-25	180	1,534,575
Oct. 31-Nov. 1	186	1,544,724
Nov. 7-8	185	1,545,710
Nov. 14-15	183	1,722,305
Nov. 21-22	181	1,578,550
Nov. 28-29	181	1,593,860
Dec. 5-6	183	1,766,910
Dec. 12-13	180	1,434,785
Dec. 19-20	171	1,321,385
Dec. 26-27	175	1,228,199
Jan. 2-3	179	1,918,729
Jan. 9-10	179	1,901,455
Jan. 16-17	176	1,722,400
Jan. 23-24	173	1,539,065
Jan. 30-31	177	1,515,300
Feb. 6-7	168	1,591,350
Feb. 13-14	174	1,680,180
Feb. 20-21	175	1,558,185
Feb. 27-28	178	1,777,650
Mar. 5-6	179	1,689,550

(Copyright, 1936, Quigley Publications, Inc.)

Hirliman to Patent New Color Process

Hollywood, March 16.—George Hirliman has applied for patents on the new color process which is being used for the first time in his "Captain Calamity," now shooting. "Hiracolor," the result of five years of experiment, is a two-color process which depends upon a device affixed to the camera, and not upon specially prepared film.

Hirliman claims that his process reduces color photography cost materially, and expects that within a year it will be as low as black and white. No extra lighting is required, according to Hirliman, and any color laboratory can do developing and printing.

Datig May Join M-G-M

Hollywood, March 16.—Fred Datig, who recently resigned as Paramount casting director, is negotiating with M-G-M for a similar post. The berth at M-G-M, vacated when Rufus LeMaire resigned, is now being filled by Bill Grady who was attached to the Thalberg unit.

Arrested in Shooting

Chicago, March 16.—Peter Krisoulas, 39, was arrested yesterday and charged with shooting to death Irving Fehlberg, assistant manager of the Midwest Theatre here, in his office when he was taken there after a young girl accused him of annoying her during a performance.

"Fleet" Sails To Loop Top; Pulls $26,000

Chicago, March 16.—"Follow the Fleet" sailed into the Palace followed by a crowd that piled the gross up to $26,000. This was $7,000 more than the house usually gets.

Other spots were also in the money. The Roosevelt, showing "The Trail of the Lonesome Pine," garnered $16,200, which was $5,200 to the good. "Navy Wife," helped by Jane Withers on the stage, went $1,600 over the line on a take of $16,600. "Desire," in spite of bad reviews, was up by $1,300 on a gross of $6,200 at the Garrick. "Freshman Love," with NTG's stage show, was good for $14,800, up by $1,800. "Modern Times" held up to $17,000 in its third week at the United Artists.

Total first run business was $131,600. Average is $117,000.

Estimated takings:

Week Ending March 10:

"TRAIL OF THE LONESOME PINE" (Para.)

ROOSEVELT—(1,591). 30c-40c-60c, 7 days. **Gross:** $16,200. (Average, $11,000)

Week Ending March 12:

"FOLLOW THE FLEET" (Radio)

PALACE—(2,509). 25c-35c-50c, 7 days. **Gross:** $26,000. (Average, $19,000)

"THE MILKY WAY" (Para.)

CHICAGO—(4,000). 35c-50c-68c, 7 days. Stage: Wallace Beery and Revue. **Gross:** $30.000. (Average, $32,000)

"NAVY WIFE" (20th-Fox)

ORIENTAL—(3,490). 25c-40c, 7 days. Stage: Jane Withers and Revue. **Gross:** $16,600. (Average, $15,000)

"DESIRE" (Para.)

GARRICK—(900). 25c-35c-50c, 7 days. **Gross:** $6,300. (Average, $5,500)

Week Ending March 13:

"MUSIC GOES 'ROUND" (Col.)

APOLLO—(1,400). 25c-35c-50c, 7 days. **Gross:** $4,700. (Average, $4,500)

"MODERN TIMES" (U. A.)

UNITED ARTISTS—(1,700). 35c-50c-68c, 7 days, 3rd week. **Gross:** $17,000. (Average, $17,000)

"FRESHMAN LOVE" (W. B.)

STATE-LAKE—(2,776). 20c-30c-35c, 7 days. Stage: NTG Girl Revue. **Gross:** $14,800. (Average, $13,000)

Speed Reorganizing Of General Theatres

The reorganization plan for General Theatres Equipment, Inc., is expected to be declared operative within a week, it is understood, despite the fact that conditions set by Chase National Bank as prerequisites to turning back securities held as collateral for defaulted loans have not been fully met.

The company has been in receivership since February, 1932. Earnings have improved in the past few months and interests close to the company are anxious to relieve it of restrictions imposed by the receivership. Chase Bank had stipulated that consent to the plan must be obtained from all but $5,325,000 of debt claims, of which not more than $3,000,000 could represent debentures.

Sets Feature Policy

Hollywood, March 16.—Burroughs-Tarzan will make individual pictures rather than series, and no single star be in more than one production, according to present plans. "The White Glove" will be the third production of the current season, and "Alcatraz" the fourth. "Three Wise Monks," the company's second picture, is now ready for release.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry In All Branches

VOL. 39. NO. 65 NEW YORK, WEDNESDAY, MARCH 18, 1936 TEN CENTS

Quigley Honor To Armstrong And Goldberg

Grand Awards Voted by 23 Film Executives

John Armstrong, manager of the Paramount in London, and Harry Goldberg, managing the Chestnut Street Opera House in Philadelphia, yesterday were voted the winners of the 1935 Quigley Grand Awards for exploitation supremacy, in the annual contest sponsored by the Managers' Round Table Club of *Motion Picture Herald*, of which A-Mike Vogel is chairman.

The judging, by 23 industry executives, took place at a luncheon at the N. Y. Athletic Club, where were exhibited samples of the 24 campaigns which won the silver and bronze monthly awards during the year. Armstrong, who captured the first, or silver grand award, took the honor for his campaign on Paramount's "Lives of a Bengal Lancer," while Goldberg's bronze award resulted from his work in exploiting War-

(*Continued on page 6*)

Warner Music Suits Are Increased by 16

Warner music subsidiaries yesterday filed 16 additional suits against radio broadcasting stations, hotels and cafes here and in other cities alleging copyright infringements through unlicensed performances of Warner owned songs.

Named in the actions are Essex House, Astor, Roosevelt, Ambassador, Childs and the Adelphia Hotel Co., Philadelphia, and the following radio stations: WACO, WDOD, KGKO, WTOC, WHBI, WWL, WJBW, WOWO and WDSU. Damages ranging from $250 to $5,000 and accountings of profits are asked in the suits.

Agreement on Tobis Payments Due Today

An agreement on adjusted royalties to be paid Tobis by American companies distributing in Central Europe is expected to be reached today with Dr. Henckelc, Tobis representative, who plans to leave for Germany tonight on the *Europa*. Representatives of the distributors have been conferring with Dr. Henckele on a new royalty agreement since late last week.

The American companies are seek-

(*Continued on page 8*)

Court Refuses to Speed Up Answers in St. Louis Case

Federal Judge Alfred C. Coxe's order granting Warners, Paramount and RKO an additional 30 days to file answers in the Government's latest civil suit involving an alleged conspiracy in withholding films from the Ambassador, Missouri and New Grand Central in St. Louis stands as a result of a decision handed down yesterday by Judge Murray Hulbert denying Russell Hardy's motion to vacate the extension.

Hardy stated that the extensions were granted without notice to the Government and that the additional time was unnecessary and injurious to the complaining interests. He added that "the case deals with a situation in St. Louis typical with hundreds of others throughout the country." He also asserted that the extension would "increase the losses of F. & M. and probably result in their extinction, help make a success of the conspiracy and turn the case into a post mortem."

The prosecuting attorney then went into the history of the case, but was halted by the court, which stated it was not interested, but only concerned with the issue before it. After the court refused to grant his motion, Hardy then made an unsuccessful plea to have the time reduced to 20 days. The prosecutor pointed out that F. & A. M. interests were in session while the arguments were being heard with the bondholders of the three St. Louis properties on the question of whether to continue operation. Again the court declined.

Frederick H. Wood, who played a vital part in the legal defense for Warners in both the criminal and civil actions tried in St. Louis, advised Judge Hulbert that he had been preparing papers for weeks in connection with the constitutionality of the Duffy Coal Act. He said he had been working on this case day and night, adding that some of the defendants in the civil suit had been

(*Continued on page 7*)

London Films Stage Destroyed by Blaze

By BRUCE ALLAN

LONDON, March 17.—A fire at the Denham studios of London Films during the noon luncheon hour today destroyed one stage which was near completion. Three other unfinished stages were saved. The blaze was believed to have been caused by the igniting of sound proofing material.

London officials indicated they will concentrate all workmen on the completion of the second stage in place of the one destroyed. It was said definitely that the fire would cause no change in plans. The first Denham production will go into work late in April or early in May.

Transamerica 1935 Net Is $20,319,276.26

SAN FRANCISCO, March 17.—The consolidated net profit of Transamerica Corp., consolidated companies and all controlled subsidiaries for the year 1935 is reported at $20,319,276.26. The net profit of Transamerica and consolidated companies, not including controlled subsidiaries, amounted to $11,857,079.96. These figures are, after all taxes and other expenses.

The larger net profit was equal to 87.65 cents per share on 23,181,568 shares outstanding, which compares with a net profit of $11,450,587.35, equal to 48.47 cents per share for the year ended Dec. 31, 1934, an increase of $8,868,688.91.

A.T.&T. Monopoly Gifford Tells FCC

WASHINGTON, March 17.—Admissions that the American Telephone & Telegraph Co. is a "virtual monopoly" featured the first day's testimony of the Federal Communications Probe which got under way today. Walter S. Gifford, president, was on the stand.

The probe will lead eventually into the relations of A. T. & T. with its subsidiaries, including Western Electric and Erpi.

Gifford testified that his salary is $206,000 a year. In the course of a long series of questions he also said that long distance telephone charges had never been regulated by the Government.

In discussing Western Electric he

(*Continued on page 8*)

Teperson Union Suit Compromise Reached

The $87,000 suit brought against Benjamin F. De Agostina, president of Allied M. P. Operators' Union, by Joseph Teperson, attorney for the union, has been settled for $7,000, Thomas C. Hughes, Teperson's attorney, stated yesterday in asking the withdrawal of the suit in N. Y. Supreme Court at Brooklyn.

Teperson alleged in his action that he had been discharged by the union on June 18, last, although he held a 10-year contract as the union's attorney, made in April, 1933.

Kent Declares Majority Want Block Booking

Wholesale Sales Always Used, He Insists

By CLARENCE LINZ

WASHINGTON, March 17.—Continuance of block booking is desired by the great majority of independent exhibitors, and proponents of the Pettengill Bill want "to hold block booking by the throat with the left hand and pick out the cherries they want with the right," members of the House film sub-committee were told today by Sidney R. Kent, president of Twentieth Century-Fox.

Appearing as the first of the star witnesses to be put on the stand by the opponents of the legislation, Kent declared that block booking is not the right name for a practice which is group selling or wholesaling.

"The atmosphere created in this hearing might lead the committee to believe that this was a poisonous method of forcing bad product down the throats of the exhibitors," he said. "This is a method that has always been in use in this industry; it is no different from the method used in hundreds of other lines in this country.

"I hope the committee won't think

(*Continued on page 8*)

States Radio Paid Ascap $2,995,000

WASHINGTON, March 17. — The radio industry last year paid $2,995,000 to Ascap for the use of its copyrighted works, James W. Baldwin, managing director of the National Ass'n of Broadcasters, told the House Patents Committee today.

Baldwin said the industry's gross receipts for 1935 were $87,523,848. He attacked the Ascap levies on the

(*Continued on page 6*)

Delay Loew Chance Cases to March 27

Scheduled for hearing yesterday in Bronx Special Sessions, the lottery complaints against Loew's Grand and Elsmere were postponed until March 27.

Attorneys for the circuit asked for the continuance because three other cases have been set for a week from Friday. These involve the Spooner, Boston Road and Burland. A similar complaint against Loew's Paradise is on the calendar for April 3, having

(*Continued on page 8*)

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20th-Fox and S. & C. Trial Starts Today

With the selection of a jury yesterday, the start of the suit by Twentieth Century-Fox against Springer & Cocalis for $18,000 was put over until this morning.

Judge Cunningham, an upstate judge who is pinch hitting due to illness of several judges sitting in the U. S. District Court, will preside. Louis Nizer is representing the distributor.

E. C. Grainger, eastern division sales head for Twentieth Century-Fox, is expected to be the first witness to take the stand.

Depinet, Levy to Confer

With the return next week of Ned E. Depinet and Jules Levy, RKO eastern branch managers will hold a sales meeting in New York. Depinet and Levy were in New Orleans yesterday and are due in Chicago tomorrow. Earlier in the week they were in Dallas where they held a sales meet of the Southern exchange heads.

ITOA Will Meet Today

Members of the I.T.O.A. will hold their regular meeting today at the Astor. A report on the proposed plans to merge the organization with the T.O.C.C. will be given.

Rites for Henry C. Lomb

Funeral services were held last night for Henry C. Lomb, son of Henry Lomb, one of the founders of Bausch & Lomb, who died at his home here Sunday.

Purely Personal

L. J. SCHLAIFER, CHARLES STERN, HARRY SHIFFMAN, MITCHELL KLUPT, JACK SPRINGER, JOSEPH TEPERSON, JACK BARNSTYN, JACK HOFFBERG, AL AARONSON, GEORGE W. WEEKS, ARTHUR GREENBLATT, A. P. WAXMAN, E. H. GOLDSTEIN, EDWARD M. SCHNITZER, NORTON RITCHEY, GEORGE BATCHELLER, HENRY RANDEL, MYRON SATTLER, PAT POWERS, IRVING WORMSER and EDDIE MULLEN gathered at the Tavern for a noon-hour snack yesterday.

•

MARY PICKFORD leaves for the coast today on the Century. LYNN FARNOL took a plane west last night. He was accompanied by NAT WOLF and WILLIAM KUSER, who prepare MISS PICKFORD's radio scripts.

•

LILLIAN HELLMAN, MIRIAM HOPKINS and WILLIAM WYLER, author, star and director respectively, of "These Three," are expected to attend this evening's showing of the film at the Rivoli.

•

IRVING GREENFIELD of Loew's legal staff is mourning the loss of his mother several weeks ago. He will leave Saturday for a two-week vacation, the first in two years.

•

CRESSON ELY SMITH has gone to Pinehurst, N. C., for a two-week vacation. He plans to circuit the 18-hole golf course every day, weather permitting.

•

HARRY C. ARTHUR arrived in St. Louis yesterday to confer with the bondholders of the Ambassador, Missouri and New Grand Central.

•

AL JOLSON and wife, RUBY KEELER, will come east the latter part of this week for the premiere of "The Singing Kid."

•

M. GREENBERG, Cleveland exhibitor affiliated with MEYER FINE, is in town on a honeymoon.

•

CLAUDETTE COLBERT will arrive from the coast by train on Friday for a brief vacation.

•

GEORGE SCHER has joined United Artists handling special publicity and exploitation.

•

SAM DEMBOW leaves today for Miami and a 10-day vacation.

MIRIAM HOPKINS, DOUGLAS FAIRBANKS, JR., ADELA ROGERS ST. JOHN, HARRY M. and MRS. WARNER, MERVYN and MRS. LEROY, JOHN MONK SAUNDERS, BEN and MRS. GOETZ and SAM and MRS. MORRIS are sailing on the *Berengaria* tonight.

•

NAT SALAND, head of Mercury Laboratories, will leave by plane for the coast next week. He plans to stay in Hollywood about four days. SALAND is also expecting to make another trip to the coast in April for a month's stay.

•

JEROME P. SUSSMAN, Paramount general manager for Central America and the northern section of South America, is due in today on the *California* for conferences with JOHN W. HICKS, JR.

•

DENIS MORRISON, who is handling showing of "Little Lord Fauntleroy," left for the coast by plane yesterday. He was in town for a day, coming from Warm Springs, Ga., and Washington.

•

CHARLES MOSES returned yesterday from a 12-day cruise. He came back with a nut brown complexion and says he wasn't sick a day, which is something for the Century circuit film buyer.

•

NAT LEVY, eastern central district manager for RKO, is in Philadelphia. From there he will return to his headquarters in Detroit.

•

MILTON WEISS is handling radio publicity in addition to his other contact work at M-G-M.

•

GILBERT MILLER and MARY CARLISLE arrived on the *Berengaria* yesterday.

•

MARTY BARRETT of Van Beuren has returned from an eight-week sales trip.

•

JACK HARROWER is in the Mt. Vernon Hospital with a stomach ailment.

•

ROSCOE ATES and MRS. EDWARD G. ROBINSON arrive today on the *Paris*.

•

GUTHRIE MCCLINTIC sails tonight on the *Europa*.

•

M. H. HOFFMAN has arrived from the coast.

Try to Start New Union

Reports were current in exhibitor quarters yesterday that a new union, to be composed of theatre service employees, is in the process of formation. It is stated that a number of ushers and cleaners already have been approached.

About two years ago a move to get theatre employes to join a service union met with little success. Theatre men could not say whether the same interests are behind the new move.

G. B. Executives East

HOLLYWOOD, March 17.—Jeffrey Bernerd, head of distribution; Arthur Lee, vice-president, and James Campbell, music department head, all of G. B., left here today for New York with a Kansas City stopover on their schedule.

Kindler Heads Empire

Louis Kindler last night was elected president of Empire union. He succeeds M. ("Happy") Ricca. Richard Baron, a former president, was named business agent, replacing Jack Millet. The meeting took place at the Irving Plaza.

Empire is not a party to negotiations now under way to merge Allied and Local 306. Another session between representatives of the two latter groups was held yesterday and it is expected that a deal will be struck in a few weeks.

Patents Projector Gate

BOSTON, March 17.—Edward Comi, president of Theatre Service and Supply Co. here and inventor of the Simplex rear shutter, has filed patent applications on a new type of film gate designed for Simplex projectors.

Legion Approves 12 Of 15 New Pictures

Twelve of 15 new pictures reviewed by the Legion of Decency during the past week are classified as unobjectionable for general patronage, according to the latest list. Only two are noted as unobjectionable for adults and one is called objectionable in part. The listing of new pictures, classified, follows.

Class A, Section 1, Unobjectionable for General Patronage—"Annette in Paradise" (German), "Captain January," "Desert Gold," "Don't Gamble with Love," "Everybody's Old Man," "For the Service," "F. P. I. antwortet nicht" (German), "Murder on the Bridle Path," "Rogues Tavern," "Robin Hood of El Dorado," "Taming the World," "Silly Billies." Class A, Section 2, Unobjectionable for Adults—"La Marcia" (Italian), "These Three." Class B, Objectionable in Part—"Colleen."

GTE's Bondholders Start Another Move

Expressing a belief that the General Theatres Equipment plan of reorganization "will not go through," a committee of independent bondholders yesterday solicited authorization from debenture holders to act for them "in the event of such an emergency."

M. A. Goldsmith of Chicago, chairman of the committee, cited an appeal from the Delaware court order approving the plan which is pending and said other litigation affecting the plan has been filed in the Federal court for the western division of the State of Missouri.

"In view of all these contingencies," Goldsmith's letter states, "we are convinced that the best plan to follow under the circumstances is to actively solicit authorization from holders so that we and they may act as a group, in the event the reorganization does not go through, as we do not believe it will."

Lucas at Ampa Meeting

Nick Lucas will be one of the entertainers at the Ampa lunch at the Astor tomorrow. Others expected to attend will be the members of the cast of the sketch presented at the Naked Truth dinner.

A nominating committee to pick candidates for next year's election will be named.

"Gold Week" to Aid Film

HOLLYWOOD, March 17.—Simultaneously with the release of Universal's "Sutter's Gold," California will celebrate "Gold Week," from March 25 to 31. Governor Merriam's proclamation states that the picture will stimulate renewed interest in the early history of the state.

Loew's Festival Is Set

Loew's on Friday will inaugurate its annual Spring Festival, which will run five weeks. The first picture in the festival will be "Trail of the Lonesome Pine."

"Ziegfeld" for Chicago

CHICAGO, March 17.—Metro has leased the Erlanger here for the roadshowing of "The Great Ziegfeld," which is scheduled to open Easter Sunday.

H'ya, Pal!

"Candidate Bert Lahr, do you solemnly promise just to be yourself, and by so doing, to make the customers howl, and to stimulate the box-office?" "I do." "O.K., Pal. Wham! And welcome to Educational's Distinguished Order of Funny Men!"



Carry a lighted candle; hop around the street on one foot, and keep shouting "Gold Bricks! Gold Bricks!" Do it—if you insist—but you won't get half as many laughs as you'll get by showing

BERT LAHR

in

"GOLD BRICKS"

Produced by Al Christie
Presented by E. W. Hammons

Educational Pictures
"THE SPICE OF THE PROGRAM"

Distributed in U. S. A. by
20th Century-Fox Film Corporation



A MESSAGE THAT TAKES 12 SECONDS TO READ— THAT TOOK 12 YEARS TO ACCOMPLISH!

"'Wife versus Secretary' hold-overs confirm again the year-after-year truth that Metro-Goldwyn-Mayer has more extended-run productions than any three other companies combined."

(*"WIFE VERSUS SECRETARY" stars Clark Gable, Jean Harlow, Myrna Loy*)

IMAGINE! ALL THESE M-G-M HOLD-OVERS WITHIN THE SPACE OF A COUPLE OF MONTHS!

"China Seas", "Broadway Melody of '36"
"Rendezvous", "Mutiny on the Bounty"
"Night at The Opera", "Tale of Two Cities"
"Rose Marie" and now "Wife vs. Secretary."
More on the way!

ROAR  **LION!**

Quigley Honor To Armstrong And Goldberg

(Continued from page 1)

ners' "A Midsummer Night's Dream." Armstrong's campaign won the silver award for June, and Goldberg's the bronze award for October.

All exhibits were identified by number only, the judges being supplied with ballots limiting them to numerical scoring. Voting was by ballot. The two winners are to be transported by plane to Hollywood via TWA for the formal presentation of their awards early in April.

Terry Ramsaye, editor of *Motion Picture Herald,* acting informally as toastmaster at the luncheon, introduced Colvin Brown, vice-president of Quigley Publications, who stressed the length of time during which the Quigley Awards have been carried on successfully. Brown read a telegram from Martin Quigley, president of the company, who was out of town. Quigley expressed his regret at being unable to attend, and said in part: "I want to acknowledge my appreciation of your interest in our efforts to promote and duly credit better exploitation methods and practices as manifest by your presence at this award luncheon."

Ramsaye, in introducing Vogel, made jocular reference to the Round Table chairman's propensity for conversation, which was accepted with due appreciation by the audience.

Vogel told the group that a questionnaire he had sent to the winners of monthly awards since the beginning of the contests indicated that 30 per cent had gained increases in salary or promotions as a result of the awards.

The 23 judges were as follows:

Leon J. Bamberger, RKO; Mort Blumenstock, Warners; John D. Clark, 20th Century-Fox; Oscar Doob, Loew's; S. Charles Einfeld, Warners; William R. Ferguson, M-G-M; Edward M. Fay, Fay Theatres; Monroe Greenthal, United Artists; Ben Grimm, RKO; John W. Hicks, Paramount; W. Ray Johnston, Republic; Irving Lesser, Roxy; Charles E. McCarthy, 20th Century-Fox; Frank McCarthy, Universal; Arthur Mayer, Rialto; Dan Michalove, 20th Century-Fox; Charles C. Moskowitz, Loew's; Alec Moss, Paramount; Si Seadler, M-G-M; A. W. Smith, Warners; J. R. Vogel, Loew's; George Walsh, Netco Theatres.

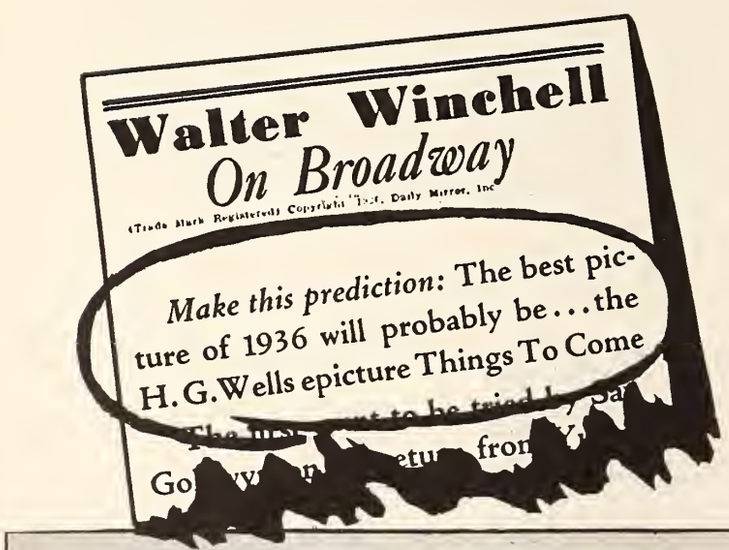
Hirliman Signs Mojica

HOLLYWOOD, March 17. — George Hirliman today completed arrangements to release through M-G-M three films starring Jose Mojica, Mexican singer who will have complete supervision over story direction and music. Black and white rather than color will be used.

It is understood here that Hirliman is about to move from Talisman Studios to RKO Pathe.

Court Overrules Moss

ALBANY, March 17.—The Court of Appeals decided here today that New York City License Commissioner Paul Moss could not revoke the license of the Republic, 42nd St. burlesque house, until a violation of the penal law has been proved. The appeal was taken following Moss's drive against burlesque houses last year.



"THINGS TO COME"

Alexander Korda's great production 100 years ahead of its time but what your box-office needs right NOW!

Released thru UNITED ARTISTS

Four Houses Change Hands During Week

Four theatres in the metropolitan exchange area changed hands last week. In addition, Henry Frieder is reported about to take the Majestic on Fulton St. Matty Christamos has closed the Mineola, Mineola, L. I., for repairs. A fire last week caused damage which will take a month to repair.

The theatres which changed ownership are: The Colonial, New Paltz, taken over by Bob Wile of the Granada, Pearl River; Roosevelt, Roosevelt, L. I., acquired by Saul Abrams, brother of Leo, in charge of the local Universal exchange; New Hyde Park, Hyde Park, L. I., now being operated by Sam Zinner; Boro, Bronx, now under Francisco Valence's management.

K. C. Zoning Hearing Scheduled March 27

KANSAS CITY, March 17. — The hearing on a temporary injunction to restrain Fox Midwest and major distributors here from continuing the zoning set up last fall by the theatre circuit has been set for March 27.

On Feb. 25, a group of 10 independent exhibitors, representing 13 theaters, filed suit through Ringolsky, Boatright & Jacobs against Fox Midwest, Paramount, Universal, Twentieth Century-Fox, M-G-M, Columbia, RKO, U.A. and Vitagraph, charging that the zoning arrangement is in restraint of trade. The suit will be heard by Judge Merrill E. Otis in Federal court.

States Radio Paid Ascap $2,995,000

(Continued from page 1)

ground that they represented an exercise of "monopolistic power" which denied licensees the right to bargain. Baldwin added, however, that he had no quarrel over the amount paid.

He indorsed the Duffy Bill which would eliminate the $250 minimum penalty for copyright infringement and United States adherence to the Berne convention.

It was brought out at the hearing that the radio industry pays advertising agencies about $13,000,000 annually and spends about $9,000,000 for talent.

Rowland to Make Two

Richard A. Rowland will produce two pictures for Paramount's new season release schedule, both to be independently financed and produced outside of the Paramount studio, the company said yesterday. Rowland is en route to the coast.

Seeks Story For Trio

HOLLYWOOD, March 17. — Impressed by the reception given Sylvia Sidney, Henry Fonda and Fred MacMurray in "The Trail of the Lonesome Pine," Walter Wanger is seeking another "rugged, dynamic story" for them.

Gets Six Spanish Films

Guaranteed Pictures has acquired distribution rights for North and South America to series of six Spanish dialogue pictures produced by Huet in Spain.

"Wife" Pulls $22,000, Top In Cleveland

CLEVELAND, March 17.—"Wife vs. Secretary" was the big draw of a big week with a $22,000 take at Loew's State, which is only slightly under the take for "Mutiny," and is $10,000 above par.

"The Country Doctor" was handicapped by a fair opening, but built up to a $12,500 gross for the week at Warners' Hippodrome, going $4,500 over average.

"Modern Times," in its third week downtown and its second week at Loew's Stillman, continued to be a big draw, grossing $5,800 as against the $4,000 weekly average.

"Love Before Breakfast" at the RKO Palace, with Jackie Coogan as the main stage attraction, grossed $12,000, which is $3,000 shy of average.

Weather was changeable and snowy. General Motors free show was the heaviest competition.

Total first run business was $56,900. Average is $42,000.

Estimated takings for the week ending March 14:

"FOLLOW THE FLEET" (Radio)
ALLEN—(3,300), 30c-35c-42c, 7 days, 3rd week. **Gross:** $4,600. (Average, $3,000)

"WIFE vs. SECRETARY" (M-G-M)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $22,000. (Average, $12,000)

"MODERN TIMES" (U. A.)
LOEW'S STILLMAN—(1,900), 30c-35c-42c, 7 days, 3rd week. **Gross:** $5,800. (Average, $4,000)

"LOVE BEFORE BREAKFAST" (Univ.)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Jackie Coogan and Betty Grable in "Hollywood Secrets" with Hollywood Collegians. **Gross:** $12,000. (Average, $15,000)

"THE COUNTRY DOCTOR" (20th-Fox)
WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $12,500. (Average, $8,000)

Changes at "U" Exchange

PORTLAND, Ore., March 17.—Recent changes at the Universal exchange here include the departure of Harry Davis, broker, for the east. John Harvey has succeeded Davis; Ted Hackley has been named assistant booker, and Leonard Clark shipper.

Tax Bill Vote Monday

TRENTON, March 17.—Action on the 4 per cent admission tax bill has been postponed until next Monday when it will again be considered by the legislature.

Howard Mapes Appointed

PORTLAND, Ore., March 17. — Following the resignation of George Jackson, Howard Mapes and Associates have been named Oregon representatives of Far West Exchanges.

New Name, Linda Perry

HOLLYWOOD, March 17. — Ann Tobin, one of Warners' newer stars, has a new film name. She is now Linda Perry.

Rebuild After Fire

WORCESTER, March 17.—The Rialto here is being reconditioned by Ernest Sharaff after a recent fire.

Court Denies Speed-Up in St. Louis Case

(*Continued from page 1*)

served only last Monday, meaning Harry and Albert Warner.

In addition to bringing out the fact that the two Warner brothers had 20 days in which to answer, Wood stated that he had not had an opportunity to examine the complaint until yesterday. From a cursory study of the papers, Wood said they were complicated and would require many motions for clarification prior to the filing of answers.

"Purpose Vague," Says Wood

"I can't see the purpose of this action by Hardy, who has indicted and found guilty himself the various defendants," Wood said. He brought out the fact that the Government had been unsuccessful in previous attempts to have the courts find the corporate individual defendants guilty. The Warner counsel then delved into the various setbacks the Government has suffered, adding "it seems idle for the Government to suggest an emergency in view of the past history of the proceedings." Wood also pointed out that the film companies tried to have the civil action tried first in St. Louis.

Louis Connick of Simpson, Thacher & Bartlett, was a newcomer on the legal defense forces. He represented three Paramount companies and seven individual defendants and stated he had had no connection with the two prior trials in St. Louis.

Connick told the court that Former Solicitor General Thomas D. Thacher had been busy on two other matters and therefore had had no opportunity to confer with Paramount officials. This being the case, he said, it was impossible to file answers within the prescribed time. Connick added he had asked the Government on Friday for an extension, which was denied.

Nizer to Ask Dismissal

The question of whether Federal Judge Joseph West Molyneaux's decision holding that *res adjudicata* did not apply when the film companies asked for a dismissal in St. Louis was being studied by attorneys in the case, Connick asserted, and this was another reason for asking more time for filing answers.

Louis Nizer of Phillips & Nizer said he was not familiar with the issues involved, not having participated in the two previous trials. He stated he had been retained by George J. Schaefer, Sam Dembow and Ralph Kohn on March 10, 12 and 13 and during the short intervening period has been engaged in two other cases, one a Supreme Court matter and the other the Twentieth Century-Fox suit against Springer & Cocalis. He further asked the continuance because, he said, he did not know whether the three men are defendants under the law. He said as soon as he checks into the law he intended to make a motion to dismiss the complaint against them.

William Mallard, general counsel for RKO, stated that most of the defendants he represented have been out of town and that he had had no opportunity to confer with them. He added that Ned E. Depinet and Jules Levy had been served the other day when a marshal left the papers at their homes, both being out of the city.

Hardy Divulges Plans

After all the arguments had been heard, Hardy informed the judge that a number of the defendants had not yet accepted service. Judge Hulbert then asked counsel if they would appear for their clients, following which Wood agreed to accept the responsibility for Abel Cary Thomas and Moe Silver and Connick for Neil F. Agnew.

Hardy told MOTION PICTURE DAILY he intended to bring in all St. Louis exchange managers who testified in the civil case in the Mound City. He also said that he planned to summon from 15 to 20 new witnesses, bringing the total to around 60. Although Walter Rice was in court he did not assist Hardy. Both left yesterday afternoon for Washington.

F. Royer to Produce

HOLLYWOOD, March 17. — Fanchon Royer has resigned as a Republic producer after two weeks on the company's payroll. She has announced the formation of her own company with eight films planned for 1936-37. Miss Royer leaves for New York next weekend for conferences on distribution and production. No company trade name has been set as yet.

Carl Laemmle, Jr. To Quit Universal

HOLLYWOOD, March 17. — Carl Laemmle, Jr., will sever relations with Universal following the completion of his latest film titled "My Man Godfrey," scheduled for the cameras April 6.

It is understood here that young Laemmle is considering two offers from major studios.

"U" Payoff in New York

HOLLYWOOD, March 17. — Carl Laemmle, Sr., will go to New York to receive the payoff on April 3, by which control of Universal passes to Standard Capital Co.

O'Brien to Resume Work on Warner Lot

HOLLYWOOD, March 17. — Pat O'Brien will return to work at Warners next Monday, having adjusted the difficulties with his employers which resulted in his recent suspension.

O'Brien has been given no definite assignment as yet. Warren William is being used in "Stage Struck," in the role which O'Brien refused.

F. & M. Do Tour Skits

HOLLYWOOD, March 17.—F. & M. have a staff of writers preparing skits for the use of stars in planned units and personal appearance tours. Those at work now include Paul Gerard Smith, Andy Rice, Herman Tunberg, Bert Levine, Finis Fox and Harold Daniels.

TAY GARNETT

DIRECTED

"Professional Soldier"

A DARRYL F. ZANUCK-20th CENTURY-FOX PRODUCTION

20th CENTURY FOX

Kent Declares Majority Want Block Booking

(Continued from page 1)

we are so foolish as to toss millions of dollars of business over our backs just because we want to sell 50 pictures and a man wants to buy only 30 or 40. That is 1,000 per cent away from the truth."

As before the Senate sub-committee Kent related the efforts of Paramount to sell singly, which resulted in a drop in business from $500,000 to $350,000 a week, and told Chairman Pettengill that if the sub-committee wanted to know the truth about cancellations it could subpoena the records of the various companies and get the actual figures.

He referred to the Federal Trade Commission case and the recent St. Louis criminal suit, both discussed at length by the proponents of the bill, and pointed out that in the former the Government claimed Paramount had a monopoly, although it did only 25 per cent of the business, and in the latter only three companies were involved, and, instead of the Government losing the case because of a personal quarrel between the Government and the defense counsel, there was a "not guilty" verdict returned by a jury.

The whole theory of wholesaling pictures is to level out the cost, Kent explained. Thus a man will get a good picture for less than it might bring singly, although he may pay more for a bad picture than it is worth. On the whole, however, he gets all his films at a price he can afford to pay. The proponents of the abolition of this method, he said, probably represent less than one per cent of the investment in the industry on a dollar basis.

"Block Booking Stifles Nobody"

"There are some rights on our side even if we are big," he declared. "The great majority of independent exhibitors are running their own business and running it profitably. If block booking had stifled anybody in the industry, the industry could never have grown to its present proportions. No other industry has as many as eight major companies competing fiercely for business."

Kent suggested that if the committee is interested only in the moral aspects of the situation, it should pass a bill prohibiting any producer from selling a picture until it has been completed and at the same time prohibit an exhibitor from buying a picture until after he has seen it.

Kent was preceded on the stand by Stanley Sumner, manager of the University, Cambridge, Mass., and Rev. Joseph A. Daly, executive secretary of the National Legion of Decency.

Sumner told the sub-committee that he buys about 300 features a year, trading with all eight of the majors, and runs about 200, securing cancellation or adjustment on those he does not play.

"I believe that the independent exhibitor would be seriously harmed if this bill were to pass," he declared. "I believe I would have serious difficulty in obtaining pictures that my audience demands, in that the chain operator whose sources of information are far greater than mine, if he were permitted to buy pictures individually or in small lots, would get the cream and I would get what was left after he had made his choice.

"The operation of a theatre is a matter of common sense," he continued, "and it is up to the exhibitor to sense the type of pictures required by his audience and obtain those pictures."

Sumner declared he had never had any difficulty with the distributors in the matter of cancellations, explaining in response to questions by Chairman Pettengill that he sometimes has to pay the contract prices, sometimes half and sometimes nothing.

Questioned by Pettengill

Pettengill in his questions attempted to show that Sumner was getting far greater cancellation privileges than other exhibitors, which the witness denied.

"You know that exhibitors for years have been seeking a greater cancellation," Pettengill said.

"I believe in that," the witness replied.

"But you get that benefit 'without benefit of clergy' so to speak," the chairman insisted.

"Simply because the distributors realize the particular conditions surrounding the operation of this theatre," Sumner contended. "I don't get off scot free."

"Do you think it is good public policy that contracts should require a man to take the entire block and the right to cancel depend on the distributor?" Pettengill insisted.

"I think that in many instances the brains back of production and distribution are perhaps better than the brains of the average exhibitor," Sumner said, "and it is just as well that some of us are forced to run pictures. I have never been coerced by a distributor. I do not think that producers could make good pictures if they did not have advance contracts."

"You admit that the exhibitor is forced to help to underwrite the expenses of the producer?" he was asked.

"Yes, I am afraid that is a necessary evil," Sumner replied.

The representatives of the various Catholic organizations which have appeared in favor of the bill could not speak for the Catholic church and its 22,000,000 communicants, for whom the voice of authority is the Council of Bishops, the committee was told by Dr. Daly, who read the statement issued last month in favor of control of pictures by public opinion rather than legislation.

"Censorship Likely," says Dr. Daly

Seizing upon the statement that possibilities of censorship were seen in the pending bill, which might lead to still more legislation, Pettengill asked whether there was anything in the bill that calls for a censorship setup.

"It is simply a speculation on the ground of the possibility that once legislation is adopted interfering in the motion picture business, further legislation may follow," Dr. Daly explained.

"What you are afraid of is that the bill might be amended to set up a board of censors," Pettengill insisted.

"We look to the possibilities," he was told.

Pettengill and Dr. Daly indulged in argument over the church's stand on block booking, the former insisting that numerous Catholic organizations had gone on record in opposition, while other members of the committee inquired as to the views of the various church officials throughout the country. Dr. Daly explained that the organizations could speak for themselves and that both they and various bishops and other officials need not necessarily agree with the Council of Bishops, but insisted that only the latter had authority to speak for the church as a whole.

"I want to say to you and the bishops for whom you speak, that I congratulate you and them for the splendid contribution you have made to this work," Pettengill said, "We are simply confronted with a problem; the question is whether it requires a legislative remedy and, if so, what it is."

M.P.T.O. Head Heard

A brief in opposition to the Pettengill Bill was submitted by Hugh Bruen of Seattle, president of the M. P. T. O. of the Northwest, who had spent several days here hoping to be heard.

Detailed refutation of many of the charges made against the producers by proponents of the bill was undertaken by George Schaefer, vice-president of United Artists, whose exposition was suspended when the sub-committee adjourned until March 23.

Schaefer told the sub-committee he is opposed to the bill "because it is impractical and would work an unnecessary hardship, contains no practical substitute for block booking and would freeze capital."

"Times" $217,000

"Modern Times" ended a six-weeks run at the Rivoli last night with a total take of $217,000. The first week's gross tallied $65,000; the second, $50,000; the third, $42,000; the fourth, $25,000; the fifth, $20,000; the final week, $15,000.

Agreement on Tobis Payments Due Today

(Continued from page 1)

ing reductions in the rates established in 1928 under a 10-year pact and a settlement of Tobis demands for payment of the royalties in dollars. Distributors participating in the meetings have money to their credit in central European nations which cannot be withdrawn from those countries and have offered Tobis payment from those funds.

White Pin Team Leads

The results of the RKO pin toppling which took place Thursday evenings during the winter puts Captain Art White's five-man team from the Capitol, which included Stickerling, Dvorak, Sherman and Johnson, in first place. The team won 41 games out of 63.

The Columbia team under Jimmy Mulhall took second place and Jack White's Majestic team was third. High team marks went to the Franklins with a score of 948, second high to the Capitol with 896. High individual honors went to Horton and Level, both making 235. George Roman of Pathe News won high individual average with 180, followed by Mulhall, J. White and Johnson. Ann Marden beat out 30 men for the season's high feminine average.

A.T.&T. Monopoly Gifford Tells FCC

(Continued from page 1)

said it was 90.42 per cent owned by Bell Telephone Co., an A. T. & T. subsidiary.

"The reason for this," he testified, "is so that the company can have a source of supply for highly standard equipment."

Samuel Becker, counsel for the F. C. C., conducted the examination. He asked whether or not it was true that A. T. & T. had acquired two film studios and Gifford replied that the company had come into possession of them through non-payment of debts.

Becker also wanted to know whether the company had helped William Fox finance the Loew's stock acquisition some years ago. Gifford replied that Becker was getting in "over his head" as he did not know.

Delay Loew Chance Cases to March 27

(Continued from page 1)

been put over from a previous date. All houses have been playing Screeno.

About a week ago the circuit discontinued the games in the Bronx when city officials asked Loew's to cooperate until the courts decided the legality of the games.

On Monday, Melvin Albert appeared before the Court of Appeals in Albany and argued for the Winthrop, Brooklyn, which has been found guilty of violating the lottery law. The theatre had been featuring Farmer Miller Night. George Palmer of the district attorney's office opposed Albert.

Wall Street

Gains Dominate Board

	High	Low	Close	Net Change
Columbia, vtc	38	37½	38	+1⅞
Columbia, pfd	47⅜	47¼	47⅜	.....
Consolidated	6¾	6⅜	6⅜	+ ⅛
Consolidated, pfd.	18¾	18½	18½	— ⅛
Eastman	162	161⅛	162	+ ½
K.-A.-O., pfd	91	91	91	+1¾
Loew's, Inc.	49⅛	47⅝	49⅛	+1⅜
Paramount	10	9½	9½	— ¼
Paramount 1 pfd.	74¼	73	74¼	+1⅜
Paramount 2 pfd.	10⅞	10½	10½	+ ⅛
Pathe Film	8¼	7⅞	8	— ⅛
RKO	8⅜	7⅝	8⅛	+ ½
20th Century-Fox.	29⅞	29½	29½	— ¼
20th Century, pfd.	37	36⅞	36¾	— ¼
Universal, pfd.	91	88	90	—1
Warner Bros.	12¼	11½	12	+ ½

Technicolor Up ¼

	High	Low	Close	Net Change
Sentry Safety	⅞	¾	¾	— ⅛
Sonotone	2⅝	2⅝	2⅝	— ⅛
Technicolor	30½	30	30¼	+ ¼
Trans-Lux	4¼	4⅛	4⅛	.....

Gen'l Theatre, Warner Bonds Gain

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	29½	28¼	29½	+1¼
General Theatre Equip 6s '40 ctf.	29½	28¼	29	+ ½
Keith B. F. 6s '46	95	94⅝	95	.....
Loew's 6s '41 ww deb rights	102	102	102	.....
Paramount Pict. 6s '55	90	89⅞	90	— ½
RKO 6s '41 pp	75⅝	75⅝	75⅝	— ⅜
Warner Bros. 6s '39 wd	94	93½	94	+ ½

(Quotations at close of March 17)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 66 NEW YORK, THURSDAY, MARCH 19, 1936 TEN CENTS

"U", General Deal Provides Interchanges

Talent, Stories, Other Facilities Included

By BRUCE ALLAN

LONDON, March 18.—A complete interchange of stars, directors, story material and technicians between Universal and General Film Distributors is provided for under the terms of the C. M. Woolf organization's participation in the Standard Capital Corp.-Charles R. Rogers acquisition of a controlling interest in Universal, it was stated here today by the London company.

The reciprocal production terms are in addition to the arrangements for the distribution of all Universal product, including the newsreel, by General Film Distributors throughout the United Kingdom and the world-wide distribution by Universal of a selected

(*Continued on page 4*)

British Expecting More Warner Films

By BRUCE ALLAN

LONDON, March 10.—Harry Warner and Sam Morris, due here in two weeks, are expected to O.K. further increases in the already enlarged production plans for the Warner-F. N. Teddington studios. Twenty pictures a year, with a prospect of American release for the best of them, is the program. Hollywood staffing on a large scale is expected; the first appointment is that of Russell Medcraft as story editor.

* * *

As one of the features of its 27th anniversary celebration, the Selfridge

(*Continued on page 6*)

To Honor Schaefer At Party March 30

George J. Schaefer, vice-president of United Artists, will be honored at an informal dinner in the grand ballroom of the Astor on March 30. The committee in charge of the dinner, which is now working on arrangements, includes: Austin Keough, Charles Freeman, Sidney R. Kent, Harry Kalshein, Joseph Bernhard, Paul O'Brien, Leon Netter, Marvin Schenck, Edward Raftery, George Skouras and Monroe Greenthal.

A program of entertainment is on the schedule, with outstanding screen personalities participating.

Ascap's Brief Attacks Stand Of Exhibitors

Hits Merging Recording, Exhibiting Rights

By BERTRAM F. LINZ

WASHINGTON, March 18.—A lengthy brief attacking the position of exhibitors and other users of copyrighted music, filed by Gene Buck, Ascap president, was made public today by the House Patents Committee as representatives of the broadcasters continued their fight for adoption of the Duffy Bill.

As far as the film industry is concerned, Ascap's criticisms were devoted largely to the proposed merging of exhibition with production rights and the $250 minimum damage clause. The former, it was declared, is an industry dispute which the exhibitors are seeking to settle by legislation.

Far more money is collected from the exhibition tax than from the sale

(*Continued on page 8*)

SWG Plans Fight on Reported British Ban

HOLLYWOOD, March 18.—Screen Writers' Guild, through its president, Ernest Pascal, today expressed deep concern regarding the reported clause in the new film act now before Parliament in London banning American screen writers from working on British films in England.

Pascal communicated immediately with London and with the Authors' League of America in New York but was unable to get confirmation or denial.

A special board of directors' meeting of the Screen Writers' Guild will be held tomorrow to plan appropriate action for the protection of members now in England and others for whom British contracts are being planned.

Dramatists Take No Action on Managers

The council of the Dramatists' Guild took no action at a special meeting yesterday on the recent request of the contract committee of the League of N. Y. Theatres for a reopening of the new minimum basic agreement embodying the sale of film rights to stage plays which the guild placed in effect March 1.

The producing managers have protested the revised terms increasing the playwright's participation in the proceeds from the sale of film rights

(*Continued on page 6*)

THEATRES HIT BY FLOODS IN EAST

New to Him

San Francisco, March 18.—Nate J. Blumberg, who runs the RKO circuit, has seen a variety of early bird prices and shows in his time, but it took an auto trip from Los Angeles with Cliff Work, RKO's western theatre district manager, to unearth a new one.

It was in the mountains where a roadside sign read: "26-Ounce Glass of Beer—10 Cents." Underneath in barely readable letters, this: "15 Cents After 7 P. M."

Percentage Ruling Upsets Sale Pacts

A decision which is regarded by film company attorneys as likely to have widespread effects on the designation by distributors of percentage engagements, if it stands, was won yesterday in N. Y. Supreme Court by Springer & Cocalis and Consolidated Circuit in an action brought against them by Twentieth Century-Fox.

The decision would make the distributor's overage on a group of designated percentage pictures dependent upon the earnings of the entire group, rather than upon the earnings of each picture individually.

Fox was suing Springer & Cocalis on a 1934-'35 contract for 58 of the distributor's pictures at a flat rental of $2,750 per picture for 30 S. & C. theatres. The contract stipulated that "on six pictures to be allocated by Fox the distributor shall receive a 50 per cent overage." Fox was suing for

(*Continued on page 6*)

Eastman Net Up to $15,913,251 in 1935

ROCHESTER, March 18.—The Eastman Kodak Co. and wholly owned subsidiaries have reported for the 52 weeks ended Dec. 28 last a consolidated net profit of $15,913,251 after taxes and reserves. After dividend requirements on the preferred stock, the net was equal to $6.90 on the common stock, which compares with $14,503,247, equal to $6.28 a share on 2,250,921 common shares the year before.

Income from operations totaled $18,-

(*Continued on page 6*)

Houses Flooded, Service Impeded in 6 States, Reports Show

After passing through an abnormally severe winter that affected theatre attendance to a large degree, theatre men in Pennsylvania, Maryland, the Shenandoah Valley region of Virginia and West Virginia, upstate New York, and the Connecticut River valley now have the spring thaw to worry about as reports from these areas of rivers and streams overflowing their banks and flooding cities and towns reduces attendance.

Parts of Ithaca, located near Cayuga Lake, which was the scene of the heaviest damage of the flood following torrential rains last summer, is again under water. In Buffalo the heaviest snow storm of the winter blanketed the city with 14 inches of snow. Binghamton, at the junction of the Susquehanna and Chenango rivers, is almost cut off by rising water. Film delivery services are having difficulty supplying houses in these towns, due to highway washouts. Only one bridge is open leading from Binghamton.

Pennsylvania is the hardest hit with

(*Continued on page 4*)

TOCC-ITOA Merger Expected by May 1

Negotiations for merging the T.O.C.C. and I.T.O.A. are expected to be completed by May 1, it was learned yesterday. Charles L. O'Reilly and Harry Brandt, heads of both organizations, have virtually agreed upon a deal, final details being left to memberships of both organizations.

Sam Rinzler, partner with Louis Frisch in Randforce, and Sam Rosen of the Fabian circuit, yesterday em-

(*Continued on page 6*)

Nebraska Ruling Is Blow to Bank Night

LINCOLN, Neb., March 18.—Under a definition given here today by Assistant Attorney General Paul Chaney, Bank Night is a lottery as conducted by many Nebraska theatres. Chaney ruled that three elements constitute a lottery—a prize of value, drawing to determine the winner and payment of a consideration for the opportunity to participate.

If a winner is outside a theatre when

(*Continued on page 4*)

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Insiders' Outlook

By RED KANN

Hollywood, March 18

TALES from the Hollywood hills:

The talent fixation which so frequently hits producers probably touched a new high with this incident:

A supervisor, name deleted, wanted Walter Catlett, who has done a thing or two on the stage in his time. The actor did not want the part. Finally, he submitted to persuasion and called at the studio.

"He knows all about your career. No one else can play this part," Catlett was informed.

The next circumstance found the performer in the producer's office, but the latter, by his questions, made it obvious early that he knew little of Catlett or his work. Standing it as long as he could, the latter turned to leave with this reported shot:

"Never mind asking who I am, what I've done and my qualifications for this part. I'll tell you. I'm Richard Mansfield and I died twenty years ago." . . .

▼ ▼

Most of the studios have one or more important and permanent sets which other studios lease when required. It's less expensive. Customary, however, is the procedure by which the working studio staffs the set with its own crew.

Four men pushing lights around were stopped a handful of days ago by the head of the plant. "Too many men on that job. Take two off," he ordered.

"Sorry. You can't do that."

"Why not? Don't I run this plant? Isn't that my set they're on."

"It's your set all right, but the men work for Paramount." . . .

▼ ▼

Two writers discussing a script.

One: "I think it is good, but I would do so-and-so in this situation. It would add more suspense."

Two: "A good idea. Do you mind if I come over this afternoon to get into it further with you?"

One: "Not at all. Drop in."

Two: "Where do I find you?"

One: "I sleep in Room 412."

▼ ▼

An ex-studio head, determined to get the lowdown on all possible angles, is declared to have had his ten-year-old son read all scripts.

Those carloads of toys reaching the youngster's side at regular intervals came from the writers on the lot. . . .

▼ ▼

The local yen for swank gets the hired help after a time. Sidney Skolsky, columnist for the *New York Daily News,* does not drive. He advertised for a chauffeur, but has never been able to employ one. They usually reply in livery and keep on walking upon discovery all Skolsky has is a Ford. . . .

▼ ▼

A legend maybe, but the report goes Twentieth Century-Fox hired Kenneth MacGowan away from Radio because he was a producer of pictures with tone. First assignment on the lot was "King of Burlesque." . . .

▼ ▼

Text of a wire from his buyers to a circuit head now visiting here:

"What's ahead for April and May?"

The reply:

"Nothing but storms and hot weather." . . .

▼ ▼

"If I do make a deal with that studio and the boss's son continues to lose his ball, he'll have to find it himself"—a producer talking to the assemblage at The Brown Derby. . . .

Says Race Services Use A. T. & T. Wires

WASHINGTON, March 18.—T. G. Miller, vice-president of A. T. & T. in charge of the long lines department, testified at the Federal Communications Commission's inquiry into company affairs today that A. T. & T. leases wires for $43,000 a month to two horse race news services, Nation-Wide News Service and Interstate News Service. These and other sporting news services paid $2,841,071 for wires between April 1, 1931, and Dec. 1, 1935, Miller testified.

Lina Basquette Sues

BOSTON, March 18.—Lina Basquette, through her attorney, George S. Fishel Ryan, has filed suit for $100,000 in U. S. District Court here against Harry and Fisher Zeitz, New Bedford theatre operators. Miss Basquette charges the illegal use of her photograph which later appeared in the newspaper advertisement of a colored troup.

Schenck Heading for NYC

LOS ANGELES, March 18.—Joseph M. Schenck left for New York tonight by train to discuss distribution and theatre expansion with Sidney R. Kent. Later he will hold similar conferences in London and Chicago.

Finney On Coast

HOLLYWOOD, March 18.—Edward F. Finney, Republic advertising and publicity head, arrived here yesterday by plane for conferences with Lindsley Parsons and studio executives. He will return to New York by plane tonight.

Mary Pickford Departs

After interviewing many persons during her stay, Mary Pickford left for the coast yesterday to confer with Jesse L. Lasky on the appointment of an eastern representative for Pickford-Lasky Prod. Miss Pickford, who has signed for an additional six broadcasts when her current contract expires, is not expected to return until July. She has seven more radio programs to do before her current pact runs out.

M. Luporini to Italy

LOS ANGELES, March 18.—Marion Luporini, Italian representative of United Artists, will leave here tomorrow by train. She is on her way to Italy.

Revamp Prudence Unit

Federal Judge Grover M. Moscowitz has approved the application of Amalgamated Properties, Inc., subsidiary of Prudence Co., to reorganize under Section 77 B of the bankruptcy act, separately from the parent company. The court continued the present officers of the company and set April 10 for a hearing on whether they should continue to hold office or whether reorganization trustees should be named.

Vallee Out of "Scandals"

Rudy Vallee, following a spirited fracas with George White, "Scandals" producer, was eliminated yesterday from the cast of the production.

Fox Gets an Arrest Stay Pending Appeal

A stay of that part of a Federal court order which made William Fox subject to arrest for contempt of court was granted yesterday by Judge William Bondy providing an appeal from the order punishing Fox is filed with the U. S. Supreme Court by his attorneys within 10 days after the record of the case is completed.

Hirsh, Newman, Reass & Becker, Fox's attorneys, said that the record could be completed within a week and that application for a writ of certiorari would be made to the high court within the specified time. The appeal will be sought on the complete punishment order signed by Judge Bondy and upheld recently by the U. S. Circuit Court of Appeals which, in addition to directing that Fox be taken into custody also prescribed a fine of $235,000 and $10,000 attorney fees.

Fox was cited for contempt for failure to answer a subpoena obtained by the Capital Co. in supplementary proceedings in connection with an unsatisfied $280,000 judgment it was awarded against Fox for a defaulted lease on the Fox, San Francisco.

Carewe Asks Listing For New Securities

WASHINGTON, March 18.—Filing of a registration statement by Edwin Carewe Prod., Inc., Los Angeles, covering 40,000 shares of $25 preferred and 80,000 shares of 25-cent par value common capital stock was made known today by the Securities and Exchange Commission.

The preferred stock is to be offered publicly at par under a permit issued by the California Corporation Commissioner. The officers and directors of the corporation may purchase 40,000 shares of the common at par on the basis of one share for each share of preferred stock sold, and the remaining 40,000 shares are to be held in the treasury for the redemption of the preferred on a share for share basis. S. H. Woodruff of Los Angeles is president of the corporation.

Disney Men Seek Talent

HOLLYWOOD, March 18.—Carter Ludlow, publicity director, Don Graham, art instructor, and George Drake, head of animation instruction of Walt Disney Prod., Inc., will leave for New York by train March 19 on a search for talent. Headquarters will be established in New York, and Graham and Drake will interview applicants who have answered advertisements for jobs. Prospects will be given a course of training in the east, and those with sufficient talent will be sent to Hollywood.

Warners Sign Hoeffler

Paul Hoeffler has signed a contract with Warners to produce 13 single-reel animal shorts under the title of "Dangerous Game." The shorts will be released during the 1937-38 season and are subject to approval by the distributor.

Horne West For Talks

HOLLYWOOD, March 18.—Hal Horne will arrive here tomorrow for discussions with Walter Wanger regarding five films scheduled for release during the next two months.



Judging by the success of its pre-release hold-over engagement current at the N. Y. Strand, **"COLLEEN"** is sure of the royal reception usually accorded Warner musicals. Topping a truly 'all-star' cast of experts in romance, rhythm, and risibilities, are **DICK POWELL, RUBY KEELER, JACK OAKIE, JOAN BLONDELL,** Hugh Herbert, Louise Fazenda, Paul Draper, and Bobby Connolly's luscious easy-on-the-eyefuls. Alfred E. Green directed. Released March 21st.

Theatres Are Hit by Floods In Six States

(Continued from page 1)

another Johnstown flood. The western part of the state along the Allegheny and Monongahela rivers is suffering heavily.

Shenandoah Valley Swamped

WASHINGTON, March 18.—Floods in the Shenandoah and the upper Potomac valleys, together with heavy rains in other locations disrupted the flow of films from exchanges here.

The worst hit town in the region is Cumberland, Md., where water 10 feet deep flooded the business section. Martinsburg, W. Va., was also cut off from the outside world by rising waters.

Maryland State Troopers called out in the emergency patrolled the highways leading to the stricken areas.

Horlacher's Film Delivery Service trucks could not make Cumberland or Martinsburg and returned. Deliveries returnable to the exchanges here this morning did not arrive from the flood area. To the south heavy rains during the past few days made passing to Richmond possible, but hazardous.

Horlacher's Richmond-Norfolk route was changed and went via Newport News in order to get into Petersburg, the hardest hit spot south of Washington. The film delivery company also encountered difficulty on the eastern shore of Maryland because of damaged roads and water.

Newsreel Men Busy

Newsreel crews sprang into action last night with Paramount News sending a unit to Johnstown and Cumberland areas. Pathe and Hearst Metrotone also were on the spot. Fox Movietone sent a crew from the New York office to cover Johnstown, Cumberland and Pittsburgh, leaving the local unit to stand by for developments. All the units are shooting from the air and some will remain in the distressed areas until entry afoot can be made.

The Weather Bureau here reports that the crest of the flood will reach Washington sometime Thursday night.

Details of the damage are not yet available. Exchanges are maintaining a service to theatres outside the flood area despite the tieup of prints in some of the affected spots.

Pittsburgh in Bad Way

PITTSBURGH, March 18.—Theatres were hit by the flood in this city and some are under 10 feet of water. The Pitt, Penn, Stanley and the Fulton have been considerably damaged by the water and it is impossible to tell when they will reopen since the rising waters have practically paralyzed the entire community.

The Red Cross has taken over all of the city's water and medical supplies. The same organization has been given supervision over the city police as well as all welfare and relief agencies.

At a late hour today the City Council appropriated $1,000,000 to be used in assisting those made homeless by the flood.

Purely Personal

BEN GOETZ sailed on the *Berengaria* yesterday for England to work on preliminary details in connection with M-G-M's production plans abroad. He said he'll be gone three to four weeks, and, after another trip to the coast, will return to London permanently.

•

DOLORES DEL RIO has been signed by DOUGLAS FAIRBANKS, JR., for the lead in his second Criterion film, "To You My Life." FAIRBANKS sailed yesterday for England, and Miss DEL RIO will follow next week.

•

LOUIS SCHINE has gone to Miami and his brother, Meyer, has returned from the Florida resort. HOWARD CARROL, western New York division manager for the circuit, is in town for a couple of days.

•

JACK CONNOLLY, Pathe News general manager, will depart Saturday on the *Paris* to arrange the filming of the Olympic Games. It is his 59th crossing.

•

MRS. EDWARD G. ROBINSON arrived yesterday abroad the *Paris*. She will leave for the coast immediately to join her husband and young son.

•

NORMAN H. MORAY, Vitaphone sales head, on a trip to the various Warner branch offices, will leave Denver today for Salt Lake City.

•

ROBERT EDMOND JONES is to be honored again, this time by the American Institute of Architects which has named him for the Fine Arts Medal.

•

LEO SPITZ, who left the coast by plane early this week, is stopping over in Chicago en route east. He is expected here within a day or two.

•

DAVID BERNSTEIN is slated to return from Miami the end of the month. ISADORE FREY is due from the same resort the end of the week.

•

LOUIS NOTARIOUS and BOB WEITMAN left yesterday for Howells, N. Y., where they will rest until Monday.

•

NATE BLUMBERG arrives in Rochester tomorrow from Chicago and is due back in New York Saturday morning.

•

SIMON FABIAN will leave Monday night for Albany on his regular upstate visit to his theatres.

•

JIM FINNEY of JULES LEVY'S office is one of the most courteous fellows you would want to meet.

•

WILLIAM E. RAYNOR is on a coast to coast trip selling two films for Dominion Prod., on a state rights basis.

•

JACK GOLDSTEIN of Rex Premiums returned from Buffalo yesterday by plane.

•

E. C. GRAINGER will leave today for Miami and a month's vacation.

•

EDWARD FINNEY is due to return today from a quick trip to the coast.

•

HARRY M. GOETZ sailed on the *Berengaria* last night.

JOSEPH SEIDELMAN, head of Columbia's foreign department, and JOSEPH FRIEDMAN, in charge of England and the continent, will leave tomorrow by plane for the coast for production conferences. They plan to be gone a week.

•

. . . Atlanta

ARTHUR C. BROMBERT, head of the southern district of Republic Pictures, has returned from a trip through Florida.

B. E. GORE of Tampa, theatre operator, was in Atlanta a few days.

LIONEL KEENE, district supervisor of Loew's, has returned from a vacation in and around Miami.

•

. . . London

A. BEVERLEY BAXTER second guest speaker at Exhibitors' Luncheon Club.

C. M. WOOLF in his new offices at 127 Wardour St.

S. W. SMITH of British Lion holiday-making in the South of France.

MAX SCHACH of Capitol bought "Siamese White," prophesied as year's best-seller, few days after publication.

JULIUS HAGEN said to be in a deal for P. D. C. (London), Ltd., including their Hammersmith studio.

•

. . . Los Angeles

HOWARD HUGHES is in town, but very busy with his airplane company.

NICK DIAMAS of the Diamas Circuit in Arizona here buying equipment and approving plans for his new theatre in Phoenix.

DAVE BIEDERMANN of Selected Pictures has signed to distribute six new JACK PERRIN features produced by WILLIAM BERKE and eight new BILL CODY westerns produced by RAYMOND KIRKWOOD.

JOE RUBENSTEIN, RKO salesman, is recovering from an operation for appendicitis.

FRED RAPPORT, who resigned from F. W. C. to go with Pickford-Lasky, is back with the circuit, managing the Arroyo.

HERBERT NIXON has replaced BURTON JONES as manager of the Lyric in Tucson, Ariz.

FRED PURNER, former press agent for the Santa Anita track, has taken over duties as chief of publicity for HAL ROACH.

MARK LARKIN, chief of publicity for Pickford-Lasky, back after a bout with influenza.

SAM WOOD is planning a trip to Europe following completion of "The Unguarded Hour."

C. V. THOMPSON has been appointed by F. W. C. as manager of the new theatre in Compton.

SIDNEY J. FEDER is the new manager of the Long Beach, taken over March 1 by F. W. C.

•

. . . Pittsburgh

WADE WITTMER, of Cleveland is breaking in as a Loew assistant manager under MIKE CULLEN at the Penn.

GEORGE JAFFE had to forego his annual trip to Hot Springs this year because of business.

FLORENCE FISHER PARRY, film critic for the *Press*, is vacationing in Florida.

TOM GORMAN, Gaumont-British exploitation man, is around in the interests of "Rhodes, the Empire Builder."

"U", General Deal Provides Interchanges

(Continued from page 1)

number of the British firm's films.

Arrangements have also been made for Woolf and Herbert Wilcox to represent the British financial interests on the new board of Universal Pictures Corp., soon to be reconstituted.

The production arrangements also provide for the use of the Universal studios in California by producing units of General Film Distributors, when desirable. Wilcox will be in charge of the production liaison here between the two producing centers, Universal City and London. Frank Ditcham, the present head of Universal's London office, will continue with the company here as an associate of Woolf. Identified with the latter in the syndicate participating in the Universal acquisition are Lord Portal, J. Arthur Rank, Paul Lindenberg and L. W. Farrow.

A private holding company with a capital stock listing of 1,225,000 shares is being formed here to acquire the syndicate's Universal holdings. The company will be similar to the Universal Corp. which was formed in America by Standard Capital Corp. as a voting trust to acquire the holdings which are being taken over from Universal Pictures Corp. The British interests will also be represented on the board of the new Universal Corp. by Rank and Farrow.

Nebraska Ruling Is Blow to Bank Night

(Continued from page 1)

the announcement is made and is permitted to enter without purchase of a ticket in order to claim a prize, he ruled, it is not a lottery law violation.

This is the first opinion from the state law department, although occasional litigation has come up in various parts of the state and in at least one instance an exhibitor has been fined.

Bank Night Writ Refused

JEFFERSON CITY, Mo., March 18.—The Missouri Supreme Court here today rejected the application for a writ of habeas corpus filed by George E. McKean of St. Louis, Bank Night representative, who sought to ascertain whether his giveaway games violate the Missouri lottery laws.

McKean was arrested at Fredericktown last December for operating Bank Night in a theatre there. The high court held that this proceeding was not the proper method of testing the issue. McKean will carry his case through the Circuit Court on an appeal from an adverse Justice of the Peace ruling.

"Doctor" Gets $75,000

First week of "The Country Doctor" at the Music Hall ended last night with $75,000. Opening at a slow pace, the film built steadily. It is being held a second week.

With the opening of "These Three" yesterday, United Artists reported that by 2 P. M., more than 7,000 persons had entered the Rivoli.

Mr. Exhibitor—

MY CHIN IS OUT AGAIN!
I led with my chin when I said that
*"IT HAPPENED ONE NIGHT"
was the best picture Columbia
ever made...*I ESCAPED UNHURT!*
NOW MY CHIN IS OUT AGAIN!
In my opinion FRANK CAPRA'S
new picture
*"MR. DEEDS GOES TO TOWN"
takes precedence over any other
picture we ever produced!

Harry Cohn

* *The same combination* — CAPRA *and* RISKIN!

COLUMBIA PICTURES

TOCC-ITOA Merger Expected by May 1

(*Continued from page* 1)

phasized the need of a strong exhibitor unit at the regular meeting of the I.T.O.A. at the Astor. The theatre leaders also pointed out the necessity for a permanent committee, to be composed of representatives from every major and independent circuit, to take care of legislative, labor and other problems confronting the exhibitor.

O'Reilly was scheduled to attend, but because of a business appointment in Brooklyn could not be on hand. Brandt presided.

Impending moves for the formation of a service union of theatre employes was discussed.

Clevelanders Object To Daylight Saving

CLEVELAND, March 18.—A group of representative members of the local industry, including Col. Harry E. Long, Loew division manager, Jess Fishman of Warners, Ernest Schwartz, president of the Cleveland M. P. E. A., and G. W. Erdmann, association secretary, called on Mayor Harold Burton to explain why the proposed daylight saving plan would be injurious to the entertainment business. It is thought the bill will not be introduced in the City Council.

British Expecting More Warner Films

(*Continued from page* 1)

store in Oxford St. established a sound theatre in the basement in which continuous free programs were provided, made up exclusively of trailers of pictures showing in Gaumont-British theatres in the West End. "Modern Times," (Tivoli), "Rhodes of Africa" (New Gallery), "The Bride Goes Home" (New Victoria), "Broadway Melody of 1936" (Dominion) and "Jack of All Trades" (Marble Arch Pavilion) were the pictures boosted.

Dramatists Take No Action on Managers

(*Continued from page* 1)

to more than the former 50 per cent, in some instances. The managers ask for new negotiation of the terms or submission of the disputed points to arbitration, and if both are refused by the guild have declared that they will draw up and use their own form of agreement with writers.

The guild council is expected to meet on the managers' requests again before taking final action.

Close Five Fox Houses

DENVER, March 18.—Theatre business in five towns in this territory was not enough to warrant two Fox houses in each town, so those opened recently for this purpose have been darkened again. These were the Del Rio at Las Cruces, N. M.; Plaza, Las Vegas, N. M.; Isis, Trinidad, Col. and the Kit Carson, La Junta, Col. Also the State at Boulder, Col., bought by Fox the past year, has been closed following the opening of a new Fox house there.

Overseas Preview

"Living Dangerously"

(*Associated British Pictures*)

LONDON, March 10.—Good story values, suspense, live acting and a surprise finale with a real kick in it are the assets of this Elstree effort from the Reginald Simpson-Frank Gregory play, directed by Herbert Brenon and offering another American value in Otto Kruger. The question is whether this last episode will escape censorship; it shows the District Attorney in New York assisting a murderer to escape justice by inflicting a flesh wound on him with a shot from his victim's revolver, so providing convincing evidence of self-defense.

With or without this twist, it is a workmanlike film, even though the main action is a fade back narrative, told to the District Attorney in a New York apartment as justification for a killing. The story told is of two doctors in partnership in London, one of whom is a dope-peddler and the other an idealist, innocently in love with his friend's wife. The crook, with the aid of his secretary-mistress, hauls his partner before the General Medical Council and has him struck off the list, on the grounds that he has made love to his partner's wife. The crook later goes to prison for the drug crime and the doctor and the woman go to America. When he is a famous specialist, the other turns up to blackmail him and gets plugged. Follows the episode just told.

Of special interest is an authentic reproduction of the proceedings when the ruling body of British medicine deals with erring doctors. There's exploitation value there, and more in the two problem angles of professional codes and human instincts in conflict and of "justifiable" murder.

Otto Kruger and Francis Lister put up fine shows as the medical men and all the company is well cast and well directed. Leonora Corbett is the girl. Audience material well above British average.

Running time, 80 minutes. "A." ALLAN

Looking 'Em Over

"Ring Around the Moon"

(*Chesterfield*)

Only mildly effective at best, and strictly of double bill caliber, this George Batcheller production concerns itself with the complicated romantic and marital affairs of a newspaper reporter and two girls, one of wealth, the other a co-worker with whom he is in love.

Donald Cook, reporter, in love with Anne Doran, is fired and receives a marriage proposal from Erin O'Brien-Moore. daughter of the paper's chief stockholder. When he learns that she had caused his discharge in order to insure his saying yes, he accepts in a drunken moment. Their marriage is a failure, and Miss Doran, angry at what she considers his duplicity, marries someone else, and will not listen to his explanations.

Following a series of complications, including the suicide of Cook's father-in-law and the failure of the bank he owns, Miss O'Brien-Moore is left penniless. Cook, living apart from her, knows nothing of her poverty, and she is too proud to approach him. Eventually, as Cook attains success through the sale of a play he has written, he comes to realize the good qualities of his wife, and a reconciliation concludes the film. Charles Lamont directed.

Production Code Seal No. 1,792. Running time, 70 minutes. "G."

"Petticoat Fever," tomorrow's opener at the Capitol, was reviewed by wire from Hollywood on March 12.

"These Three," now being shown at the Rivoli, was reviewed from Hollywood by wire on Feb. 26.

"Charlie Chan at the Circus," which opened at the Center on Wednesday, was reviewed on March 6 from Hollywood.

"Brides Are Like That," scheduled to open at the Strand Saturday morning, was previewed by wire from Hollywood on Jan. 17.

G. A. Delis in Hospital

CANTON, O., March 18.—George A. Delis, district manager of the A. G. Constant theatres in eastern and southern Ohio, is in Mercy hospital here with a fractured leg and other injuries received in an automobile accident recently near Zanesville, O. The Palace here is one of the houses under his supervision.

Want Theatres Quieter

MIDDLETOWN, O., March 18. — The Better Films Council, recently organized here, has extended its activities to include noise abatement in theatres. A committee has been appointed to devise some method of eliminating noise, particularly by children when attending performances designed especially for juvenile patronage.

Percentage Ruling Upsets Sale Pacts

(*Continued from page* 1)

$18,000, plus interest, which it claimed was due it under this clause.

The exhibitor defendant admitted a profit on two of the six pictures allocated by Fox for the overage, but claimed a loss on the other four which offset that profit. It claimed the right of cumulative accounting for the six, under which it could compute profit or loss on the group rather than on individual pictures in the group. Judge Cunningham, a visiting jurist from Rochester, upheld this contention which automatically disposed of Fox's claim against the exhibitors.

Louis Nizer, who represented Fox, plans to take an appeal. Bruce Bromley of Cravath, de Gersdorff, Swaine & Wood, represented the exhibitors.

Eastman Net Up $15,913,251 in 1935

(*Continued from page* 1)

461,416, compared with $16,646,475 in 1934. Current assets on Dec. 28 were $95,177,147 and current liabilities were $17,312,176, compared with $91,522,873 and $15,109,870, respectively, at the close of the previous year. It was pointed out that the volume of business continued to increase during 1935, sales showing an increase of 8.5 per cent over 1934 and 24 per cent over 1933.

Audio in Paris Deal

Audio Prod. has signed a contract with Paris Exportfilm for European and colonial distribution of the "Musical Moods" series.

Kenton Is Re-Signed

HOLLYWOOD, March 18.—Columbia has signed Erle C. Kenton, director, to a new long term contract.

Wall Street

Most Down Slightly on Board

	High	Low	Close	Net Change
Columbia, vtc ...	37¾	35¾	35¾	—2¼
Consolidated	6⅝	6½	6½	— ⅛
Consolidated, pfd.	18½	18¼	18¼	— ¼
Eastman 163½	162½	163	+1	
Eastman, pfd 165½	165½	165½	— ½	
Loew's, Inc.	49	48	48½	— ⅝
Paramount	9½	9⅜	9⅜	— ⅛
Paramount 1 pfd..	73	72½	73	—1¼
Paramount 2 pfd..	10½	10¼	10¼	— ¼
Pathe Film	8⅛	7¾	7¾	— ¼
RKO	8⅛	7¾	7¾	— ⅜
20th Century-Fox.	28¾	28¾	28¾	— ¾
20th Century, pfd.	36¾	36	36	— ¾
Universal, pfd ...	90	90	90	.....
Warner Bros. ...	12¼	11⅝	11¾	— ¼

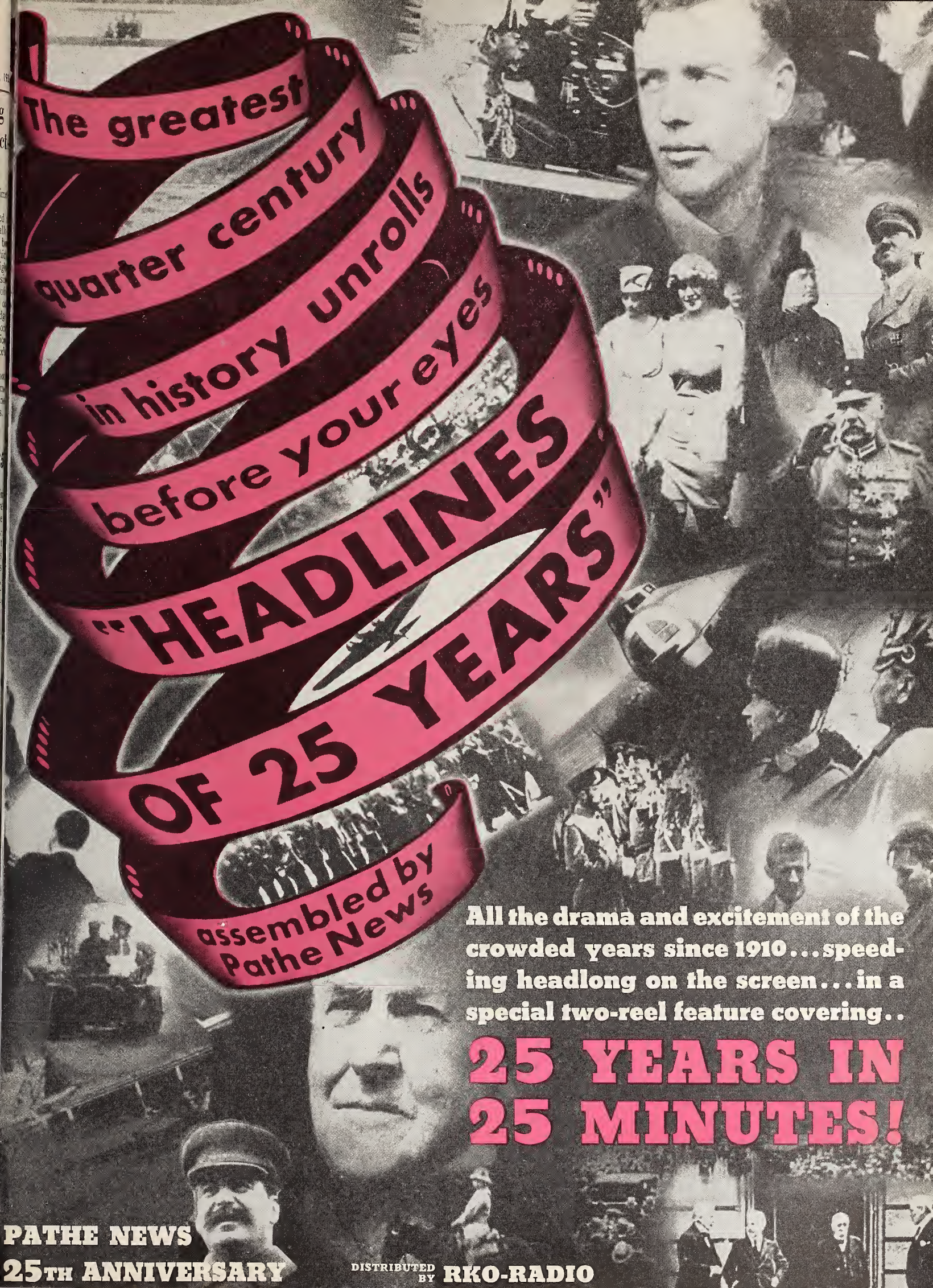
Fractional Gains on Curb

	High	Low	Close	Net Change
Sentry Safety ...	⅞	⅞	⅞	+ ⅛
Sonotone	2⅞	2⅝	2¾	+ ⅛
Technicolor	30⅜	29¾	29¾	— ½
Trans-Lux	4⅛	4⅛	4⅛	.....

Little Bond Activity

	High	Low	Close	Net Change
General Theatre Equip. 6s '40....	29½	29	29	— ½
General Theatre Equip. 6s '40 ctf	29½	28½	28½	— ½
Loew's 6s '41 ww deb rights 102	102	102	.....	
Paramount Pict. 6s '55	90	89½	90	.....
RKO 6s '41 pp....	75¾	75½	75½	— ⅛
Warner Bros. 6s '39 wd	94	93¾	94	.....

(Quotations at close of March 18)


The greatest quarter century in history unrolls before your eyes
"HEADLINES OF 25 YEARS"
assembled by Pathe News
All the drama and excitement of the crowded years since 1910... speeding headlong on the screen... in a special two-reel feature covering..
25 YEARS IN 25 MINUTES!
PATHE NEWS
25TH ANNIVERSARY
DISTRIBUTED BY RKO-RADIO

Ascap's Brief Attacks Stand Of Exhibitors

(Continued from page 1)

of production rights, it was said. For the use of copyrighted music with films, it was shown, Ascap last year received $117,551, compared with $97,430 in 1934 and $76,525 in 1933. The brief asserted there is no reason why newsreels should be exempt from copyright responsibility and "permitted to make a profit from the use of copyrighted material without payment." Use of theatres for free shows by broadcasters also was attacked as competition with legitimate productions.

Assailing the effort to eliminate the $250 minimum damage clause, Ascap said "the exhibitors, hotels and broadcasters are clamoring for elimination of the clause," although, it was held, only the pirate is affected by the provision. The attack on the clause, the brief contended, was sponsored in the "hope to dictate the license fees that they will pay by using the works and bargaining for the license after the use. They hope by this legislation to reduce to a minimum the amounts they will pay."

Production-Exhibition Treated

The brief went more deeply into the production-exhibition clause than any other phase affecting films, and declared that the amendment to the existing law in the Duffy Bill providing that the right to produce should include the right to exhibit, is an "attempt to settle by legislation a long-drawn-out dispute between producers and exhibitors as to who shall pay the music fees. The amendment violates the divisibility requirements of the Berne Convention," it was held, and "will prevent the composer from taking advantage of the best opportunity to dispose of performing rights in his legitimate attractions for reproduction in films."

The brief explained the method of sale of film rights of a musical stage attraction, and noted that contracts for the sale of film rights provide that no exhibition shall take place until the run of the stage attraction has been completed. It points out that the Duffy amendment merges exhibition with production, and the composer loses the right to control the exhibition rights. "He is confronted with two alternatives," the brief said, "either to sell the picture rights at the most opportune moment when competition is keen, or to wait until the attraction has run its course before entering negotiations for their sale. By that time all interest in the attraction has been lost and the composer will suffer irreparable loss."

The Duffy amendment, according to the brief, is aimed against the producer for the benefit of the exhibitor. Producers, it was said, contract for the rights on the basis that they will pay a nominal sum for the right to record the work to the publisher and the substantial return is to come from the royalties paid by the exhibitors to the society.

"In theory and practice it is no different than the case where the author grants the right to picturize his work upon the payment of a fixed sum, plus a percentage of the gross receipts derived from the rental paid by the exhibitor for the right to exhibit the work. This additional amount is unvaryingly added to the rental that the exhibitor pays for the license to exhibit," the brief declared, adding, "there is no question as to the reasonableness of the fee. The point is whether the producer or the exhibitor shall pay it."

The price will be prohibitive if the producer is made to pay for the use of the work, according to the claim of the producers, the brief pointed out, because the character and number of the theatres in which the film will be shown is an important factor in arriving at a price if the producer alone is to pay the fee. Because of the uncertainty involved, the producer believes the exhibitor should bear the charge, the brief said.

Concluding, it declared, "Now by legislative fiat, it is proposed that the burden shall be carried by the producer. This is unwarranted and improper legislation and is no concern of Congress. It has nothing to do with copyright protection. It is nothing more or less than an attempt to change a trade practice by legislative action."

RKO-Comerford Men Shift in Rochester

ROCHESTER, March 18.—Virtually everybody in the RKO organization and some in Comerford, with which RKO has an operating agreement, went up a notch in reorganization here this week.

William W. Risley, manager of the RKO Temple, became manager of the RKO Palace, succeeding Jay Golden, who recently was transferred to managing director of RKO and Comerford houses in Syracuse.

Charles Freeman, for seven years assistant manager at the Palace, went up two notches in a week, first becoming manager of the RKO Temple and then being shifted suddenly to manager of the Comerford Century, a larger house. Harry Holt was promoted from assistant to manager at the Temple.

Change Managers In Loew-Poli Circuit

NEW HAVEN, March 18. — Several circuit personnel changes have been made by Harry F. Shaw, division manager for the Loew-Poli New England Theatres.

Wallace Cooper has been promoted from assistant at the Palace, Hartford, to the Poli there, with J. Feschler, formerly assistant at the Poli, now assistant at the Palace. Sam Badamo, former assistant at the Majestic, Bridgeport, is the new manager at the Globe, to replace P. Alonzo, resigned. Larry Stark, recently sent from New York to assist Frank Henson at the Bijou, New Haven, has been transferred to the assistant's post at the Majestic, Bridgeport.

West Strong in Milwauke

MILWAUKEE, March 18.—Despite lambasting editorials by both Hearst's *Wisconsin News* and Paul Block's *Milwaukee Sentinel*, "Klondike Annie" has been enjoying good business at Fox's Palace here.

Barrios Now Has All Panama's First Runs

With the acquisition of the Wilcox circuit of three houses, the Barrios circuit now has a monopoly of first and second runs in Colon and Panama, Jerome P. Sussman, division manager in Central America for Paramount, stated upon his arrival yesterday on the *California*. The new Barrios circuit has a total of six theatres.

Paramount recently sold its interest in the Wilcox group of theatres, which it owned because of its affiliation with the Saenger circuit in the south. Sussman stated that film men in Panama believe the newly created monopoly will lead to theatre building. He added that the company is distributing 60 films in the 15 countries he supervises. In Trinidad, the Canal zone, Jamaica and some of the islands the same prints as in America are used. In the other countries, however, superimposed Spanish titles are employed.

Sussman will remain here several weeks on business and pleasure. He plans to leave with Mrs. Sussman for Hollywood after conferring with John W. Hicks, Jr.

Rosalie Stewart of the Eddington, Vincent and Rosalie Stewart agency on the coast was on the same boat. She plans to spend a two-week vacation here.

K-A-O Grosses at $12,000,000 in '35

Keith-Albee-Orpheum Corp. and subsidiary companies grossed $12,998,229.03 in theatre admissions for the year ended Dec. 31, 1935, it was reported in the company's consolidated statement, issued yesterday. Net profit for the year totaled $403,073.40 after all charges. Expenses for film service and production amounted to $3,424,023.69, while artists' salaries totaled $826,250.57.

B. F. Keith Corp. and subsidiaries reported a net profit for the year of $464,644.94, after all charges. Theatre admissions for the year totaled $9,033,895.45.

The annual meeting of KAO stockholders will be held April 8 in the RKO Bldg.

Keep Reliance Marking

HOLLYWOOD, March 18. — The six films which Edward Small is to make for Radio under his new contract as an associate producer will be released with the Reliance trademark following the radio mast trademark of RKO, according to Small.

"Robber Barons" is the only story property on Small's list which is the property of Reliance, the other pictures preparing under his supervision being Radio properties.

Faye Lemmon Married

DALLAS, March 18.—Faye Lemmon, publicity director for Station WFFA, has been married here to Jay C. Hall, assistant to the amusement editor of the *Dallas News*.

To Shut Down in June

The Vitaphone studio in Brooklyn will close down temporarily about the last week in June for approximately six weeks. The shutdown usually takes place in late March or April.

Variety Club

Kansas City

KANSAS CITY, March 18.—Variety Club had two teams, a first and second, in the citywide bowling tournament at the Pla-Mor.

Captain of Team No. 1 was FRANK HENSLER, chief barker of Tent No. 8. Other members: WALTER and FRANK LAMBADER, CHARLES KNICKERBOCKER and ROGER IEATON. These men have a team average of 960.

Second team was led by JOE W. MAGUIRE, and has A. HODSON, TOMMY FISHER, M. ANDERSON and CHUCK DECKER.

Philadelphia

PHILADELPHIA, March 18.—LEWEN PIZOR and MICHEAL EGNAL kings for the day at the luncheon today. AL BLOFSON and SIMON LIBROS will act in the same capacity April 15.

LEONARD SCHLESINGER is chairman of the entertainment committee and has been doing a swell job.

Amateur Night is scheduled for April 11.

March 21 will be EARLE DWEIGERT night; March 28, JOE ENGEL night; April 4, JAY EMANUEL night.

A formal dinner-dance will be held in April or May to wind up the spring season.

Washington

WASHINGTON, March 18.—One of the first official acts of Chief Barker J. LOUIS ROME upon taking the oath of office last January was to appoint a committee to consider a remodeling of the quarters of Tent No. 11. The committeemen—SAM A. GALANTY, chairman; CHARLES KRANZ, CARTER T. BARRON, HARRY S. BROWN, CHARLES E. SCHULMAN, WILLIAM E. S. WILCOX—have just completed their work.

While the club's suite remains the same, the elimination of partitions, the changing of others, has resulted in making available about 35 per cent more space. Modernistically decorated and furnished, the central exhibit of the new clubrooms is the semi-circular cocktail bar. The interior decorations were from ideas and designs by A. JULIAN BRYLAWSKI, with construction work in charge of F. KEMP MOHLER.

The "christening" was held as a Ladies' Night, with a four-man orchestra—one of PETE MACIAS' units—furnishing music for entertainment and dancing.

BRYLAWSKI's Committee on social activities is planning a spaghetti dinner and card party for March 29.

A new record was set at the semi-monthly luncheon when about 140 barkers and their guests appeared. It was Warner day.

General Zone Manager JOHN J. PAYETTE was in New York, but his associates carried on, with District Manager HARRY E. LOHMEYER the guiding genius. NAT B. BROWNE was master of ceremonies. The entertainers included BERT GRANOFF, tenor; BOB STICKNEY, accompanist; the Alabama Five, GEORGES METAXA, the Three Weir Brothers and JUNE KNIGHT.

On March 30 exchange-sponsored luncheons will be resumed with HARRY S. BROWN in charge.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry In All Branches

VOL. 39. NO. 67 NEW YORK, FRIDAY, MARCH 20, 1936 TEN CENTS

20th-Fox Net For Year Is $3,563,087

Profit Is $2,290,018 Better Than in 1934

Twentieth Century-Fox Film Corp. and wholly owned subsidiaries, for the year ended Dec. 28 last, report a net profit after Federal taxes and all charges of $3,563,087, according to the financial statement issued yesterday. The net compares with a profit of $1,273,069 for 1934, an increase of $2,290,018.

For the 13 weeks ended Dec. 28, 1935, operating profit, after Federal taxes, totaled $1,566,763, which compares with a loss of $233,143 for the last quarter of 1934.

The 1935 net is equal to $2.62 per share on the 1,359,041 shares of $1.50 cumulative convertible preferred stock, and after providing for a full year's dividend on the preferred, is equal to $1.24 per share on the 1,226,530 shares of common outstanding.

The figures do not include earnings from National Theatres Corp., in

(*Continued on page 6*)

Guild Refuses Bid For New Agreement

A flat refusal to negotiate a new minimum basic agreement for playwrights and producing managers with the contract committee of the League of N. Y. Theatres was made yesterday by the Dramatists' Guild in replying to a letter from the managers' committee which requested a meeting for this morning to open the new negotiations.

The guild, however, in a reply to the managers signed by Sidney Howard, president, stated that while the negotiation of a new agreement "is out of the question," and the guild, likewise, feels that nothing will be "gained by a conference," the writers'

(*Continued on page 7*)

Maryland Exhibitors Hit 10 Per Cent Tax

BALTIMORE, March 19.—A delegation of local and state exhibitors, headed by A. Julian Brylawski of Washington, appeared before the Senate Finance Committee here today to make formal protest against the proposed 10 per cent admission tax.

The committee began an executive session tonight in an attempt to complete a program of relief taxation. The levies, it is understood, will be

(*Continued on page 7*)

Admiral Blumm Reports

Paramount News rushed Jack Blumm to Harrisburg to get pictures of the Susquehanna River flood.

Yesterday morning at 11 o'clock William Park, makeup editor, reached for his phone.

"Yes, this is Park—what?—Certainly we want it—whadda you suppose we sent you down there for?"

Blumm's end of the conversation was something like this:

"I got the shots, all right. Some night stuff of rescues, flooded houses; some day stuff, too. There's a train going out at 1 o'clock, but I'm not sure I'll be able to make it.

"You see, I hired a rowboat. I'm not very good with a boat, and I fell out. It's tied outside the hotel window now. Then I got a boy and sent my suit out to get it dried, and the tailor shop got flooded. I ain't got no pants . . . and it's a long row down to the railroad station. I'll do the best I can. So long!"

At 5:40 Park received this wire: "Train did not leave until 2:30. Using changing bag for bloomers. Now looking for pants."

Editor's Note: A changing bag is a black bag with two openings for the arms the men use to load unexposed negative while in the field.

U. S. Firms Reach Tobis Agreement

Complete elimination of Tobis' multiple dubbing charges, reductions in the royalties paid by American companies and a compromise on arrangements covering currencies in which the royalties are to be paid were effected in an agreement between American distributors and the German company which was concluded late Wednesday night.

One of the principal issues covered by the agreement is that relating to the currencies in which the payments to Tobis will be made. The German sound company heretofore has asked for payments in dollars despite the fact that American distributors have large credits in the central European countries subject to the Tobis royalties, which cannot be withdrawn from those countries. The distributors have insisted upon the payments to Tobis being made from those credits, rather than in dollars, with the result

(*Continued on page 7*)

Poster Unit Meeting April 18 in Chicago

Directors of National Poster Service Ass'n, Inc., have set April 18 and 19 for the national convention which will be held at the Palmer House, Chicago. More than 100 poster service supply houses will be represented, it was stated yesterday by Simon Libros, president.

Plans made at a directors' session at the Lincoln here two weeks ago will be concluded at the Windy City conclave, Libros said. Financial arrangements have been completed for expanding the line of advertising accessories to include trailers and screen process displays of all types and sizes.

Move Made to End Copyright Hearing

WASHINGTON, March 19.—The closing of the current copyright hearings which was sought today by Representative O'Malley of Wisconsin, will be considered March 23 at an executive meeting of the House Patents Committee. O'Malley declared that unless some action was taken the hearings would go on indefinitely. He is a bitter opponent of Ascap, and during the sessions repeatedly has baited the witnesses regarding alleged shake-downs of Milwaukee tavern keepers.

The O'Malley motion to close the hearings would have been passed had a vote been taken today, but it was sidetracked by Chairman Sirovich after considerable debate, following which it was decided that the matter be taken up at the beginning of the week.

The testimony today was devoted to a consideration of broadcasting problems, during the course of which the

(*Continued on page 7*)

Cohen Buys Seigel's Interest in Circuit

Max A. Cohen yesterday purchased Arthur J. Seigel's half interest in Cinema Circuit Corp., which operates eight theatres in the local territory. The houses include the Harris, Selwyn and George M. Cohan on West 42nd St.; the Astor, Brooklyn; Prospect, Bronx, and the Lyndhurst and Ritz, Lyndhurst, N. J. Negotiations to acquire additional units are now under way.

Seigel had been associated with Cohen for a number of years. He is a stepson of Albert Warner.

Floods Leave Theatres Hit In Many Spots

House Damage Limited, But Business Is Off

Flood crests moved southward yesterday down the Blackstone and Connecticut Rivers in New England, the Hudson in the vicinity of Troy, the Susquehanna in central Pennsylvania and the Monongahela and Allegheny Rivers in the vicinity of Pittsburgh, leaving exhibitors aghast over the damage wrought in a few hours.

Actual damage to theatres is limited largely to towns along the Susquehanna and in the Pittsburgh area, but the effects on business in hundreds of towns in New Hampshire, Massachusetts, Rhode Island, Connecticut, southern New York, Pennsylvania, Maryland, Virginia and West Virginia cannot be calculated at this time.

Power plants went out of commission in widely scattered territories. Film delivery service was interrupted by inundated roads and washed out bridges, but by yesterday afternoon this had been corrected in many places. Due to the fact that property

(*Continued on page 6*)

Warners Expanding Chicago Holdings

Plan for expansion and solidification of the Warner circuit in Chicago are developing rapidly, it was learned yesterday.

Having recently pooled its holdings with B. & K. at Hammond, Ind., Warners have just completed negotiations on a joint operating deal with B. & K. in the Windy City. The latest deal combines under James Coston's supervision the circuit's Regal

(*Continued on page 6*)

Philadelphia IMPTO Shifts Name to ITO

PHILADELPHIA, March 19.—The I.M.P.T.O. will be known hereafter as the Independent Theatre Owners, Inc. Fifty-three members attended the meeting at the Broadwood today, the object being to aid in the merging of the two organizations.

Charles Segall, who presided, offered to resign six times during the session in favor of a younger and more active man. This, however, was not put to a motion.

The new organization was joined by 21 of the 53 attending who pledged 10 cents a seat.

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Operators' Pickets Again Busy in Bronx

After a truce of several months, cross picketing has been revived. The latest move, however, is limited to the Bronx where the University, an independent house, discharged Local 306 men for Allied. As a result, Local 306 has started picketing in front of the house with Allied retaliating by having its men parade in front of Loew's Grand and RKO's Fordham.

Despite the picketing, Local 306 headquarters insist this will have no bearing on negotiations for merging the two unions. It was also stated that as soon as Local 306 and Allied are linked, Empire will be brought into the combine.

Warners Promote Herron

PITTSBURGH, March 19.—Bill Herron, assistant manager of the Harris-Memorial Theatre in McKeesport, Pa., has been promoted to manage the Warner Victor there, succeeding Don Stitt, who resigned recently.

David Perkins Celebrates

BOSTON, March 19.—David Perkins, veteran theatre man and present publicity assistant for M. & P., has celebrated his 29th wedding anniversary. He has four grandchildren.

Roach Signs Newmeyer

HOLLYWOOD, March 19.—Hal Roach has signed Fred Newmeyer, director, to a new long term contract. No assignment has been given as yet.

Insiders' Outlook

By RED KANN

Hollywood, March 19

FROM his seat, the double feature market has completely ravaged the two-reel comedy field. After years at it and a reputation in standard comedies, Hal Roach, who has been reading the signs, has given up that ghost for other plans. For next season, he contemplates six features and twelve "Our Gang" comedies, each in one reel. Anyone at all alert would have seen the gradual compression in the two-reel market, and Roach, of course, has been alive to it. . . .

▼

As a matter of fact, he has been moving in his new direction gradually. Currently, his commitment with M-G-M provides for only twenty-four two-reelers broken up into three series of eight Todd-Kellys, Charley Chase and the "Our Gangs" as against the time, not so far distant, when Roach made forty-two with regularity. He has, moveover, lost none of his faith in the salability of comedy. "I see a great demand for comedy next season, but not necessarily in two-reel form. It has been my idea to make four-reelers on the theory they would replace the second feature, but the sales department in New York told me they wouldn't sell," he stated. . . .

▼

Roach shed no light on the reasons leading to his conclusion that next year will reflect a more pronounced demand for fun. It has always been our own thought that comedy is a staple in this business, sensitive in no clearly defined manner to changing tastes like the gangster or any other sort of cycle, although laugh pictures are not easy to turn out. In Hollywood, the impression, hardly new by this time, prevails that they are the most difficult of all. Hoping, therefore, to furnish a substantial percentage of the nation's giggle quota, Roach is quite ambitious about his feature intentions. . . .

▼

Two of the six will star Laurel and Hardy, while a third with them is not remote. The remaining contributions will include several from Patsy Kelly, who has just finished "Kelly, the Second." The Laurel and Hardy features run to a surprising gross, the domestic figure, as usual, varying with the quality, and the foreign going places essentially because the comedy pair is in them. These and the "Our Gangs," cut to one reel, will hit the Metro program next season under a rearranged contract with Roach, who, years ago, signed with the distributor and has been running on season after season under the general provisions of the original pact. . . .

▼

Not much is heard about shorts in Hollywood today, but a good deal about the double features which have caused them such hurt. One of the leading producers of shorts asked us what the reward for making good abbreviated attractions was these days. Our reply, which seemed to impress him not too convincingly, set forth that merit will seek and find its level, regardless of footage. Once having spouted our wisdom, highly perfunctory in this instance, we began to wonder about it. We speculated in our mind if the conclusion was entirely accurate. . . .

▼

For aside from the newsreel which is always a "must" and the Disney cartoons, there is a serious question whether exhibitors will give quality in shorts its proper recognition. The question was a moot one in the days when single features were around. Now that twins have so largely supplanted them, the average show leaves little time for a one or two-reeler apart from the two lucky exceptions mentioned earlier. That some shorts are far better than the second feature is undeniable, but it doesn't help them anyway. Exhibitor lethargy is one reason. Fear of upsetting an apparently satisfactory policy is another. Indifference to the maximum in results is a third. The combination has well nigh completed its job of bottling up short subject outlets and, in this specific direction, stifled further progress in production. . . .

Ampa Names Seven To Elect Officers

Although 15 names were suggested, the seven members to be elected to the Ampa nominating committee yesterday were: Charles Leonard of Universal, George Gerhard of Cosmopolitan Prod., Ralph Lund and Rutgers Neilson of RKO, Ray Gallagher of *Quigley Publications,* Tom Waller of Paramount, and Milton Silver of National Screen Service.

Those who lost out included Bert Adler, Arthur Jeffrey, Herb Berg, Vincent Trotta, Barrett McCormick, Charles Curran and Charles Alicoate.

Because of his splendid work in connection with the Naked Truth Dinner and Movie Studio Party last Saturday, Ralph Rolan of March of Time was made an honorary member. Elections will be held April 16.

See No Ascap Trial Until Congress Ends

No likelihood of a final disposition of the Government's monopoly trial against Ascap is foreseen by attorneys identified with the case until after adjournment of the present session of Congress, at which time the fate of the Duffy Copyright Bill probably will have been settled, it was stated yesterday.

The Attorney General's office and Nathan Burkan, counsel for Ascap, have been working on stipulations of facts in the case since trial of the suit was stricken from the Federal court calendar here last fall. With the stipulations completed, they will be presented to a Federal judge at some future date for determination as to whether or not sufficient causes of action remain to resume the trial. Present indications are that this will not be done during the current session of Congress while the possibility of regulatory legislation directly affecting Ascap remains. The passage or defeat of this legislation is seen as having a direct bearing on the continuance or dismissal of the Government's suit.

Barcelona Dispute Remains Deadlocked

BARCELONA, March 19.—After a stormy session before a Government labor head, arbitrators of the M-G-M exhibitor dispute were deadlocked today. The cause of the stalemate is said to be a disagreement over conditions for fulfillment of prior contracts.

RKO, which up to now has kept aloof from Mutua, has advised the local Film Board of its intention to join. Regardless of the RKO move, Mutua has voted its support to M-G-M.

M-G-M foreign executives at the home office have not been in touch with the Barcelona situation in the last few days and cable advices reporting the deadlock were said to be news to them.

Warner Subsidiaries File 12 Music Suits

Warner music subsidiaries yesterday filed 12 additional suits against radio broadcasting stations and cafes here and elsewhere, alleging infringement of copyright in the unlicensed performance of Warner-owned music.

Defendants named in the actions are Dempsey's restaurant, Greenwich Village, Inc., The Libertino and Stations KTFI, WDSU, WOWO, WTOC, WTAL, WSPD, WHIO. Damages ranging from $250 to $5,000 are asked in the actions.

Sharp Back at Work

HOLLYWOOD, March 19. — Henry Sharp, Paramount cameraman who was badly injured in a plane crash last spring with other Paramount people flying to Annapolis, has returned to work. He is photographing "Early to Bed."

Krimsky Sets First

John Krimsky has bought for independent production the screen rights to "High Winds in Jamaica," published here as "The Innocent Voyage." It will be made as the first of a series of three for 1936-37 planned by Krimsky.

MILLIONS WANT TO KNOW!

. . . . SO RADIO CITY MUSIC HALL BOOKS UNIVERSAL'S AMAZING CARTOON EXPOSE AS A SPECIAL ADDED ATTRACTION!

"CARTOONLAND MYSTERIES"

LOWELL THOMAS *unmasks all the guarded tricks and secrets that have mystified audiences for years! It's another* UNIVERSAL SCOOP!
Produced by Charles E. Ford.

GET IT BY ORDERING "GOING PLACES" No. 18!

Harry Cohn Adds to Holdings, SEC Shows

WASHINGTON, March 19.—Acquisition in January by Harry Cohn of 1,730 shares of Columbia Pictures common through voting trust certificates and 37 shares of the stock itself is shown by the semi-monthly report of the Securities and Exchange Commission, issued today. At the close of the month, it was shown, Cohn held 1,565 shares of common and 70,968 shares through voting trust certificates.

Reports on Universal Pictures for January showed the acquisition of 100 shares of common by Samuel Sedran, New York, which represented his total holdings at the close of the month; and the disposition by Willard S. McKay, New York, of 30 shares of special cumulative first preferred, leaving him with 317 shares. The Wilkay Holding Corp. disposed of 50 shares of the preferred, apparently its entire holdings.

A report for December showed that McKay disposed of 532 shares of Universal common, bringing his holdings down to 168 shares and also of 46 shares of second preferred, his entire holdings.

S-P Prod. Chartered

DOVER, Del., March 19.—S-P Prod., Inc., has been formed here to deal in films of all kinds, listing capital stock of 100 shares, no par value. The incorporators are Russell H. Wilde, Howard A. Seitz and David Klinger of Brooklyn.

Form Two Companies

ALBANY, March 19.—Two new companies formed here are: Hatikvah Amusement Corp., by Herman J. Rubenstein, Sophie Dollinger and Alexander Kronhart, and Beacon Prod., by Lillian Zucker, Anne Cohen and Herman Wald.

Wall Street

Fractional Gains on Board

	High	Low	Close	Net Change
Columbia, vtc ..	36⅝	36	36⅝	+ ⅞
Columbia, pfd ...	47¾	47¾	47¾	+ ⅜
Consolidated	6½	6⅜	6⅜	— ⅛
Consolidated, pfd.	18½	18⅜	18½	+ ¼
Eastman Kodak .162	162	162		—1
Loew's, Inc.	49	48½	48¾	+ ¼
Loew's, Inc., pfd..	106⅜	106⅜	106⅜	+ ¾
Paramount	10	9⅜	9⅞	+ ½
Paramount 1 pfd.	76¼	74	75¼	+2¼
Paramount 2 pfd.	11	10⅛	10¾	+ ½
Pathe Film	8½	7⅞	8	+ ¼
RKO	8⅛	8	8	+ ¼
20th Century-Fox	29⅜	28	28	— ¾
20th Century, pfd	36¾	35¼	35½	— ½
Universal, pfd ...	90½	88	88	—2
Warner Bros. ..	12½	11⅞	12¼	+ ½

Little Curb Activity

	High	Low	Close	Net Change
Sentry Safety ...	⅞	⅞	⅞	.....
Sonotone	2⅞	2⅝	2¾	.....
Technicolor	29¾	29¼	29⅜	— ⅜
Trans-Lux	4⅛	4⅛	4⅛	.....

Paramount Bonds Up 1½ Points

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ..	30	29½	29½	+ ½
General Theatre Equip. 6s '40 ctf	30	29¼	29¼	+ ¾
Keith B. F. 6s '46	95	95	95	.....
Loew's 6s '41 ww deb rights	102	102	102	.....
Paramount Pict. 6s '55	91⅞	90	91½	+1½
Warner Bros. 6s '39 wd	95	94	95	+1

(Quotations at close of March 19)

Purely Personal

ABE MONTAGUE, ROY H. HAINES, HARRY SHIFFMAN, HENRY BROWN, CHARLES MOSES, CHARLES GLETT, JACK HOFFBERG and GEORGE W. WEEKS congregated at the Tavern yesterday noon hour, while at the Astor were JOE VOGEL, E. M. SAUNDERS, WILLIAM F. RODGERS, EARLE W. HAMMONS, JACK SKIRBALL, J. J. UNGER, REGGIE WILSON, CLAYTON BOND, STEWART McDONALD, JAMES COSTON, WILLIAM BRANDT, CHARLES CASANAVE, MEYER SCHINE and GEORGE LYNCH. SCHINE and LYNCH return today to Gloversville, N. Y.

•

MILTON HOSSFELD, contact booker for National Theatres under E. L. ALPERSON, has arrived in Kansas City from Denver and is scheduled to arrive in New York in about two weeks. HOSSFELD will spend most of his time in the field under his new arrangement.

•

GEORGE SKOURAS may go to the coast shortly for a vacation. LOU ANGER has been trying to talk SKOURAS into the trip, but so far it's no go.

•

HARRY H. THOMAS, president of First Division, is in Boston for a week for conferences with HARRY SEGAL, manager there.

•

JOSEPH M. SCHENCK will arrive from the coast Sunday and on that same night LOU ANGER leaves for the coast.

•

JAMES CLARKE, president of Horlacher Film Delivery Service, has returned from Miami.

•

COL. FRED LEVY, Louisville exhibitor, is in Miami recuperating from a recent illness.

•

S. R. KENT has returned from Washington. He doesn't intend to return to Boca Raton, Fla.

•

WALLACE SULLIVAN's story, "Libelled Lady," has been purchased by M-G-M.

•

J. ROBERT RUBIN and S. CHARLES EINFELD lunched together yesterday, but it was purely social.

•

BOB GILLHAM has gone to Havana from Key West and won't be back for another week or so.

•

JEFFREY BERNERD and ARTHUR LEE will return from the coast Sunday night.

•

JOE LEE of Twentieth Century-Fox is planning a vacation cruise in about three weeks.

•

J. J. SULLIVAN and his assistant, EDWARD ZABEL, are due from the coast in two weeks.

•

BARRETT McCORMICK has extended his visit on the coast two additional weeks.

•

A. H. SCHWARTZ is due back from Miami the end of the week.

•

PINKY TOMLIN is being held over at the Roxy for a fourth week.

•

JACK PARTINGTON returns today from Richmond, Va.

REX INGRAM, who directed "The Four Horsemen" and "The Garden of Allah" for M-G-M years ago, has arrived from Nice on his first visit to this country in 10 years. MARY CARLISLE, M-G-M player; HELEN JEROME, playwright, and GILBERT MILLER, stage producer, also arrived on the same boat with INGRAM.

•

WILLIAM FERGUSON, who returned yesterday from Philadelphia, will leave today for Boston. From there he will go to Buffalo, Toronto and Montreal.

•

CLAUDETTE COLBERT left the coast last night by train and will reach New York Monday.

•

. . . New Haven

DR. J. B. FISHMAN, EDWARD G. LEVY and ABE ROSEN are sporting a Florida tan.

CHARLES TOMASINO has returned from Italy with a wife.

SAM GOLDSTEIN of the Rivoli, West Haven, is off on a Nassau cruise.

NAT FURST out with the grip.

PAUL KESSLER, formerly with Republic here, will manage three theatres for STEVE BROIDY in Holyoke and Northampton, Mass.

Await Warner's Return

The next Warner board meeting will be held in about a month, following the return of Harry M. Warner from abroad. Directors of the company met last Tuesday and discussed routine business. The next quarterly financial statement, for the period ended Feb. 29, will be ready some time in May, it was stated yesterday. While the prospects are reported to be good, no figures are available at this time, it was said.

Royster Heads General

SPRINGFIELD, O., March 19.—Nat L. Royster has been named general manager of the General Amusement Co., recently formed here and backed by local capital to produce and stage unit shows. One company already has been formed and work has been started on the second.

Burgess Heads E. S. S.

George Burgess yesterday was appointed vice-president and general manager of Eastern Service Studios, succeeding G. McL. Baynes, who resigned recently. Burgess has been associated with the studio for the past two years and was in Erpi's engineering department for three years.

Shumow Ill in Omaha

OMAHA, March 19.—H. J. Shumow, local M-G-M branch manager, is confined to the Lutheran Hospital with an attack of arthritis. Physicians said he will be there several days.

Alba Goes to Loew's

Loew's has purchased the Alba theatre and building in Brooklyn. Randforce is operating the house on a long term lease, which is not being disturbed.

Morey Goldstein Father

BOSTON, March 19.—Morey Goldstein, salesman here for M-G-M, is the father of an eight-pound boy. Mrs. Goldstein was formerly with the E. M. Loew circuit.

Agreement on RKO Claims Is Approved

Stipulations providing for the allowance of 18 creditors' claims against RKO for a total of $2,427,000 have been approved by Federal Judge William Bondy.

The stipulations were entered into by Irving Trust Co., as trustee of RKO, after lengthy negotiations with the creditors, conducted by Donovan, Leisure, Newton & Lumbard, counsel to the trustee. The claims were originally filed for a total of slightly more than $3,000,000 and comprise the largest single claim group disposed of in the RKO reorganization proceedings to date.

Judge Bondy took no action on an amended stipulation for the allowance of the late S. L. (Roxy) Rothafel's claim against RKO, which was originally filed for $231,500 plus the value of 10,000 shares of RKO Class A stock. A stipulation for the allowance of this claim at $179,271 had been made at the time of Rothafel's death, last January. However, inasmuch as the claim was based on an uncompleted contract, the settlement stipulation was submitted to Judge Bondy for amendment to cover the period of the contract only up to the time of Rothafel's death. This amendment is still under consideration by the court. No action, likewise, was taken by the court on the stipulation for the allowance of a claim by Alfred E. Fiegel at $11,629.

An application by the RKO common stockholders' protective committee for leave to intervene in the RKO reorganization proceedings has been made in U. S. District Court by Sullivan & Cromwell, attorneys for the committee. The application was referred to Judge Bondy for hearing today. Leave to intervene was recently granted to an independent RKO stockholders' committee.

Inactive Unit a Bankrupt

The Memphis Orpheum Co., an inactive subsidiary of RKO, yesterday filed a voluntary petition in bankruptcy in the Federal District Court here. The company formerly operated the Orpheum at Memphis, which had the distinction of showing the heaviest individual losses of any theatre in the RKO fold, company officials said.

A bankruptcy schedule is now being prepared which is expected to show Stadium Theatres, also an RKO subsidiary, to be the largest creditor of the bankrupt. Memphis Orpheum will be dissolved under the bankruptcy proceedings.

Bankay Is Dissolved

ALBANY, March 19.—A certificate of dissolution has been filed here for Bankay Amusement Co., New York.

Western Surprise

Hollywood, March 19.—"Powder Smoke Range," directed by Wallace Fox for Radio, is a seven days' wonder at the studio, in that, after playing neighborhood houses and small towns since last September, it was booked into the Astor, in New York, on a single bill.

And raked in $6,000 for the week of March 7!

Surprise!

DAILY VARIETY DAILY

Brides Are Like That

Warners release of First National production, supervised by Bryan Foy. Directed by William McGann. Screen play by Ben Markson. From the play, 'Applesauce,' by Barry Conners. Photography by Sidney Hickox. Assistant director, Carroll Sax. Dialog director, Harry Seymour. Cast: Ross Alexander, Anita Louise, Joseph Cawthorn, Kathleen Lockhart, Gene Lockhart, Richard Purcell, Mary Treen, Joseph Crehan, Frank Darien, Robert Emmett Keane, Kay Hughes. Previewed at Warners Hollywood. Running time, 67 mins.

Comes as near perfection in sprightly, heart-warming comedy as the average diversion seeker will find. And if it doesn't return handsomely on the investment it will be because of inadequate selling.

Freely adapted from the Barry Conners play, 'Applesauce,' the screen version is a happy collaboration by Bryan Foy, who has given it perfect production coaching in every respect; by Ben Markson with a sparkling and poignant screen play; by the delightfully idyllic teamwork of Ross Alexander and Anita Louise and their able support, and by William McGann, whose direction crisply captures and delicately balances all the richly human comic and romantic elements.

For Ross Alexander and Anita Louise, and for Director McGann the picture certainly marks hightide. To expound the amusing tribulations of a young bridal pair beset by the harsh practicalities of a world represented by their elders and guardians, two youngsters couldn't have been found in the film roster who might better have done the job than Alexander and Miss Louise. This is intelligent use of talent by Warners-First National, and the two young leads have taken every advantage of the opportunity. Alexander's boyish, ingratiating personality will endear him to women particularly, young and not so young, and he plays the role of the applesaucer, who believes honeyed words are worth more than gold, with delicate skill and persuasive romantic manner. Part should put him in high demand, especially for pictures appealing to youth.

Miss Louise complements with charming appeal as the ingenue torn between the ardent lovemaking of the glib young man and the practical, plodding doctor, Richard Purcell. She reveals fine, facile talent.

Joseph Cawthorn, as the applesaucer's irascible uncle, fed up on his free spending-without-spinning, nephew contributes his standard tongue-twisting character, unleasing plenty laughs and a humorous gustiness. Gene Lockhart and his wife, Kathleen Lockhart, are playing together for first time in pictures, are a comic combo standout in their domestic squabbles as girl's parents. Customers will want to see more of their teaming. Lockhart's valid character antics are especially effective for wow laughs. Richard Purcell, playing the straight and deliberately dull-witted antagonist to Alexander does a capital job. Mary Treen is in for good short role, as is Joseph Crehan. Kay Hughes is bright and clear-cut in role of Miss Louise's temporary rival. Frank Darien and Robert Emmett Keane ably complete well selected cast.

Ben Markson's script, sparkling with well-selected dialog, is a top job of writing, blending comedy with constantly entertaining story advancement, keeping characters legitimate in the homespun-idyllic mood of the piece, and beautifully rounding his scenes with nice emotional quality and the genuine feel of youth in the love scenes.

William McGann's direction is always crisp, well in hand, alert to every value, deftly balaned and timed. And in both direction and writing, a lilting cheeriness and buoyancy has been kept as essential quality, to send audiences out in happy amusement.

Technically the picture is well put up, with Sidney Hickox's photography rating high, and dialog direction by Harry Seymour deserving very honorable mention.

A First National Picture with Ross Alexander Anita Louise • Joseph Cawthorn • Gene and Kathleen Lockhart • Directed by Wm. McGann

BRIDES ARE LIKE THAT

Another Unexpected Pleasure Like "Road Gang"—From WARNER BROS.

Floods Leave Theatres Hit In Many Spots

(*Continued from page* 1)

damage is so widespread and thousands are homeless exhibition is hard hit.

Warner houses were closed in Troy, Wheeling, New Haven, Hartford and Pittsburgh.

Erpi said yesterday that an emergency parts depot has been established for the flood area in Western Pennsylvania and a crew of emergency engineers are on hand to install new equipment or repair damaged equipment wherever needed as soon as the flood subsides. The emergency service is expected to minimize delay in reopening theatres in the stricken areas.

Pittsburgh Waters Recede

PITTSBURGH, March 19.—Waters had receded to the street level in the downtown section here today, but there was no indication when theatres might be able to reopen. One Loew manager spent last night in the balcony with 40 patrons.

Harry Kalmine, Warner district manager, hastily took up carpets and chairs and moved them into balconies to protect them. It is believed this saved valuable furnishings at the Stanley and William Penn.

Comerford Houses Hit

WILKES-BARRE, March 19.—Seven Comerford houses here faced the prospect of closing tonight as the Susquehanna continued to rise.

The circuit already has houses dark in Williamsport, Kingston, Plymouth, Milton, Towanda and Sunbury.

Southern N. Y. Emerging

SYRACUSE, March 19.—With the flood subsiding somewhat in cities and towns in southern New York along the Pennsylvania border, theatres in Binghamton tonight were receiving and exhibiting films which went through to the affected area after encountering some difficulty en route.

The Ritz, Cameo and Sun in Binghamton were under water and no performance was given. The other 12 houses were open. Horlacher's Film Delivery Service reported difficulty, but nevertheless was getting prints through to houses in the affected areas.

Ohio Houses Operating

CLEVELAND, March 19.—Film delivery service from here was uninterrupted, air express continuing delivery where roads were impassable for trucks. Exchanges report delay up to 40 hours in the return of prints. No houses in the surrounding territory have been reported closed.

South Now Better Off

WASHINGTON, March 19.—Receding waters and emergency road repairs have made possible the delivery of films to all theatres in this section. Houses in Cumberland, Maryland, which was hardest hit by the flood, will probably remain closed until Saturday or Monday, since lack of adequate power and their damaged condition make operation impossible. Access to the city is made via Bedford, Pa.

The flood threat to Washington is abating, but high water and flooded approaches have resulted in the closing of the principal bridges, leaving the Key Bridge as the only exit to southern points.

Routes to the eastern shore are now being made via Annapolis, while Newport News is being served by way of Norfolk.

New England Carries On

BOSTON, March 19.—With parts of New England hard hit by devastating flood conditions, the film industry in this part of the country tries desperately to continue in the face of odds which are at times insurmountable. Many theatres in various sections have been actually flooded while shipments of film to hundreds of others have been slowed up or prevented entirely by washed out railroads or highways.

Three of the five trucks of Interstate Film Transfer are marooned while all of the five trucks of Film Transportation Company of Hanover are out of commission. In sections where the roads are open, delivery services during the past few days have been handling product for a week in advance.

The Boston & Maine is not running beyond Lewiston, Me. on one of its lines, nor beyond Augusta on the other.

The wrecking of dams has darkened many spots. Power plants have failed in Rumford and Livermore Falls, Me. In some of the affected areas theatre patronage has reached the disappearing point.

Mack Gets Six More Midwest G. B. Spots

CHICAGO, March 19.—W. V. A. Mack, recently appointed mid-western division manager for G. B., has been given six additional exchanges to handle in this territory. His office now supervises exchanges in Chicago, Cincinnati, Indianapolis, Milwaukee, Minneapolis, Omaha, Des Moines, St. Louis and Cleveland.

Mack has just returned from a visit to these various branches during which time he made several changes in personnel. At Des Moines George Hartley of Dallas replaced Lee Durham, resigned, as manager of the Des Moines exchange.

Beilenson on Coast

HOLLYWOOD, March 19.—Lawrence W. Beilenson, attorney for the Screen Actors' and Writers' Guilds, arrived here today by plane and went into conference with members on the proposed English legislation designed to ban American writers from Great Britain. Writers' Guild officers have been asked to stand by for an emergency call.

Goldwyn Using a Train

LOS ANGELES, March 19.—Samuel Goldwyn is using a 58-foot trackless train to exploit "Strike Me Pink" for the benefit of independent exhibitors who have booked the Goldwyn product in this territory. The train is driven by Earl R. Collins, and theatre tieups are arranged by Ben Fish. The train will also be used for other Goldwyn pictures.

Warners Expanding Chicago Holdings

(*Continued from page* 1)

with B. & K.'s Metropolitan. Both are located in the colored district.

In addition, Warners within the next few weeks will start building a new 1,500-seat theatre in an outlying district of Chicago.

Coston, who has been in town conferring with Joseph Bernhard, returned to his headquarters yesterday afternoon by plane

Aside from the Chicago expansion, Warners intend to build a new house in Paterson, N. J.

Pool Two in Wisconsin

GREEN BAY, WIS., March 19.—Harold J. Fitzgerald, operating head of the Wisconsin Amusement Co., is pooling the Orpheum and Strand with H. Grand's Bay. The Orpheum and Bay are first run and will continue this policy under Fitzgerald's supervision.

DeKalb Houses Pooled

CHICAGO, March 19.—Fred Anderson of the Anderson circuit downstate has closed the Barb in DeKalb and has entered into a pooling arrangement with C. G. Lekander, owner of the Fargo there. Anderson also operates the Egyptian in DeKalb. The Barb was remodeled last fall and is one of the most modern theatres in this part of the state.

General Theatres' New Setup Operative

The plan of reorganization of General Theatres Equipment, Inc., has been declared operative, subject to the approval of the Chancery Court of Delaware, by the reorganization committee, of which Arthur W. Loasby is chairman.

The total of debentures and claims deposited with the committee is approximately 88 per cent of the total claims allowed, it was said. Although this is slightly less than the total required under a provision of the plan as a condition for participation in it by Chase National Bank, the bank has waived that condition. The Chase agreement to participate includes arrangements to loan the new company $2,000,000 for the reorganization and to turn over to it all collateral held by the bank for company indebtedness, and to grant options on a maximum of 158,313 shares of preferred and 79,157 shares of common of Twentieth Century-Fox stock. Such options are to be distributed directly to debenture holders and other creditors depositing under the plan.

Weiss Completes Cast

HOLLYWOOD, March 19.—Louis Weiss of Weiss Prod., Inc., has completed casting of "The Clutching Hand," 15-episode serial. Rex Lease, Ruth Mix, Marion Shilling, William Farnum, Mae Busch, Robert Frazer and Mahlon Hamilton have the leads.

Stubblefield on Leave

LOUISVILLE, March 19. — Flynn Stubblefield, for the past five years manager of the Fourth Avenue Amusement Company's Strand, has been granted a leave of absence due to illness. He will leave shortly for Arizona.

20th-Fox Net For Year Is $3,563,087

(*Continued from page* 1)

which Twentieth Century-Fox has a 42 per cent interest. Consolidated net income of National Theatres and its voting controlled domestic subsidiaries was $2,192,194 for the year ended Dec. 28 last. The interest of Twentieth Century-Fox in National's earnings is equal to $920,721, which would raise the earnings of Twentieth Century-Fox to $4,483,808, equal to $3.30 per share on the preferred and $1.99 on the common.

Gross revenues of the company for the year amounted to $43,942,678, compared with $37,546,586 for the previous year, an increase of $6,396,092. Current assets are listed at $26,644,572, and current liabilities at $6,260,522, including $1,696,600 five-year six per cent convertible debentures maturing April 1, 1936. Fixed assets after deducting reserves for depreciation total $10,179,300. The net worth was listed at $43,679,123, including earned surplus accumulated since April 1, 1933, of $6,096,947.

Hinman, Plainfield, Wins Model Contest

I. B. Hinman of Plainfield, N. J., has been awarded first prize for his "Mutiny on the Bounty" model at a luncheon at the Astor. William R. Ferguson, exploitation head of M-G-M, had Lowell Thomas, Gordon Grant and Jack Wenner as judges.

Lawrence Kelmel of Kansas City was given second honors, while C. P. Krupp of Akron, was third. There also were 10 honorable mentions.

Of the 10,806 models submitted, 39 were exhibited in addition to President Roosevelt's miniature.

Attending the luncheon were Si Seadler, William Costa, Capt. Vollney Phifer, William Scully, Dave Levy, Mel Heymann, Phil D'Angelis, James P. Cunningham, Marion McCall, Elias Sugarman, Don Mersereau, Lou Guimond, Tom Hamlin and others.

Honorable mentions were given George W. Hayman, Lynbrook, L. I.; Waldemar Onanheim, Honolulu; Raymond Dugynski, Minneapolis; M. A. Brule, New York City; Col. F. Wing, Colorado Springs; Robert Rose, New Orleans; Jack Smith, Los Angeles, E. J. Whetzle, Buffalo, J. Q. Groot, Detroit; and James Gaiangos, Jersey City.

Respondents Default In Two Arbitrations

Complaints filed by Paramount and U. A. against independent exhibitors for breach of contract were defaulted yesterday when the respondents failed to put in an appearance before the local arbitration board.

One of the complaints was filed by Paramount against the New Ozone, Ozone Park, L. I., for $24 for failure to continue payment on shorts under the weekly payment plan. The second case was that of U. A. against the Model, Brooklyn.

Guild Refuses Bid For New Agreement

(Continued from page 1)

organization requested that the managers reduce any suggestions for amendments to or clarification of the present agreement to writing for consideration by the guild.

Howard's letter explains his organization's stand in stating that suggestions from the League of N. Y. Theatres were considered by the guild in drawing up the agreement which became effective on March 1. The letter adds that "in view of the fact that no organization of New York managers has the power to bind its members, and further because our contracts are made with individual managers, we do not feel that anything will be gained by the conference to which you invite us. We must ask your committee, therefore, to reduce its recommendations to written form so that we may consider them along with those we have received from managers not members of your association."

The League of N. Y. Theatres, last week, authorized its contract committee to seek either the negotiation of a new agreement or arbitration of disputed sections of the present one. The League stated that if the guild refused both procedures it would draw up its own contract and use that exclusively.

The principal objections of the managers to the guild's new agreement are centered on the provisions increasing the author's participation in the proceeds from the sale of film rights to stage plays to more than the former 50 per cent, where the proceeds amount to $30,000 or more.

RKO to Capitalize On Academy Awards

San Francisco, March 19.—Seeking to capitalize on the Academy award winners, the RKO circuit shortly will double feature a national revival of "Of Human Bondage" and "The Lost Patrol." The former has Bette Davis, who won the '35 statuette for "Dangerous," in the feminine lead and the latter was directed by John Ford, who won last year's best direction award for "The Informer."

William Wolff, local RKO exchange manager, suggested the plan to N. J. Blumberg while the latter was here. Blumberg conferred with Ned E. Depinet in Los Angeles and the idea was voted in. Blumberg is now in Rochester and will reach New York Saturday.

Jones Will Miss Play

Denver, March 19.—Robert Edmund Jones, producing an all-color film for Pioneer, will not be able to direct this year's production at the old Opera House in Central City as he has done for the past four years. The film will keep Jones in Hollywood. Backers of the annual Central City Play Festival are looking for a new director and star for this summer's show.

Margaret Sullavan Hurt

Hollywood, March 19.—Margaret Sullavan suffered a broken arm as a result of a fall here today at the Paramount Studios and was rushed to Cedars of Lebanon Hospital.

Sets Date to Hear Reorganizing Plan

St. Louis, March 19. — Federal Judge George H. Moore on April 3 will consider the proposed plan of reorganization of Theatre Realty Co., operating the Fox and the adjoining Humboldt Building. Under terms of the plan the holders of $4,447,000 in defaulted first mortgage bonds would acquire the leasehold on the Fox and the fee to the Humboldt Building. The plan was submitted to the court by a committee representing about 75 per cent of the bondholders of Theatre Realty, which has pending a petition to reorganize under the amended bankruptcy laws.

The bonds, issued by Theatre Realty, a subsidiary of Fox Theatres, have been in default since Oct. 31, 1931. The plan calls for leasing the house to Fanchon & Marco at an annual rental of $104,000, plus 15 per cent of the gross receipts. F. & M. has operated the house since January, 1934, under a lease. To provide working capital and pay reorganization expenses they would take a new first mortgage of $250,000 on the Humboldt Building.

Ohio's Film Library Gets 1,200 Subjects

Columbus, March 19. — B. A. Aughinbaugh, superintendent of visual education, who installed the first school room projector 25 years ago, has built up the state film library to 1,200 different subjects, valued at $60,000. He has added 300 since last September, and expects to acquire 2,000 more during the current year.

As a result of enactment of legislation several months ago, schools now may borrow films and lantern slides without cost. Although only scientific subjects are provided with sound for class rooms, Aughinbaugh expects to have sound pictures of historical highlights.

Development of visual education in Ohio has been fostered by an increase of censorship fees from $1 to $3 per 1,000-foot reel.

Assume Operation

Essex, Md., March 19.—The New Essex here is now operated solely by the owners, Abraham and Louis Cohen. It was formerly supervised by Robert Scheck and Meyer Leventhal, executives of Scheck Theatrical Enterprises.

Move Made to End Copyright Hearing

(Continued from page 1)

Warner withdrawal from the music society was declared to have presented the worst problem ever faced by the radio industry.

Objection to the plan to discontinue further testimony was voiced by Gabriel Hess, general counsel for the Hays office. O'Malley is in favor of the Duffy Bill, but the producers and distributors want the $250 minimum damage clause retained as a deterrent to bicycling and other evils, and to that extent are siding with Ascap in its fight against elimination.

If the O'Malley motion for closing the hearings fails, the committeee, when it meets again March 24, will hear film representatives.

Maryland Exhibitors Hit 10 Per Cent Tax

(Continued from page 1)

for one year only to raise $3,700,000 for relief purposes.

Other speakers were: Frank Hornig, president M.P.T.O.; Frank H. Durkee, J. Louis Rome, Isadore M. Rappaport and Thomas D. Goldberg.

The points which the speakers sought to establish were that the tax would be paid in the end by the very people whom it is intended to help and that exhibitors cannot pass it on and yet cannot absorb it.

M. Roycroft, Baltimore Theatre stockholder, also spoke, saying that a tax of 10 per cent is unfair when there is a tax of only one per cent on other businesses. It was the speaker's opinion that exhibitors would be willing to pay a fair tax that would be applied equally to other forms of commercial enterprise.

Cincy WPA Shows Free

Cincinnati, March 19.—With eight persons employed, the Federal Theatre Project here is providing free entertainment for thousands of persons, according to a report of D. H. Heim, supervisor. A new Federal theatre has been installed in the Odd Fellows' Temple, with a seating capacity of 400. Since Dec. 19, the various units have given 24 shows, with audiences totaling approximately 8,000.

U. S. Firms Reach Tobis Agreement

(Continued from page 1)

that Tobis has received nothing for some time past from the American companies.

Under the new agreement the distributors on Wednesday paid Tobis in dollars for the royalties accrued to date. Tobis, on the other hand, agreed to seek authorization from the German monetary exchange control by which it may accept future royalties in the currency of the country in which they become due. If this authorization is obtained, Tobis will waive its demands for future payments in dollars and royalties due will be paid by American distributors from the funds which they may have on hand in the countries involved.

The agreement also provides for the payment to Tobis of only one dubbing charge, regardless of the number of versions made. In the past royalties have been collected by Tobis on individual versions. In addition, slight reductions in all charges were agreed to by Tobis.

The charges are established as amendments to the arrangements which have been in effect between the American companies and Tobis and are to continue as long as they are found to be practical. No definite effective period or expiration date for the agreement was set. The changes do not affect the socalled Paris agreement of 1928, which was never recognized by American companies.

Bank Night Ban Killed

Boston, March 19. — A bill introduced by Senator McCarthy of Lowell to make Bank Night illegal in Massachusetts has been killed. Another bill, this one to amend the lottery laws so that Bank Night, now before the Massachusetts Supreme Court, would be specifically legal, is pending following a committee hearing at which no opposition was advanced.

Seek Giveaway Tax

New Orleans, March 19.—Opponents of giveaways here are expected to ask the legislature when it convenes in May to set a license tax of $500 on each theatre for each night a game is used. A special tax will be asked on the companies handling the games and on local salesmen.

Police Hit Cash Night

Savannah, Ga., March 19.—City police have ordered a local theatre operator to stop Broadway Handicap, a cash night feature, in their crusade against gambling. The operator contended in defense that the stunt is no more gambling than the cash awards at other houses.

Plan St. Louis House

St. Louis, March 19.—The Leko Realty Co., newly organized syndicate, plans a theatre and store building at a cost of $100,000. It will be on the site of the old North Grand, closed for several years.

Town to Remove Theatre

North Attleboro, Mass., March 19.—The Elm, which has been taken over by the town for non-payment of taxes, will be torn down, according to an edict of town officials. Bids for the work are being received.

Those Good Old Days

Cincinnati, March 19.—Members of the Federal Writers' Project, working on a national and state theatre guide, came upon the following set of rules, dated May 1, 1830, posted throughout the abandoned Columbia St. Theatre here:

"Gentlemen will be particular in not disturbing the audience by loud talking in the barroom.

"Gentlemen in boxes and the pit must please remove their hats, refrain from sitting on the railings, and not lean forward from the side boxes during the performance.

"The cracking of nuts will be avoided while the curtain is up.

"Persons on the upper floors will be careful to avoid the custom of throwing nuts at persons on the lower floor, and those on the lower floors will refrain from climbing the box rails during the performance.

"Persons in the gallery are cautioned against the use of rude or boisterous language and striking the seats with sticks.

"Spectators will not be permitted at rehearsals or on the stage during the performance, as their presence distracts the attention of the managers and players."

PARAMOUNT

"TRAIL" TOP GROSSER FROM COAST TO COAST

Big Natural Color Romance Proves Ace Build-up Picture of Year.

East, West, North, South... key cities... small towns... all report the same success story! Record openings... record second days... record weeks... record holdovers. Already "Trail" runs neck and neck with the all-time big money grossers... and it's only the beginning, boys, only the beginning...

LOOK 'EM OVER, BOYS!

SENSATIONAL IN DENVER... Denham Theatre reports biggest gross in 18 months; held over. **A WOW IN PATERSON**..."Trail" tops five biggest grossers of '35 at Paramount Theatre. **A SMASH IN NEW HAVEN**... Holiday figures topped as "Trail" hits new high at Paramount Theatre. **TERRIFIC SOCK IN K.C.**...Newman Theatre reports "Trail" way out in front of big grossers. **TREMENDOUS IN CHICAGO**... Roosevelt Theatre reports "Trail" up with all time box-office winners. **A THREE-BASE HIT IN HARTFORD**... Allyn Theatre holding for third week. **A PUSHOVER IN MEMPHIS** ... Malco Theatre had the S.R.O. signs out with business tops. **A TRIUMPH IN POUGHKEEPSIE**... Beats every big grosser for '35-'36 at Bardavon Theatre. **DES MOINES EATS IT UP**... Des Moines Theatre reports "Trail" way out in front of industry's ace pictures. **A TEXAS LEAGUER IN DALLAS**... Palace Theatre reports "Trail" neck and neck with year's big grossers. **AMAZES MINNEAPOLIS**..."Trail" shooting over top grossers in race for year's record at Minneapolis Theatre. **A BROADWAY BONANZA**... New York Paramount holds "Trail" for three weeks to new high grosses. Biggest opening day to date.

"THE TRAIL OF THE LONESOME PINE"

with SYLVIA SIDNEY • FRED MacMURRAY • HENRY FONDA

Fred Stone • Nigel Bruce • Beulah Bondi • Robert Barrat • Spanky McFarland • Fuzzy Knight • A Walter Wanger Technicolor Production • A Paramount Picture • Directed by Henry Hathaway

Paramount Pictures

Variety Club

Albany

ALBANY, March 19.—CHARLES A. SMAKWITZ, district manager of Warner theatres here, has been elected chief marker of Tent No. 9. He will succeed RALPH PIELOW.

Other officers named are: PHIL FOX, first assistant chief barker; RAY SMITH, second assistant chief barker; JAMES P. FAUGHNAN, dough guy; MOE GRASSGREEN, property man; directors, MOE SILVER, CLAYTON EASTMAN, ABE STONE, LOU GOLDING, HENRY GROSSMAN and PETE DANA.

Plans have been made for the installation to take place April 3.

Cincinnati

CINCINNATI, March 19. — ARTHUR M. FRUDENFELD, who wears the prefix of colonel (a real army one, and not the Kentucky variety) has proved tops in staging "amateur contests" for the club's affairs. It's a talent heretofore unsuspected.

New members include SAM FRANK, J. SCHNEIDERMANN and LOUIS STEWART.

HARRY RICE, U. A. exploiteer from New York and an associate member, is in town.

MAURICE WHITE and family have gone to Florida.

Kansas City

KANSAS CITY, March 19.—One of the largest crowds in the history of Variety Club's Monday luncheons—75—heard the talk on, and witnessed the demonstration of, television by C. W. GRIFFIN of First National Television, Inc.

Television reception definitely has been perfected, GRIFFIN told film men. A receiving set selling for $225 shortly will be on the market, he said. Heretofore the lowest price was $400.

"I don't believe television ever will replace films because people like crowds," GRIFFIN told his audience.

GRIFFIN envisioned a time when theatre circuits would buy the right to televise such events as the World Series. Football games, he said, already have been televised successfully.

Twenty guests attended, among them D. S. LAWLER, PHIL WILCOX, A. A. WARD, G. E. SWANEY, A. H. CHAFFEE, R. W. M'EWAN, AL CARF, H. F. BROWN, GEORGE MERRILL, H. B. GARBER, D. R. ALEXANDER, CHET CORDRY and LES TAYLOR, son of HARRY TAYLOR, who officiated at the luncheon.

DR. KURT ROSENFELD, one time minister of justice in Germany, who once fined ADOLPH HITLER, and who was banished upon Hitler's accession to power, will talk March 23.

Omaha

OMAHA, March 19.—D. V. McLUCAS, chief barker, says that on only the first Saturday of each month will the members have to pay for their lunches. All other Saturdays the food is gratis.

Century List to Cameo

BOSTON, March 19.—Cameo Screen Attractions, headed by Sam Davidson, has taken over distribution of product of Century Pictures. Henry Sperling continues as Century manager. The tieup gives the independent outfit approximately 80 features this year.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Great Ziegfeld"

(MGM)

SANTA BARBARA, March 19.—An amazed preview audience paid homage here last night to a picture that sets a new milestone in screen entertainment. It roared its approval of the production with its beauty and splendor of costumes, production effects and settings of eye-filling pageantry.

The production is replete with melodious music, specialty features and an abundance of excellent performances. Audience appreciation of the picture's heart-gripping human interest and the dramatic, romantic quality of its two motivating love stories, narrating in a welter of color and comedy Florenz Ziegfeld's mature career, would seem to indicate that the men and women who saw the picture considered it one of the greatest in years.

Ziegfeld, played by William Powell, is seen starting his career at the World's Fair ballyhooing Sandow, played by Nat Pendleton. His friendly rivalry with Dillingham (Frank Morgan) over billings starts here. Following his break with his father (Joseph Cawthorn), Ziegfeld goes to Europe, where he steals Anna Held (Luise Rainer) away from Morgan after hearing her sing "I Wish You'd Come and Play with Me." Beginning a thrilling romance, he takes Anna to New York and cajoles Morgan into getting Erlanger (Paul Irving) to produce a show starring her.

Ziegfeld and Anna marry and their life is idyllic. Then comes the idea to glorify the American girl and the birth of the "Follies." Paraded are the old stars, Eddie Cantor, Buddy Doyle, Will Rogers and Ray Bolger as himself, in episodes preceding the staging of the first big spectacle staircase number in which hundreds of girls are posed in tableaux, while the background music features "A Pretty Girl Is Like a Melody."

Then comes the discovery of Fanny Brice, who sings "Yiddle on Your Fiddle" and "My Man," which is followed by the "Look for the Silver Lining" spectacle. Drama enters as Anna leaves and divorces Ziegfeld after seeing him kiss Audrey Blair. Following more spectacle numbers, Ziegfeld meets and falls in love with Billie Burke, played by Myrna Loy. Their romance and marriage are equal in heart appeal to that of his life with Anna, and a touch of pathos is added as Anna telephones to wish him happiness.

Things go bad for the producer when he is unable to finance a show; his wife sells her jewels, and the production, featuring Harriet Hoctor in the animal ballet, is staged. It is a flop. Ziegfeld hears gossip that he is slipping, but he confounds the skeptics by presenting "Kid Boots," "Rio Rita," "Three Musketeers" and "Rosalie" in one season for his greatest triumph.

Then comes the market crash and he is alone, except for Billie Burke and Patricia. Morgan comes to see his physically-wrecked rival. Visions of his great successes dance before Ziegfeld's eyes as he dies.

The show is a veritable feast from an eye and ear standpoint, but it is more than merely a lavishly mounted girl-song-dance spectacle. Stripped of all its embellishing grandeur, it is dramatic romance with a heart interest that will thrill the emotions of all who see it. It marks the high spot in the acting careers of Powell, Morgan, Virginia Bruce and Myrna Loy, while it elevates Luise Rainer to front-rank stardom.

The excellence of Hunt Stromberg's production indicates that he was merely warming up in such pictures as "Naughty Marietta" and "Rose Marie." The direction of Robert Z. Leonard doesn't miss a single entertainment angle that either audience or showman could possibly want. In addition to the five modern song numbers by Walter Donaldson and Harold Adamson, there are eight or nine old time Ziegfeld favorites, souvenirs of his famous series of "Follies" and backed up by the incidental music from all of his shows. The dance ensembles directed by Seymour Felix are beauty plus.

With the story overflowing with glamour and excitement, the original screen play by William Anthony McGuire, writer of several "Follies," and Ziegfeld's lifelong friend, the picture is an all-audience attraction and a showman's show that is headed for big box-offices everywhere.

Production Code Seal No. 2,000. Running time, 124 minutes. "G."

Plans New Theatre

KNOXVILLE, TENN., March 19.—T. W. Smith, operator of the Rialto here, has incorporated Peerless Enterprises, Inc., which plans to build a theatre at Fountain City.

Swarthout Film Is Set

HOLLYWOOD, March 19. — Gladys Swarthout's next will be "The New Divorce," in which she will be supported by Herbert Marshall and Cary Grant. Mitchell Leisen will direct.

Short Subjects

"An Old Fashioned Movie"

(RKO-Van Beuren)

The entertainment in this number of the Easy Aces series lies not so much in the accompanying comment of the Aces pair as they presumably sit in the theatre and watch the picture, but in the subject matter, which reproduces a heavy "drammer" of early 20th Century vintage. Its film technique and its weighty dramatics should provide a chuckle or two for today's screen audiences. Production Code Seal No. 0908. Running time, 10 mins. "G."

"Neptune Nonsense"

(RKO-Van Beuren)

An entertaining color cartoon, featuring the lively Felix the Cat in search of a companion for his pet goldfish, this subject's best spots are in Felix's pursuit of a goldfish on the floor of the ocean. When he makes his capture he is "arrested" by the fish police, but Neptune supplies him with a goldfish from the ocean orphanage. Colorful and amusing. Production Code Seal No. 0846. Running time, 7 mins. "G."

M-G-M Sets 11 More "Ziegfeld" Openings

Eleven out-of-town openings for "The Great Ziegfeld" on a two-a-day policy have been set by M-G-M. A half dozen of the dates are scheduled for April 12. On this night the special will make its debut at the Chestnut St., Philadelphia; Cass, Detroit; Erlanger, Buffalo; American, St. Louis; Colonial, Boston, and Erlanger, Chicago.

On April 13 the picture will open at the Alexandra, Toronto, and six days later is scheduled to be launched at the National, Washington, and His Majesty's, Montreal. On April 26, the Nixon, Pittsburgh, and Hanna, Cleveland, start showing the musical.

General Motors Show Draws Akron Protest

AKRON, March 19. — The Akron I.T.O.A. at a recent meeting adopted a resolution protesting the "invasion into the amusement field" of General Motors Corp., which is sponsoring free shows advertising its products in cities over the country. The resolution calls the entertainment unfair competition.

A copy of the resolution has been sent to the general sales manager of General Motors at Detroit, who was informed that the exhibitor group will seek passage of a local ordinance to prohibit shows of the type backed by General Motors.

Motors Sets N. O. Show

NEW ORLEANS, March 19.—General Motors has leased the Municipal Auditorium here for a free show which will run from March 31 to April 4. Gordon Kirst and his orchestra have been signed to supply the music.

Raises Sunday Scales

HAMILTON, O., March 19.—The Palace, one of the local units of the Southio circuit, has advanced Sunday prices to 30 cents, all day. Weekday scale is 15 to 25 cents for matinee and night, respectively.

"Fleet," "Doctor" Indianapolis Hits

INDIANAPOLIS, March 19.—"Follow the Fleet" sailed along to a gross estimated at $12,000 in the Indiana, about $5,000 above average for the house.

"The Country Doctor" doubled the house average at the Apollo with $8,000. The picture was held another week. "Fleet" also was given a second week, too, but in the Circle.

First run business was good in all houses, top notch attractions and presence in the city of visitors to the American Bowling Congress tourney swelling receipts. The Indiana announced that double features would be run hereafter as a permanent policy. The Circle showed repeats on two films that were hampered here by the cold wave, "Captain Blood" and "Anything Goes."

Total first run business was $40,150. Average is $28,000.

Estimated takings for the week ending March 13:

"THE COUNTRY DOCTOR" (20th-Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $8,000. (Average, $4,000)

"ANYTHING GOES" (Para.)
"CAPTAIN BLOOD" (F.N.)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $3,850. (Average, $4,000)

"FOLLOW THE FLEET" (Radio)
INDIANA—(3,200), 25c-40c, 7 days. **Gross:** $12,000. (Average, $7,000)

"LITTLE LORD FAUNTLEROY" (U.A.)
LOEW'S—(2,500), 25c-40c, 7 days. **Gross:** $7,200. (Average, $6,000)

"PRISONER OF SHARK ISLAND" (20th-Fox)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $9,100. (Average, $7,000)

"Fleet" Is $8,500 Leader in Lincoln

LINCOLN, Neb., March 19.—"Follow the Fleet" was the bonanza of the week here at the Stuart and clipped off a profit of $1,800 over average with an eight-day run to $4,900.

"Ah, Wilderness" at the Lincoln, gathered in the change in fancy fashion, taking $3,100.

The Varsity finished weakly with the second week of "Music Goes 'Round" at $600. The Orpheum's stage show, one amateur night and two pictures on a split, "Rose of the Rancho" and "Tough Guy," garnered $2,600, $500 up.

Total first run business was $12,200. (Average is $9,850)

Estimated takings:

Week Ending March 11:

"SUNSET OF POWER" (Univ.)
"BARS OF HATE" (Victory)
"MUSS 'EM UP" (Radio)
COLONIAL—(550), 10c-15c, 7 days on split. **Gross:** $1,000. (Average, $850)

Week Ending March 12:

"AH WILDERNESS" (M-G-M)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $3,100. (Average, $2,200)

"TOUGH GUY" (M-G-M)
"ROSE OF THE RANCHO" (Para.)
ORPHEUM—(1,350), 10c-15c-20c-25c, 7 days and three of them with a stage show, "Top Hat Revue." **Gross:** $2,600. (Average, $2,100)

"MUSIC GOES 'ROUND" (Col.)
VARSITY—(1,100), 10c-20c-25c, 2nd week. **Gross:** $600. (Average, $1,300)

Week Ending March 13:

"FOLLOW THE FLEET" (Radio)
STUART—(2,000), 10c-25c-40c, 8 days. **Gross:** $4,900. (Average, $3,100)

Named Theatre Manager

MONTREAL, March 19. — Maurice Davis, former Montreal branch manager of Empire Films Ltd., has been appointed manager of the Belmont, a unit of United Amusements Ltd.

"Fleet" Grabs Washington's Top, $18,000

WASHINGTON, March 19.—"Follow the Fleet," at RKO-Keith's, crashed through to an $18,000 week, topping average by $7,400. The second week opened strong, and the gross is expected to better the same period of the earlier Astaire-Rogers picture.

"Anything Goes," at Loew's Fox, with "Fats" Waller and his orchestra and Roger Pryor in person on the stage, took $22,600 to better average by $1,700.

A return engagement of "Rose Marie" at Loew's Columbia grossed $5,400, over the first run average by $1,800. "Soak the Rich" held up in its second week at the Belasco, taking $2,200, only $800 under the first-week average.

"Wife vs. Secretary," which reached the Loew's Palace for a Saturday opening, received $19,800, over par by $3,900. The picture continued its run.

Total first run business was $90,200. Average is $76,700.

Estimated takings, exclusive of tax:

Week Ending March 11:

"SOAK THE RICH" (Para.)
BELASCO—(1,140), 25c-65c, 7 days, 2nd week. **Gross:** $2,200. (Average, first week, $3,000)

Week Ending March 12:

"STORY OF LOUIS PASTEUR" (F.N.)
EARLE—(2,218), 25c-77c, 7 days. Stage: Xavier Cugat and His Walford-Astoria Orchestra, with Georges & Jalna, Carmen Castillo, Consuela & Thomas, Two Marias; Large & Morgner, with Carlos Zalazar; Jean Carroll & Buddy Howe. **Gross:** $17,800. (Average, $18,400)

"ROSE MARIE" (M-G-M)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $5,400. (Average, first run, $3,600)

"ANYTHING GOES" (Para.)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: "Fats" Waller & His CBS Orchestra, Roger Pryor, Gwynne, Stone & Lee. **Gross:** $22,600. (Average, $20,900)

"THE PREVIEW MURDER MYSTERY" (Para.)
METROPOLITAN — (1,591), 25c-40c, 7 days. **Gross:** $4,400. (Average, $4,300)

"FOLLOW THE FLEET" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $18,000. (Average, $10,600)

Week Ending March 13:

"WIFE VS. SECRETARY" (M-G-M)
LOEW'S PALACE—(2,370), 35c-55c, 7 days. **Gross:** $19,800. (Average, $15,900)

Fox Midwest Starts Doubling in Topeka

KANSAS CITY, March 19. — Fox Midwest has introduced double bills for the first time in Topeka, Kan., at the Orpheum. It will dual the last half of the week and show holdover first runs from the Grand the first half on a single bill policy. The Grand, Orpheum and Jayhawk are Fox's three first runs in Topeka.

Devoting half its time to extending the first runs which first play a week at the Grand, the Orpheum will have an accumulation of pictures too great to play off under the former single picture schedule, Fox Midwest officials at Topeka say.

Columbia Signs Dix

HOLLYWOOD, March 19. — Columbia has signed Richard Dix to a long term contract. Four stories are under consideration for the actor.

Big "Sutter" Start

San Francisco, March 19.—The local industry is expected to turn out en masse for the premiere of "Sutter's Gold" at the Alhambra, Sacramento, on March 25 which will be a gala event in that city.

"The Tenderfoot Special" will carry the San Franciscans to the opening at $10 a throw, including two meals on the train, hotel accommodations in Sacramento and theatre tickets.

Edmund Grainger, the producer, will come up from Hollywood for the event, as will his father, James R., and other Universal studio executives.

"Klondike" Grosses $47,500 First Week

"Klondike Annie" chalked up a $47,500 gross for the first week at the Paramount. "The Milky Way" is scheduled to replace the Mae West film on March 25. However, the Harold Lloyd picture may be put back a week if the current tenant holds up during the second stanza.

"Love Before Breakfast" garnered a nice $39,500 for the first seven days at the Roxy and is being held over. The Center, with "Song and Dance Man," ended with a weak $7,000. Fred Waring and his musicians are the stage attraction at the Paramount, while Pinky Tomlin headlines the Roxy stage show.

"Secretary" Leads Houston, $10,000

HOUSTON, March 19.—"Wife vs. Secretary" at Loew's State led the slate, although dropping somewhat under expectations with a seven-day total take of $10,000. Average is $7,000. "The Country Doctor," at the Majestic, was also a disappointment, although it upped the average there by $2,000, with a total of $9,000.

Major Bowes' Amateur unit sent box-office figures skyrocketing at the Metropolitan where the take was $13,000. The picture was "The Voice of Bugle Ann."

"Drift Fence" at the Kirby over a week-end broke even with $3,000, as did "Man Hunt" plus Bank Night for one day, with a take of $1,200. "It's a Great Life" was under by $200, grossing $1,300 for the three days midweek.

Total first run business was $35,000. Average is $26,000.

Estimated takings for the week ending March 12:

"DRIFT FENCE" (Para.)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $3,000. (Average, $3,000)

"MAN HUNT" (W.B.)
KIRBY—(1,450), 15c-35c, 1 day. (Bank Night.) **Gross:** $1,200. (Average, $500)

"IT'S A GREAT LIFE" (Para.)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,300. (Average, $1,500)

"WIFE VS. SECRETARY" (M-G-M)
LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $10,000. (Average, $7,000)

"THE COUNTRY DOCTOR" (20th-Fox)
MAJESTIC — (2,250), 25c-50c, 7 days. **Gross:** $9,000. (Average, $7,000)

"VOICE OF BUGLE ANN" (M-G-M)
METROPOLITAN — (2,600), 25c-50c, 7 days. Stage: Major Bowes' Amateur Unit. **Gross:** $13,000. (Average, $7,000)

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"Secretary" $15,000 Hit In St. Louis

ST. LOUIS, March 19.—"Wife vs. Secretary" was an outstanding hit at Loew's with a take of $15,000, which was $6,000 above par. It was held over.

"The Country Doctor" and "Tango" at the Fox had the biggest gross for the week, $15,750, but also a bigger par to overcome, $12,000. It was held.

"Escape from Devil's Island" and "Dangerous Intrigue" with Ed Lowry and his stage show at the Ambassador went very strong with a $12,900 take, which is $2,900 above par.

"Love on a Bet" and "Man Hunt" at the Shubert-Rialto also were in the money-making class with $7,350, topping par by $850.

Weather of the week was favorable on the whole. A stage show at the American and the usual attractions at the Municipal Auditorium were the principal opposition.

Total first run business was $59,625. Average is $49,300.

Estimated takings for the week ending March 12:

"ESCAPE FROM DEVIL'S ISLAND" (Col.)
"DANGEROUS INTRIGUE" (Col.)
AMBASSADOR — (3,018), 25c-35c-40c, 7 days. Stage: Ed Lowry and amateur contest. **Gross:** $12,900. (Average, $10,000)

"THE COUNTRY DOCTOR" (20th-Fox)
"TANGO" (Invincible)
FOX—(5,038), 25c-35c-55c, 7 days. **Gross:** $15,750. (Average, $12,000)

"JAVA HEAD" (First Div.)
GRAND OPERA HOUSE—(2,200), 15c-25c-35c, 7 days. Stage: Vaudeville. **Gross:** $3,025. (Average, $3,300)

"WIFE VS. SECRETARY" (M-G-M)
LOEW'S — (3,162), 25c-35c-55c, 7 days. **Gross:** $15,000. (Average, $9,000)

"FOLLOW THE FLEET" (Radio)
ORPHEUM—(1,950), 25c-35c-55c, 3rd week, 7 days. **Gross:** $5,600. (Average, $8,500)

"LOVE ON A BET" (Radio)
"MAN HUNT" (W.B.)
SHUBERT-RIALTO—(1,723), 25c-35c-55c, 7 days. **Gross:** $7,350. (Average, $6,500)

"Doctor" Oklahoma Leader at $6,000

OKLAHOMA CITY, March 19.—"The Country Doctor" led the first run field with a gross of $6,000, over normal by $2,000, at the Midwest. This was the only outstanding attraction in an otherwise dull week.

"Two in the Dark," with a stage show for four days at the Liberty, reached $2,000. Par for seven days is $3,000.

Total first run business was $14,400. Average is $14,000.

Estimated takings for the week ending March 14:

"STRIKE ME PINK" (U. A.)
CRITERION—(1,700), 10c-20c-36c-55c, 7 days. **Gross:** $4,000. (Average, $5,000)

"THE COUNTRY DOCTOR" (20th-Fox)
MIDWEST—(1,500), 10c-26c-36c-56c, 8 days. **Gross:** $6,000. (Average, $4,000)

"NEXT TIME WE LOVE" (Univ.)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 3 days. **Gross:** $1,000. (Average for week, $2,000)

"LOVE ON A BET" (Radio)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 4 days. **Gross:** $800. (Average for week, $2,000)

"TWO IN THE DARK" (Radio)
LIBERTY—(1,500), 10c-20c-26c-41c, 4 days. **Gross:** $2,000. Stage: "Times Square Topics." (Average for week, $3,000)

"WE'RE ONLY HUMAN" (Radio)
LIBERTY—(1,500), 10c-20c-26c-36c, 3 days. **Gross:** $600. (Average for week, $3,000)

Out Hollywood Way

HOLLYWOOD, March 19.—WALTER WANGER to start a musical, "Spendthrift," following completion of "The Case Against Mrs. Ames" . . . GARY COOPER prolongs vacation to await completion of script of "The Texas Ranger," Paramount. . . TOM BAILY, recently on EDWARD SMALL'S production staff, back in M-G-M's publicity department.

SMITH BELLEW to replace AL JOLSON on Shell Chateau program . . . Work finished recently in "Palm Springs" for WANGER. . . BARBARA PEPPER given term contract by Radio. . . . NICK GRANDE given new term pact as director by Warners. . . MARK SANDRICH, back from Honolulu, to start KATHARINE HEPBURN picture, "Portrait of a Rebel" . . . DICK POWELL recovering from laryngitis at Palm Springs.

Paramount picks up options on WILMA FRANCIS and ANN EVERS, two youngsters. . . WILLIAM POWELL to spend three weeks in Mexico before starting "The Ex Mrs. Bradford" for Radio.

✚

Casting—BOBBY WATSON, five years old, added to "Mary of Scotland," Radio. . . RAYMOND WALBURN loaned to M-G-M by Columbia for "Absolute Quiet" . . . CHESTER MORRIS and MARGOT GRAHAME in leads of "Queer Money," Columbia. . . FRANK MCHUGH and DICK PURCELL cast in "Bullets or Ballots," Warners. . . HUGH HERBERT and HOBART CAVANAUGH set for "Love Begins at 20," Warners. . . MARGUERITE CHURCHILL and DONALD WOODS signed for "The Carruthers Case," same studio.

FRANK CRAVEN and CORA SUE COLLINS added to "The Harvester," Republic. . . LANE CHANDLER, JOHN MERTON and MALCOLM MACGREGOR in Republic serial, "The Undersea Kingdom" . . . VIRGINIA WEIDLER and DAVID HOLT loaned to M-G-M by Paramount for "Suicide Club" . . . Warners set HENRY KOLKER, JOSEPH KING and LOUISE BEAVERS in "Bullets or Ballots," GENE LOCKHART in "Earthworm Tractors" and LAWRENCE GRANT in "Angel of Mercy."

FRANK LOSEE, GERTRUDE SIMPSON and EDGAR DEARING in "Border Flight," Paramount. . . HENRIETTA CROSMAN added to "Good for Nothing" and TERRY WALKER to "Duster," same studio. . . LIONEL STANDER assigned to "Fer de Lance," Columbia. . . . HENRY B. WALTHALL in "The Glory Parade," Republic. . . .VIRGINIA HOWELL in "Florida Special," Paramount. . . ROBERT EMMETT KEENE, ALONZO PRICE and BESS FLOWERS cast in "Something to Live For," also Paramount.

✚

Writers—GILBERT WRIGHT and RAYMOND L. SCHROCK to do adaptation of "Alias Brian Kent" for SOL LESSER. . . JOHN GRAY doing the script for "Bunker Bean," Radio.

✚

Director—WILLIAM SHEA, recently promoted from the cutting department at Paramount, assigned to direct "Something to Live For."

✚

Title Change—"Times Square Playboy" new title of "Broadway Playboy," recently completed at Warners. . . . "The Princess Comes Across" final title for the production in work at Paramount under the title of "Concertina.". . . "Forgotten Faces" final title of Paramount's "Something to Live For."

"Fleet" Again Top Draw in Portland

PORTLAND, March 19.—In an 11th hour decision, "Follow the Fleet" was held for a third week at the Orpheum. In its second it secured another $8,000, over the usual take by $3,000.

"Wife vs. Secretary," in its second week at the United Artists, took $6,000, over par by $1,000.

"Prisoner of Shark Island," together with "Love on a Bet" at the Paramount, was good for $7,000, bettering the average by $2,000.

Total first run business was $34,700. Average is $24,700.

Estimated takings for the week ending March 14:

"STORY OF LOUIS PASTEUR" (F.N.)
BROADWAY—(1,912), 30c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

"I LIVE MY LIFE" (M-G-M)
"CASE OF LUCKY LEGS" (F.N.)
(2nd Run)
BLUE MOUSE—(1,700), 20c-25c, 7 days. **Gross:** $1,700. (Average, $1,700)

"HITCH HIKE LADY" (Republic)
"MAN OF IRON" (F.N.)
MAYFAIR—(1,700), 30c-35c-40c, 7 days. **Gross:** $5,000. (Average, $3,000)

"FOLLOW THE FLEET" (Radio)
ORPHEUM—(1,700), 30c-35c-40c, 7 days, 2nd week. **Gross:** $8,000. (Average, $5,000)

"PRISONER OF SHARK ISLAND" (20th-Fox)
"LOVE ON A BET" (Radio)
PARAMOUNT — (3,008), 30c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

"WIFE VS. SECRETARY" (M-G-M)
UNITED ARTISTS—(945), 30c-35c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $5,000)

"Rose Marie" Big Montreal Holdover

MONTREAL, March 19. — "Rose Marie," in its second week at the Palace, was strong enough to overcome the depressing effects of Lent. It ran up to $13,500, over the line by $2,500.

The only other house to make much of a showing was the Capitol, which took $10,500, to the good by $1,000, on a combination of "The Milky Way" and "Woman Trap."

Total first run business was $46,500. Average is $46,500.

Estimated takings for the week ending March 14:

"MILKY WAY" (Para.)
"WOMAN TRAP" (Para.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $10,500. (Average, $9,500)

"FORGOTTEN MEN" (Empire)
HIS MAJESTY'S—(1,700), 35c-50c, 6 days. **Gross:** $5,000. (Average, $5,000)

"BONNIE SCOTLAND" (M-G-M)
IMPERIAL—(1,914), 15c-20c-25c-34c, 7 days. Added repeat engagement: "Imitation of Life." (Univ.). **Gross:** $2,500. (Average, $3,500)

"SEVEN KEYS TO BALDPATE" (Radio)
LOEW'S—(3,115), 30c-34c-40c-50c-60c, 7 days. Stage: "Sophisticated Scandals" vaudeville unit. **Gross:** $10,500. (Average, $10,500)

"ROSE MARIE" (M-G-M)
PALACE—(2,600), 25-35c-40c-50c-65c, 7 days. **Gross:** $10,000. 2nd week. First week: $13,500. (Average, $11,000)

"THE STORY OF LOUIS PASTEUR (F. N.)
"RETURN OF JIMMY VALENTINE" (Republic)
PRINCESS—(2,272), 30c-35c-50c-65c, 7 days. **Gross:** $8,000. (Average, $7,000)

Chaplin Film Gets $15,000, San Francisco

SAN FRANCISCO, March 19.—"Modern Times" turned in a handsome profit at the United Artists. The $15,000 take passed normal by $6,000.

"Wife vs. Secretary," with "Preview Murder Mystery" as the other half of a dual bill, was in the money at the Paramount on a gross of $15,500, up by $4,000. "Bohemian Girl" and "The Leavenworth Case" turned in a nice $8,900, over the line by $2,900, and "The Country Doctor," heading a dual with "Voice of Bugle Ann," reached $19,500, on the profit side of the line by $4,500.

Total first run business was $90,850. Average is $74,400.

Estimated takings:

Week Ending March 9:
"DANCING FEET" (Republic)
"RETURN OF JIMMY VALENTINE" (Republic
EMBASSY—(1,400), 15c-25c-35c, 3 days, 2nd week. **Gross:** $3,000. (Average, $3,600)

Week Ending March 10:
"FOLLOW THE FLEET" (Radio)
GOLDEN GATE—(2,850), 25c-35c-40c, 7 days, 2nd week. **Gross:** $14,200. (Average, $14,500)

Week Ending March 11:
"NEXT TIME WE LOVE" (Univ.)
"YOU MAY BE NEXT" (Col.)
ORPHEUM—(2,440), 15c-30c-35c-40c, 7 days. **Gross:** $6,800. (Average, $6,800)

"WIFE vs. SECRETARY" (M-G-M)
"PREVIEW MURDER MYSTERY" (Para.)
PARAMOUNT—(2,740), 15c-30c-35c-40c, 7 days. **Gross:** $15,500. (Average, $11,500)

"MODERN TIMES" (U. A.)
UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days. **Gross:** $15,000. (Average, $9,000)

Week Ending March 12:
"BOHEMIAN GIRL" (M-G-M)
"LEAVENWORTH CASE" (Republic)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $8,900. (Average, $6,000)

"KLONDIKE ANNIE" (Para.)
"HERE COMES TROUBLE" (20th-Fox)
ST. FRANCIS—(1,470), 15c-30c-35c-40c, 7 days, 2nd week. **Gross:** $7,000. (Average, $7,000)

"COUNTRY DOCTOR" (20th-Fox)
"VOICE OF BUGLE ANN" (M-G-M)
WARFIELD—(2,680), 15c-30c-35c-40c, 7 days. **Gross:** $19,500. (Average, $15,000)

Week Ending March 13:
"ROYAL WALTZ" (Vienna Films)
CLAY—(400), 35c, 7 days. **Gross:** $950 (Average, $1,000)

"Forest," Hutton, $14,600 in Omaha

OMAHA, March 19.—A combination of "The Petrified Forest" and Ina Ray Hutton on the stage of the Orpheum was the big noise of the week on a gross of $14,600. This was $4,600 above par.

In spite of the competition, "Klondike Annie" and "Man Hunt" at the Omaha turned in a neat $8,250, and "Follow the Fleet," in its second week at the Brandeis, reached $4,600.

Total first run business was $27,450. Average is $19,000.

Estimated takings:

Week Ending March 11:
"FOLLOW THE FLEET" (Radio)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. 2nd week. **Gross:** $4,600. (Average, $4,000)

Week Ending March 12:
"THE PETRIFIED FOREST" (W. B.)
ORPHEUM—(3,000), 35c-55c, 7 days, Stage: Ina Ray Hutton and band and five acts. **Gross:** $14,600. (Average, $10,000)

Week Ending March 13:
"KLONDIKE ANNIE" (Para.)
"MAN HUNT" (W. B.)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $8,250. (Average, $5,000)

"Pasteur" on Duals Big in Boston Spots

BOSTON, March 19.—"The Story of Louis Pasteur," heading a double bill with "Voice of Bugle Ann" in two spots, the Fenway and Paramount, was outstanding. The Fenway take of $8,000 was nearly double normal, and at the Paramount the $15,000 gross was up by $8,000.

"The Country Doctor" was a big draw at the Metropolitan, with Regis Toomey heading a stage show. The tally was $30,000, over normal by $8,000.

"Muss 'em Up," with a stage show headed by the Hollywood Inn Revue, ran the RKO Boston up to $25,000, to the good by $10,000.

Total first run business was $120,-500. Average is $85,000.

Estimated takings for the week ending March 13:

"STORY OF LOUIS PASTEUR" (F. N.)
"VOICE OF BUGLE ANN" (M-G-M)
FENWAY—(1,384), 30c-50c, 7 days. **Gross:** $8,000. (Average. $4,500)

"FOLLOW THE FLEET" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $13,500. (Average, $12,000)

"LITTLE LORD FAUNTLEROY" (M-G-M)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $14,000. (Average, $13,000)

"LITTLE LORD FAUNTELROY" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $15,000. (Average, $12,000)

"THE COUNTRY DOCTOR" (20th-Fox)
METROPOLITAN—(4,332), 35c, 65c, 7 days. Stage: Regis Toomey, Fabien Sevitzky, The Mad Russian. **Gross,** $30,000. (Average, $22,000)

"STORY OF LOUIS PASTEUR" (F. N.)
"VOICE OF BUGLE ANN" (M-G-M)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $15,000. (Average, $7,000)

"MUSS 'EM UP" (Radio)
RKO BOSTON—(3,246), 35c-65c, 7 days. Stage: Hollywood Inn Revue, Edward Rosenwald and his Grand Orchestra. **Gross:** $25,000. (Average, $15,000)

"Annie" a $15,000 Hit in Providence

PROVIDENCE, March 19.—"Klondike Annie" boosted the take at the Strand to $15,000 in nine days, setting the pace for a week of excellent business here. Par for the house is $6,500. "The Country Doctor" at the Majestic upped the gross by $3,000, catching $10,000, and Loew's State was $500 over par of $12,000 with "Little Lord Fauntleroy."

Fay's had an average $7,000 week with "The Murder of Dr. Harrigan" and a stage show, and the third week of "Follow the Fleet" at the RKO Albee garnered $4,000.

Total first run business was $48,500. Average is $39,500.

Estimated takings for the week ending March 12:

"LITTLE LORD FAUNTLEROY" (U.A.)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $12,500. (Average, $12,000)

"THE COUNTRY DOCTOR" (20th-Fox)
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $10,000. (Average, $7,000)

"MURDER OF DR. HARRIGAN" (W.B.)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "Hollywood Revue." **Gross:** $7,000. (Average, $7,000)

"KLONDIKE ANNIE" (Para.)
"HER MASTER'S VOICE" (Para.)
STRAND—(2,300), 15c-40c, 9 days. **Gross:** $15,000. (Average, $6,500)

"FOLLOW THE FLEET" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross: $4,000.** (Average. $7,000)

"Wife" Pulls $19,700 Take, Kansas City

KANSAS CITY, March 19.—"Wife vs. Secretary" filled the money bags at Loew's Midland during an uneven week for first runs for a total of $19,-700, $8,200 over normal. The weather was excellent, but the flu epidemic had abated only a little. Opposition was "Personal Appearance," which drew well at the Orpheum.

"The Trail of the Lonesome Pine," set in at the Newman four days after regular Friday opening, went to $10,-000 for the first five days, $4,000 over average. It was held.

"A Midsummer Night's Dream," roadshowed at Fox's class house, the Apollo, seven days, took a good $8,500.

"Love Before Breakfast" lasted for eight days at the Uptown and the take of $3,100 was an improvement over recent pictures, several of which were pulled after a few days. The picture took $1,100 the last four days, $400 under par for the period.

"Lady of Secrets" at the Tower felt the competition and dropped $2,000 under the theatre's average of $7,000. "Follow the Fleet" faded to $4,500, $3,500 under average, its second week.

Total first run business (exclusive of "Dream") was $40,300. Average is $34,000.

Estimated takings:

Week Ending March 11:

"LOVE BEFORE BREAKFAST" (Univ.)
UPTOWN—(2,000), 25c, last 4 of 8 days. **Gross:** $1,100. (Average, $1,500)

Week Ending March 12:

"MIDSUMMER NIGHT'S DREAM" (W. B.)
APOLLO—(1,200), 50c-75c-$1-$1.50, 7 days. Roadshow. **Gross:** $8,500.

"FOLLOW THE FLEET" (Radio)
MAINSTREET—(3,100), 25c-40c, 7 days, 2nd week. **Gross:** $4,500. (Average, single bills, $8,000)

"WIFE VS. SECRETARY" (M-G-M)
MIDLAND—(4,000), 25c-40c, 7 days. **Gross:** $19,700. (Average, $11,500)

"LADY OF SECRETS" (Col.)
TOWER—(2,200), 25c-35c, 7 days. Stage: Bliss, Lewis & Ash, Lowe & Hite, Five Elgins, and Jack Pons. **Gross:** $5,000. (Average, $7,000)

Week Ending March 14:

"TRAIL OF THE LONESOME PINE" (Para.)
NEWMAN—(1,900), 25c-40c, 5 days. **Gross:** $10,000. (Average, $6,000)

Named City Manager

CHARLOTTESVILLE, VA., March 19.—Frank M. Boucher, of Lynchburg, has become city manager of the Paramount and Lafayette here, succeeding Willis Grist, Jr., who has been transferred to Lynchburg. Richard E. Eason, also of Lynchburg, will be the manager of the Lafayette here.

A. P. Bill to Denver

KANSAS CITY, March 19.—A. P. Bill, former sales manager for RCA Photophone at Des Moines, has gone to Denver in the same capacity.

Don Davis, sales manager for Kansas and Western Missouri, will cover the Des Moines and Omaha territories.

Form Theatre Company

THEDALLES, Ore, March 19.—West River Theatres, Inc., has been formed here by G. E. Matthews, K. A. Spears, A. B. Stockdale and H. L. Piercy, well known independent exhibitors.

"Doctor" a $7,500 Louisville Smash

LOUISVILLE, March 19.—"The Country Doctor" proved to be almost as big a draw at the Strand as the late Will Rogers, and grossed $7,500, over by 100 per cent. Male patrons were in the minority, but women and children kept the box-office busy all week, necessitating a holdover.

"Little Lord Fauntleroy" at the State also pulled, and took $6,500, on the profit side by $1,000.

"Pasteur" did well at the Mary Anderson on its second week, getting $3,-400. The picture received fine notices and evening shows were well attended, although the matinees were rather light.

Dual features at both the Rialto and Brown were light at the box-office. "Freshman Love" at the National was helped by Gertrude Avery's Diamond Revue, which was responsible for the bulk of the $3,800 gross.

Opposition was furnished by the General Motors Show held at the Armory. The weather has been springlike and pleasant, with the exception of occasional high winds.

Total first run business was $29,200. Average is $24,200.

Estimated takings for the week ending March 12:

"LITTLE LORD FAUNTLEROY" (U. A.)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

"GIVE US THIS NIGHT" (Para.)
"IF I HAD A MILLION" (Para.)
RIALTO—(3,000), 15c-25c-40c, 7 days. **Gross:** $4,100. (Average, $4,500)

"THE COUNTRY DOCTOR" (20th-Fox)
STRAND—(1,500), 15c-25c-40c, 7 days. **Gross:** $7,500. (Average, $3,500)

"THE STORY OF LOUIS PASTEUR" (W. B.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days, 2nd week. **Gross:** $3,400. (Average, $3,500)

"FRESHMAN LOVE" (W. B.)
"PASSING OF THE THIRD FLOOR BACK" (G. B.)
"RACING LUCK" (Republic)
NATIONAL—(2,400), 15c-25c-40c, 7 days. Stage: Vaudeville 4 days, straight pictures 3 days. Stage: "Gertrude Avery's Diamond Revue," Randolph Avery Orchestra, Barney Grant, Murray Brown Dancers, Monk and Sam, George Pugh. **Gross:** $3,800. (Average, $3,000)

"STRIKE ME PINK" (U. A.)
"TOO TOUGH TO KILL" (Col.)
ALAMO—(900), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,400)

"REMEMBER LAST NIGHT" (Univ.)
"CHATTERBOX" (Radio)
BROWN—(1,400), 15c-25c-40c, 7 days. **Gross:** $2,400. (Average, $2,800)

Form Delivery Firm

JEFFERSON CITY, Mo., March 19.—The Interstate Film Delivery Co. of Kansas City has been incorporated here with 200 shares of $10 par value stock. Incorporators are: W. M. Robertson, E. Amoneno, John W. Jones, R. E. Jones and George V. Farris.

Grants Right to Cancel

ST. LOUIS, March 19. — Circuit Judge Frank C. O'Malley has granted to General Theatrical Enterprises, Inc., Warner subsidiary, owner of the Hi-Pointe, the right to cancel a lease on the house, in which William Lyris of Los Angeles claims to have an interest.

Stage Shows Dropped

JACKSONVILLE, March 19. — Stage shows at the Palace here are being discontinued as a result of demands made by the local musicians' union, which Guy Kenimer, Sparks executive, brands as unjust in a display advertisement in the *Times-Union*.

"Annie" Leads Seattle with $8,200 Gross

SEATTLE, March 19. — "Klondike Annie," on a dual with "Every Saturday Night" turned in top honors here last week, with most observers crediting the Hearst attacks for the results. The take at the Orpheum was $8,200 and the film was held over.

"The Country Doctor" was in the money in a big way, the $9,150 gross at the Fifth Avenue being $2,150 on the profit side of the ledger. It was moved to the Music Box for an extended run. "Follow the Fleet," at the Blue Mouse on an extended run from the Orpheum, took $4,600. "Rose Marie" held up to $3,700 on the fourth week of an extended run from the Music Box.

Total first run business was $36,800. Average is $33,500.

Estimated takings for the week ending March 13:

"FOLLOW THE FLEET" (Radio)
BLUE MOUSE—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Orpheum. **Gross:** $4,600. (Average, $4,000)

"THE COUNTRY DOCTOR" (20th-Fox)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $9,150. (Average, $7,000)

"YOU MAY BE NEXT" (Col.)
"CATTLE THIEF" (Col.)
LIBERTY—(1,800), 10c-15c-25c-35c, 7 days. **Gross:** $3,800. (Average, $4,000)

"ROSE MARIE" (M-G-M)
MUSIC BOX—(950), 25c-40c-55c, 7 days, 4th week, extended run from Fifth Avenue. **Gross:** $3,700. (Average, $4,000)

"KLONDIKE ANNIE" (Para.)
"EVERY SATURDAY NIGHT" (Para.)
ORPHEUM—(2,450), 25c-30c-40c, 7 days. **Gross:** $8,200. (Average, $6,000)

"YELLOW DUST" (Radio)
"MELODY LINGERS ON" (F. N.)
PARAMOUNT—(3,050), 20c-25c-30c, 7 days. **Gross:** $4,150. (Average, $5,000)

"OREGON TRAIL" (Republic)
REX—(1,500) 15c-25c-35c, 7 days. Vaudeville headed by Al & Margie Calvin. **Gross:** $3,200. (Average, $3,500)

Hamrick-Evergreen Managers in Shift

SEATTLE, March 19. — Hamrick-Evergreen managers will be shifted tomorrow, according to John Hamrick.

Frank L. Newman, Jr., will move from the Fifth Avenue to the Alder and Blue Mouse in Portland. He will be succeeded here by Andrew Saso, former Hamrick executive in Portland.

Herbert Sobottka, manager of the Orpheum here, will move to a similar position at the Orpheum in Portland. He will be succeeded by Don Geddes, at present manager of the Paramount here. Geddes will be replaced by Bill Hamrick, now assistant at the Paramount.

Jack Rosenberg, manager of the Coliseum here, will move to the Mt. Baker in Bellingham. He will be succeeded by George Appleby, another Hamrick manager from Portland. James Q. Clemmer and Dan Redden will remain as managers of the Music Box and Blue Mouse, respectively.

Close Ambassador Deal

BOSTON, March 19.—Eighteen features of Ambassador Pictures have been acquired for New England distribution by Academy Pictures exchange. Maurice Conn closed the deal with Phil Smith. Century Film formerly handled Ambassador product here.

REDBOOK
MAGAZINE

THE PICTURE OF THE MONTH

H. N. SWANSON
Ace Redbook Critic, Catches New Capra Production at Sneak Preview and Writes Double-barreled Rave!

"Any time FRANK CAPRA makes a picture it's news! MR. DEEDS GOES TO TOWN, his very latest one, DESERVES ALL THE ADJECTIVES WE HAVE BEEN SAVING FOR JUST SUCH AN OCCASION AS THIS!

The script was done with a dash by Robert Riskin, Columbia's ace scenarist, from Clarence Budington Kelland's story. Easy laughs are combined with swift story progression in a smooth-as-silk manner. Enriched by the cream of Hollywood's character actors, the picture emerges as GARY COOPER'S BIGGEST VEHICLE IN A LONG TIME, and certainly JEAN ARTHUR'S BEST TO DATE!

Capra's sure and nimble touches are lavishly displayed in every single scene! I can't guess what its chances will be of snaring the ACADEMY AWARD THIS YEAR, but let me tell you, IT VERY DEFINITELY WILL BE A STRONG CONTENDER FOR THAT HONOR!"

THE FRANK CAPRA PRODUCTION

GARY COOPER
JEAN ARTHUR
in

"MR. DEEDS GOES TO TOWN"

GEORGE BANCROFT • LIONEL STANDER • DOUGLASS DUMBRILLE • H. B. WARNER
Screen play by ROBERT RISKIN • Story by CLARENCE BUDINGTON KELLAND

A COLUMBIA PICTURE

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 68 NEW YORK, SATURDAY, MARCH 21, 1936 TEN CENTS

Decision Is Reserved on N.Y. Sale Tax

Arguments Are Heard by Appellate Division

The Appellate Division of the N. Y. Supreme Court reserved decision following a hearing yesterday on the I.T.O.A.-sponsored application for an injunction to restrain the city from levying the two per cent sales tax on film rentals, and distributors from collecting it.

Melvin Albert of Weisman, Quinn, Allen & Spett, attorneys for the I.T.O.A., acting for the petitioners, Quinral and Harlou, Inc., operators of Brooklyn theatres, argued that the city already has ruled that film rentals are subject to the sales tax and that the injunction procedure is immediately necessary to prevent the collection of a "discriminatory" tax. He said an Illinois sales tax had been held unconstitutional for similar discriminatory levies.

Morton Baum, representing the city

(*Continued on page 3*)

Columbia May Join Mutua in Barcelona

BARCELONA, March 20.—Bernard J. Gottlieb, local manager for Columbia, has received word from Joseph Seidelman, head of the company's foreign department in New York, authorizing him to join Mutua, provided such a move can be arranged locally.

Under the present setup, all Columbia contracts with exhibitors must be approved by the Barcelona courts. However, this procedure will be eliminated if the company joins the local Film Board of Trade.

Columbia opened its office in Barce-

(*Continued on page 3*)

Dionnes See Film

Elzire and Oliva Dionne, parents of the quintuplets, visited the Music Hall in state yesterday, and saw their offspring from the luxurious vantage point of loge seats. Mrs. Dionne was delighted with the work of her children.

After the show they were escorted back stage, and through the lobbies and rest rooms and were entertained in the studio apartment on the top floor.

Formal Transfer of Universal Set in New York for April 2

The date of the transfer of Carl Laemmle's controlling interest in Universal to Standard Capital Co. and Charles R. Rogers has been definitely set for Thursday, April 2, it was learned yesterday. The purchasers had asked that the transfer be made on April 3, but the new date was agreed upon after communicating with Laemmle.

The $4,000,000 balance of the $5,500,000 option price will be paid to Laemmle in cash in New York on the day of the transfer. A meeting of stockholders to elect a new board of directors will be held shortly thereafter. New members of the board will include J. Cheever Cowdin and Lawrence Fox of Standard Capital; Rogers, C. M. Woolf and Herbert Wilcox. The latter two will be the representatives of the British financial syndicate which is participating in the purchase.

Production Leaps; 41 Features Going

HOLLYWOOD, March 20.—Producers turned on their heavy production guns here last week boosting studio work schedules to 41 features and five shorts. This is a noticeable increase over the preceding week which showed 37 features and no shorts being filmed. Nearly every studio registered a gain.

Paramount hit a new high with 12 films shooting.

Camera work was expected to gain grade for the next few weeks with 14 films scheduled for the sound stages within the next 14 days.

Columbia had two features in work,

(*Continued on page 3*)

Emanuel Cohen Unit To Have 4 Features

Major Prod., of which Emanuel Cohen is head, will make four pictures next season, the first to star Bing Crosby. Writers are now working on the initial script. The second will be with Mae West. Columbia will distribute.

Ben Piazza, executive assistant to Cohen, is prolonging his stay in the east another week. He is looking over suitable talent.

Another prominent star is expected to be signed by Major shortly, it was stated.

Fourteen in Color Are Set for Season

HOLLYWOOD, March 20.—Thus far this season fourteen features in Technicolor have been produced or are definitely set, while several more are included in tentative plans for the rest of the year. In addition, there are more than 100 color shorts planned for the year, including cartoons, travelogues and two-reel comedies.

Pioneer plans three color features

(*Continued on page 3*)

Repair Need Seen Result of Floods

As flood waters poured down the Connecticut River valley with undiminished power, sweeping down on Hartford and forcing the closing of all Loew theatres in that city and in Springfield, Mass., exhibitors in other stricken areas counted the toll in damaged walls and interior fixtures, and saw ahead the probable necessity of closing their houses until renovation —in some instances extensive—could be completed.

No RKO theatres were closed, although the circuit's seven first runs in Cincinnati were prepared for emergencies over the week-end, as waters

(*Continued on page 3*)

B. & K. Stock Move Gets no Opposition

WASHINGTON, March 20.—No opposition was presented today before the Securities and Exchange Commission to the application of Balaban & Katz Corp. for withdrawal from listing on the Chicago Stock Exchange of 26,126 shares of its seven per cent cumulative preferred stock.

The only witness to appear was Walter M. Rieser, counsel for the company, who, after Andrew Jackson, commission counsel, had indicated there would be no objection to the

(*Continued on page 3*)

RKO to Decide Upon Palace Vaudeville

CHICAGO, March 20.—RKO executives in New York will decide Monday whether to reinstate vaudeville at the Palace. Nate J. Blumberg, who stopped off here on his way east from the coast, is understood to have gone into the matter with local RKO representatives and there is a strong possibility that the stage show will be returned.

Film Salaries Transmitted To the House

Internal Revenue Bureau Gives Detailed List

By CLARENCE LINZ

WASHINGTON, March 20.—Additional salary reports covering companies operating on a fiscal year basis, and showing payments made during the fiscal year ending in 1935, were filed here today with the House Ways and Means Committee by the Bureau of Internal Revenue.

Organizations in the nation's film industry filed detailed reports. Among the companies so represented are Columbia Pictures; Fox Films, California; Fox Films, New York; Twentieth Century; Crosby Productions, Inc.; Renraw, Inc.; Movietown News, Inc.; Samuel Goldwyn, Inc.; RKO Service Corp. and a number of the larger theatre circuits throughout the country.

The following list of these companies, in alphabetical order, shows executives and personnel affiliated with the organizations at the end of the fiscal year in 1935.

COLUMBIA PICTURES: Joseph H. August, $16,158; Sidney Buchman, writer, $40,016; John Buckler, actor, $18,916; S. J. Briskin, general manager, $139,750; Edward N. Buzzell, director, $28,666; Irving Briskin, supervisor, $16,466; Harry Cohn, president, $182,000; Frank Capra, director, $156,000; Donald Cook, actor, $22,010; John Ford, director, $50,000; Theresa Helburn, writer, $33,166; Lambert Hillyer, director, $15,137; William Holman, studio manager, $18,050; Ethel Hill, writer, $16,258; Arthur Hohl, actor, $22,387; Jack Holt, actor, $48,-

(*Continued on page 4*)

Le Maire Joins "U" As Aide to Rogers

HOLLYWOOD, March 20.—Rufus Le Maire today assumed his new duties as executive assistant to Charles R. Rogers and William Koenig at Universal. Le Maire will concentrate on the development of a stock company at the studio. He was formerly M-G-M casting director.

Consolation?

There is some—but very little—consolation for exhibitors in the flood areas in the fact that Spring has arrived earlier this year than ever before in the 20th century. The reason: The sun crossed the equator at 1:58 P. M. E.S.T. yesterday.

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Hornig Again Heads MPTO of Maryland

BALTIMORE, March 20.—Frank A Hornig was reelected president of the M.P.T.O. of Maryland, Allied affiliate, at the annual election yesterday. About 60 were present. Other officers named were: Arthur B. Price, vice-president; Herman A. Blum, secretary; Helen Connelly, secretary.

The board of directors includes: Hornig, Price, Blum, Walter Pacy, J. Louis Rome, Elmer Nolte, Jack Levine, Sam Soltz, Bill Hicks, Lauritz Garman and Louis Schneider.

To Score Travel Film

"Beyond the Caribbean," filmed by Andre Roosevelt and to be released by Inter-Continent Film Co., will be synchronized with music and effects under the supervision of Thomas J. Valentino at the Reeves Sound Studio today.

Keith House Cuts Loss

BOSTON, March 20.—The Keith Memorial Theatre Corp., for the year ended Dec. 31 last, reports a net loss of $108,100 after all charges, which compares with a net loss of $149,391 for 1934.

Atwell with Exposition

CLEVELAND, March 20.—Ben H. Atwell, former director of publicity for Columbia, has joined the Great Lakes Exposition as a special representative with offices here. He will divide his time between here and New York.

Insiders' Outlook

By RED KANN

Hollywood, March 20

RICHARD offered his kingdom for a horse when the screws began to tighten. Here, where stories, good ones, are sometimes classified with kingdoms, if not horses, the same sort of sacrifice stands any time day or night. This chronicler earlier reported the alacrity with which many producers stand willing to swoon once it is made possible for them to sink their hooks into what bears the earmarks of dramatic meat. Others there are, however, who breast the tide with another and different tale. It has to do with the Hollywood merry-go-round. . . .

▼

Story editors, whose futures would be mud were any attempt made to essay their names, view the situation variously, for example. At the outset it is the correct statement to make that there is nothing resembling a plethora of material. It is further the fact to set down that the distance between story departments and producers often is so impossible to traverse that many properties either are muffed, disappear entirely in the shuffle, are relegated to another day, or lost to another studio. . . .

▼

The yarns, tall and true, about the inordinate difficulties of galvanizing the distinguished upfront legion into action are many. This department prefers to back its observations with facts. Well, then, here are the facts of one situation in full regalia, except for names and places. This episode ties in a swell story, five producers and the man for whom they work, sometimes described as the head of the plant. The particular property was submitted, hurdled the story department, funneled through each of the five producers, all of whom voted it in, and got nowhere because the studio chieftain to date has not had the time or the inclination, perhaps, to read it. . . .

▼

Then, too, there is constantly around the circumstance of the producer who simply will not read. He is either busy with too much detail, polo, the social life or a nervous system so attuned he cannot find the patience to go through. One top rater here practically never reads. Occasionally, he loosens enough to recline on the couch in his studio office while a secretary does his reading to him. Another type, painfully plentiful, is the man who cannot recognize good material when he sees it. . . .

▼

This is no endeavor at labeling all of Hollywood with such shortcomings. Not at all. Whether predominant or not—we think not—many in the production melee put in long days at their stint to return to their shacks at night loaded down with scripts, synopses, treatments and novels as part of their constant search for something new, something different. They, at least, apply a genuine effort at trying, with varying results, quite naturally. . . .

▼

The producer, in a larger way, understands the need for the base of his picture which is the story that picture has to tell. It would, therefore, appear only logical that those appointed to ferret out such material would be aces in their line. This does not seem to prevail in the majority of instances. Probably a classic in its way is the man, occupying a high post in a major studio which annually turns out a varied program, who has never heard of the Scottsboro case. He has not been out of Hollywood in years. Yet his is the disposal of suggestions from New York, his the almost final word on what his studio is or is not to produce. . . .

▼

A more direct route from story to producer would dispose of part of the problem. In many studios, the circuitous course through which suggestions reach their goal either for acceptance or rejection and the space of time required to reach such decision is difficult to comprehend. Many things may and do happen and defy understanding. A few days back, to illustrate, one lot discovered a mere thirty minutes before preview time that it did not own the story rights to the completed film. How can this be? It was. . . .

Chaplins for Russia

Amkino has signed with United Artists for the showing of Charlie Chaplin's "City Lights" and "Modern Times" in Russia, the first time Chaplin sound films will be shown there. The deal was concluded here by Arthur W. Kelly, vice-president of foreign sales for U.A., and V. Verlinsky, Amkino president.

Seigel May Join Warners

Arthur J. Seigel, who has sold his half interest in the Cinema Circuit to Max A. Cohen, is reported rejoining Warners to handle the circuit's theatres in Milwaukee.

Seigel, previous to becoming an independent, was affiliated with Warners in New Jersey. He is a stepson of Albert Warner.

20th-Fox to Start Studio Enlargement

HOLLYWOOD, March 20.—A $4,000,000 construction program will be launched at Twentieth Century-Fox on April 1 in preparation for the consolidation of activities of both lots at the Westwood studio.

Plans include eight new sound stages of 237,000 square feet each; a three-story property building, 90 by 280 feet; new film vaults and cutting rooms, and a complete water system which includes wells and two reservoirs holding 360,000 gallons each.

Work is expected to be completed within four months under supervision of Robert Fairbanks, studio manager. Walter Strohm is chief engineer, and Joseph Baslon is engineer in charge of design.

Bank Night's Fate Up to Mass. Court

BOSTON, March 20.—The fate of Bank Night is now before the Supreme Court, to which convictions on lottery charges in both District and Superior Courts have been appealed. A bill to amend the lottery laws so as to make Bank Night legal in Massachusetts has been killed by the legislature. This action leaves the game situation in a highly critical state here.

Pending a decision in the Supreme Court, Bank Night has been withdrawn from most of the Bay State theatres.

W. T. Carr Succumbs

TRENTON, Ill., March 20.—W. T. Carr, father of Trem Carr, former Republic production head, died here last night as a result of injuries sustained in a recent automobile accident.

Trem Carr and Mrs. Carr sailed a few days ago on the *Ile de France* and were due in London today.

Rites for Donald Ross

EAST ST. LOUIS, ILL., March 20.—Funeral services were held here for Donald W. Ross, former treasurer of Loew's State in St. Louis, who died in Bridgeport, Conn., where he was connected with Loew's. He was 34.

Services for Harry Kelly

Funeral services for Harry Kelly, comedian, will be held at 10.30 A. M. today at his late residence, 90-20 Whitney Ave., Elmhurst, Queens. Kelly died Thursday in Polyclinic Hospital. He was 63.

"Times" Opens in Phila.

PHILADELPHIA, March 20.—"Modern Times" opened yesterday at three local Paramount houses on a day-and-date run. They are the Roosevelt, Nixon and Tower. Harry Royster of Paramount's home office assisted Monte Salmon in the campaign.

Loew Unit Pays $1.75

Marcus Loew's Theatres have declared a dividend of $1.75 a share on account of accumulations of the seven per cent preferred stock, payable March 31.

Delay N. J. Allied Meet

Allied has put back its annual three-day convention one day. The new dates for the get-together at the Hollenden, Cleveland, are June 3-5.

Purely Personal

LANGDON W. POST, Tenement House Commissioner and chairman of the Housing Authority, has been elected a member of the executive committee, National Board of Review.

•

BOB LYNCH, M-G-M sales head in Philadelphia, left for the Quaker City yesterday. He took with him some of the "Mutiny on the Bounty" models which were submitted from his territory.

•

A-MIKE VOGEL of the Managers' Round Table Club of *Motion Picture Herald* will have a birthday on Monday, but it is a closely guarded secret. Even A-MIKE won't tell the number.

•

ARTHUR LEE has returned from the coast, but JEFFREY BERNERD is remaining in Hollywood for another week to attend the opening of "Rhodes" at the Four Star, Los Angeles, on Thursday.

•

MAURY M. COHEN, president of Invincible, has arrived from the coast for conferences with GEORGE R. BATCHELLER, head of Chesterfield, on next season's lineup.

•

CHARLES STERN, U. A. southern division manager, left last night for Charlotte, N. C. He will visit several exchanges during a three-week trip.

•

GEORGE DEMBOW flew in town yesterday, cutting his tour of key cities short to attend a couple of important National Screen confabs.

•

HERMAN GLUCKMAN and IRVING WORMSER, who were scheduled to sail on the *Lafayette* yesterday for a vacation, didn't.

•

WILLIAM WYLER, director of "These Three," was interviewed by RADIE HARRIS over Station WHN last night.

•

LAUDY LAWRENCE sails today on the *Paris*, returning to his headquarters in Paris after conferring with Arthur Loew.

•

JACK HARROWER is still confined to Yonkers General Hospital, where he is being treated for a stomach ailment.

•

ISADORE WELT of the Rosenblatt-Welt circuit returned to his office yesterday after nine weeks of illness.

•

AARON SCHUSTERMAN, New Jersey exhibitor, is back from Miami after a four weeks' vacation.

•

HARRY SHIFFMAN sailed last night on the *Lafayette* on a 12-day cruise.

•

ED FINNEY is now slated to return from the coast on Monday.

•

FRANK WILSON will leave for Washington on Monday.

•

JOHN R. FREULER among those lunching at the Edison.

•

EDWARD GOLDEN says he wasn't at the Tavern yesterday.

•

HARMAN SADO sails today on the *Paris*.

Repair Need Seen Result of Floods

(*Continued from page* 1)

were rising in that section. Loew's theatres also were closed in Pittsburgh, where receding water left considerable theatre damage.

In Troy, N. Y., three Warner houses were closed, although the RKO Proctor, beyond the limits of the flood waters, remained open.

An exhibition problem faces neighborhood subsequent run operators in the cities affected by the flood, even though their theatres were beyond the reach of the waters. These subsequents will be forced to wait for product in many cases until first run houses, damaged, are reopened and play the product.

The Delaware River finally began to drop yesterday, bringing Trenton and other New Jersey towns out of danger.

Ohio Deliveries Cut Off

CLEVELAND, March 20.—Film delivery services operating out of Cleveland report train and truck services entirely cut off from Steubenville, Martin's Ferry and Bridgeport owing to unprecedented flood conditions. Delivery service to Canton and Akron is reported as normal.

Shenandoah Valley Hit

CHARLOTTESVILLE, Va., March 20.—This entire area of the Shenandoah Valley is eight to 10 feet under water, with many towns, including Winchester, Hagerstown, Cumberland and Staunton cut off entirely, and theatres in those situations seriously affected. Despite conditions here, however, the Paramount did excellent business with a show featuring a Major Bowes amateur unit.

Hartford Situation Acute

HARTFORD, March 20.—With many sections of New England paralyzed by flood conditions Hartford was hardest hit, with streets flooded, theatre auditoriums inundated and troops in control of the community. Thousands of houses throughout the New England sections are unable to get films, while others are setting holdover records by continuing to play what they have on hand.

Pitt Theatres in Ruins

PITTSBURGH, March 20.—Wreckage to theatres in the downtown district alone here is estimated at $5,000,000. The Stanley, Penn, Alvin and Fulton are in total ruins and will have to be entirely rehabilitated. This will probably take at least two months.

Bob Newkirk, manager of the Penn, is down with pneumonia as a result of exposure, while Ken Coffman, artist at the Alvin, is in Mercy Hospital for the same reason.

Radio Sets New Title

HOLLYWOOD, March 20.—Radio has selected "Make a Wish" as the title of the Edward Hartmann original recently purchased under the tentative title, "Twinkle, Twinkle." Leigh Jason will direct, with Lee Marcus as associate producer.

Form Cineroma Corp.

ALBANY, March 20. — Cineroma Corp. has been chartered here by Elizabeth Woods, Herman S. Rosenblatt and Marjorie L. Soper.

Production Leaps; 41 Features Going

(*Continued from page* 1)

two in preparation and four in the cutting rooms. M-G-M had eight, two and 12; Paramount, 12, three and two; Radio, three, zero and one; Roach, zero, one and one; Twentieth Century-Fox six, three and six; Universal, two, zero and three; Warners, six, one and eight; independents two, two and two.

Short subject production came out of the doldrums also. Columbia had one shooting, two preparing and two editing. M-G-M had two, two and five; Radio, zero, two and two; Roach, one, one and three; independents, one, two and zero.

Columbia May Join Mutua in Barcelona

(*Continued from page* 1)

lona nine months ago, it was stated yesterday at the company's home office. While details are lacking because of the sudden development, it is believed that within the next few weeks Columbia will become a member of Mutua. Joseph Seidelman, who with Joseph Friedman, in charge of England and the Continent, left yesterday for the coast by plane, sent a cable to Bernard J. Gottlieb approving joining the Barcelona Film Board of Trade.

Seidelman is scheduled to return from Hollywood in 10 days. He and Friedman will confer with Harry and Jack Cohn on plans to produce a number of pictures in England.

B & K Stock Move Gets No Opposition

(*Continued from page* 1)

granting of the application, asked that a decision be rendered promptly so that the company might be saved the expense of preparing statements which must be filed at the end of this month under the Securities Act.

Jackson said the company intended to redeem half of the stock on May 1 at $110 per share, plus accrued interest, and that the remainder would be redeemed on May 1, 1939.

The Chicago Stock Exchange reported that only 1,840 shares were traded in 1933; 1,950 shares in 1934; 1,580 shares in 1935. The stock rose from a low of $15 in 1933 to $110 this year.

Joe Hornstein Takes On Motiograph Sales

Joe Hornstein has closed a three-year deal with Joseph B. Kleckner, president, and Walter Hirschfeld, vice-president and general manager, to handle Motiograph projectors exclusively in northern New Jersey, southern New York and eastern Connecticut.

The first installation will be in the new theatre Henry Sussman is building in Yonkers. It will be called the Central and will seat 1,000. It is expected to be opened March 25.

Kleckner and Hirschfeld were in Philadelphia yesterday and are due to return here today. They will leave for Chicago, their headquarters, over the week-end.

Decision Is Reserved on N.Y. Sale Tax

(*Continued from page* 1)

comptroller's office, opposing the application for the injunction, contended that the tax legislation itself provided a remedy for its rulings by making them subject to certiorari proceedings in the Appellate Division. T. Newman Lawler of O'Brien, Driscoll & Raftery, attorneys for the United Artists exchange, told the court that certiorari proceedings had been begun by the exchange already in opposing the levy made by the city against its rentals for the first three months of 1935. The Appellate Division is expected to hear the United Artists' appeal from the city's ruling some time next month. This procedure does not seek an injunction, but comprises an attempt to prove that film rentals are not properly subject to a municipal sales tax.

Albert said that if his application for an injunction was denied he would take an appeal to the Court of Appeals.

Fourteen in Color Are Set for Season

(*Continued from page* 1)

between now and Jan. 1: "Dancing Pirate," "The Life of Custer" and a story with a New York setting which is as yet untitled. Selznick International has on schedule "Garden of Allah" and "Dark Victory," both to star Merle Oberon. Selznick may make one or two others in color. Twentieth Century-Fox plans "Ramona." Walter Wanger, in addition to "The Trail of the Lonesome Pine," plans "Spawn of the North," and possibly one other.

Alexander Korda and Henry Wilcox, in England, plan a minimum of two Technicolor features each this year. Paramount definitely has set "Good for Nothing" and tentatively "The Life of Buffalo Bill." Samuel Goldwyn declared recently that the planned "Goldwyn Follies" will be in color, and reports indicate that he may do "Hurricane" also in color. It has been reported as well that Warners are giving consideration to the production of "The Sea Hawk" in color, and Radio is said to be toying with the idea of doing a group of westerns in Technicolor.

"Robin Hood" $20,500

"Robin Hood of El Dorado" was a weak tenant at the Capitol last week, garnering $20,500 for the seven-day run. "Petrified Forest" and "Every Saturday Night" at the Palace ended with about $7,000. The Rialto, with "Tough Guy," tallied approximately $8,000, while the Strand on the second stanza of "Colleen" wound up with close to $12,000.

Aguilar "U" Head, Spain

N. L. Manheim, export manager of Universal, has named E. Aguilar as manager in Spain, with headquarters in Barcelona. Aguilar was formerly assistant to Siegwart Kusiel until the latter was named general manager of Universal European distribution.

Film Salaries Transmitted To the House

(Continued from page 1)

408; Victor Jory, actor, $17,383; Benjamin Kline, cameraman, $18,200; Erle Kenton, director, $23,208; S. M. Lauren, writer, $31,325; Peter Lorre, actor, $16,702; Bruce Manning, writer, $19,500; R. William Neil, director, $22,476; Harriet Parsons, writer, $15,300; Robert North, supervisor, $35,-750; Gertrude Purcell, writer, $26,000; William P. Erlberg, casting director, $19,733; Everett Riskin, supervisor, $19,600; Robert Riskin, writer, $100,000; Sid Rogell, supervisor, $20,300; Louis Silvers, music director, $20,800; Victor Schertzinger, director, $55,-666; K. O. Swerling, writer, $63,000; Lee Tracy, actor, $39,583; Jules White, director, $17,200; Max Winslow, supervisor, $24,100; Nancy Carroll, actress, $49,583; Claudette Colbert, actress, $36,666; Gregory La Cava, director, $35,000; Ann Sothern, actress, $26,-661; Grace Moore, actress, $35,000 and B. P. Schulberg, supervisor, $19,038.

FOX FILMS, CALIFORNIA: Rosemary Ames, actress, $18,483; Annabella, actress, $27,510; Lew Ayres, actor, $103,499; Richard Arlen, actor, $22,499; J. G. Blystone, director, $76,634; George L. Bagnall, studio treasurer, $20,800; Warner Baxter, actor, $184,000; Reginald Berkley, writer, $43,-783; John Boles, actor, $53,750; Charles Doyer, actor, $35,576; Lew Brown, producer, $21,250; Edwin Burke, writer, $91,500; Edward Butcher, producer, $26,000; David Butler, director, $79,384; Nigel Bruce, actor, $29,918; Lester Cole, writer, $16,191; William Counselman, writer, $49,666; James Cowan, executive, $26,000; James Cruze, director, $24,000; Irving Cummings, director, $54,160; James Dunn, actor, $35,307; Alan Dinehart, actor, $18,395; Louis De Francesco, music director, $27,850; George de Sylva, producer, $39,333; Louise Dresser, actor, $16,750; Alice Faye, actress, $20,-375; Stepin Fetchit, actor, $18,216; Charles Farrell, actor, $55,000; George Fitzmaurice, director, $29.750; John Ford, director, $99,-807; Norman Foster, actor, $32,933; Janet Gaynor, actress, $252,583; J. J. Gain, executive, $34,200; Jay Gorney, song writer, $19,-950; James Gleason, actor, $53,833; Harry Green, actor, $46,138; Bert Glennan, cameraman, $15,581; Lillian Harvey, actress, $43,583; Ralph Hammeras, technician, $20,-800; Sam Hellman, $32,025; Samuel Hoffenstein, writer, $20,500; Julian Johnson, scenario editor, $41,600; Victor Jory, actor, $15.800; Jason S. Joy, executive, $49,583; Henry King, director, $156,192; Lew King, director, $22,400; Philip Klein, writer, $34,-250; Hunter Lovelace, writer, $19,600; Sammy Lee, dance director, $32,650; Henry Lachmann, director, $47,000; Edmund Lowe, actor, $24,750; Arthur Lange, composer, $15,600; Jesse Lasky, producer, $156,000; Sonya Levien, writer, $58,600; Frank L. Lloyd, director, $62,000; Arthur Miller, cameraman, $16,718; Al Mohr, cameraman, $22,650; Herbert Mundin, actor, $17,706; Joe May, director, $31,137; George Marshall, director, $26,000; Seaton I. Miller, writer, $19,516; Jose Mojica, actor, $18,000; Philip MacDonald, writer, $25,308; Victor McLaglen, actor, $30,000; Norman McLeod, director, $17,083; Dudley Nichols, writer, $24,-933; James O'Keefe, executive, $16,616; W. L. O'Connell, cameraman, $16,017; Warner Oland, actor, $37,499; Ernest Pascal, writer, $55.199; Ernest Palmer, cameraman, $18,-577; Al Rockett, producer, $117.000; Samson Raphaelson, writer, $28,833; Will Rogers, $324,314; Gilbert Roland, actor, $24,250; Paul Roulien, actor, $16,700; Seigfreid Ruman, actor, $18,000; Marjorie Rambeau, actress, $33,808; Ned Sparks, actor, $25,546; Hanns Schwartz, director, $25,166; Fred Serson, technician, $15,500; John Stone, producer, $45,500; George Schneiderman, cameraman, $21.085; John Seitz, cameraman, $23,515; Spencer Tracy, actor, $82,566; Shirley Temple, actress, $23,064; James Timling, director, $18,750; Frank Tuttle, director, $35,000; Helen Twelvetrees, actress, $46,311; Raoul Walsh, actor, $53,347; Hugh Williams, actor, $18,461; Sol Wurtzel, producer, $104,-000; Jack Yellen, songwriter, $28,133; Howard Young, writer, $19.800; and Paul Green, $19,500.

FOX FILMS, NEW YORK: Sidney R. Kent, president, $166,450; W. R. Michel, executive, vice-president, $35,504; W. R. Sheehan, vice-president, $300,000; Sidney Towell, treasurer, $21,890; Felix A. Jenkins, secretary, $17,990; John A. Michel, special representative, $20,800; Dan Michalove, special representative, $18,200; John Nolan, special representative, $17,900; D. A. Doran, Jr., scenario department, $23,750; John D. Clark, general salesmanager, $48,031; E. C. Grainger, division manager, $16,471; W. J. Kupper, division manager, $15,713; Z. P. Sheehan, foreign salesmanager, $39,000; W. J. Hutchinson, British manager, $19,500; Charles E. McCarthy, publicity director, $23,400; E. I. Sponable, resident engineer, $17,990; Saul K. Rogers, attorney, $15,600; J. R. Grainger, sales department, $18,720; S. S. Buxbaum, branch manager, $18,720; Herman Wobber, district manager, $39,000; Harry Ballance, district manager, $20,800; Tom Bailey, district manager, $18,200; Edgar Moss, district manager, $26,000; C. W. Eckhardt, branch manager, $16,224; Robert Kane, associate producer, $91,000; Erich Pommer, associate producer, $80,915; Alfred Wright, attorney, $20,800; Arch Selwyn, supervisor, scenario department, $16,083; Erich Charrell, director, $35,000; George White, associate producer, $124,235.

TWENTIETH CENTURY: Darryl Zanuck, vice-president, $104,333; William Goetz, vice-president, $65,208; Raymond Griffith, production manager, $56,750; Edward Eberle, assistant production manager, $16,841; Harry Brand, publicity manager, $18,004; Fredric March, actor, $157,458; Wallace Beery, actor, $100,000; Ronald Colman, actor, $108,284; Maurice Chevalier, actor, $150,000; Clarke Gable, actor, $94,666; George Arliss, actor, $125,000; Charles Laughton, actor, $65,000; Adolphe Menjou, actor, $27,083; Edward Arnold, actor, $23,-125; Jack Oakie, actor, $24,208; Loretta Young, actress, $36,952; Constance Bennett, actress, $40,077; Roy del Ruth, director, $56,999; Richard Boleslawski, director, $34,270; Roland Lee, director, $20,000; William Wellman, director, $65,000.

CROSBY PRODUCTIONS, INC.: H. L. Crosby, Jr., president, $152,142; E. N. Crosby, secretary-treasurer, $42,120.

FOX WEST COAST THEATRES: E. L. Alperson, film buyer, $25,350; K. M. Bowles, division manager, $24,700; Charles A. Buckley, vice-president, $28,200; F. I. Metzler, treasurer, $15,600; J. J. Sullivan, vice-president, $29,120.

FOX MIDWEST THEATRES (Missouri): E. C. Rhoden, president, $32,050.

UNITED ARTISTS STUDIO CORP.: Alfred Newman, music director, $39,000; Aleander Kiam, costume designer, $36,166.

RENRAW INC.: Harry Warner, $23,333; Albert Warner, $23,333; Jack Warner, $23,333.

MOVIETONE NEWS INC.: Truman H. Talley, vice-president, $35,100.

ASSOCIATED THEATRES, INC. (Colorado: Rick Ricketson, division manager, $20,225.

GENERAL THEATRES (Colorado): Harry E. Huffman, president, $15,500.

BOSTON THEATRES OPERATING CORP. (Mass.): Al Somerby, treasurer, $15,600.

WISCONSIN AMUSEMENT ENTERPRISES CORP.: H. J. Fitzgerald, vice-president and general manager, $17,681.

SAMUEL GOLDWYN, INC. (New York): James A. Mulvey, secretary, $18,200.

RKO SERVICE CORP.: L. E. Thompson, president, $25,000; Nate J. Blumberg, vice-president, $23,750; Joseph R. McDonough, 2nd vice-president, $20,300; P. M. Stern, attorney, $23,490; A. E. Revch, vice-president, $18,000.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"O'Malley of the Mounted"

(Twentieth Century-Fox)

HOLLYWOOD, March 20.—Once more the mountie gets his man and gets his girl, and once more George O'Brien gets his audience. This smoothly produced outdoor action film starts with O'Brien as the star sleuth of the Royal Northwest Mounted Police sent into the Canadian wilds to track down a vicious border gang and avenge the death of a fellow officer.

Pretending to be a desperado, O'Brien stages a fake jailbreak with James Bush, a member of the gang, who then leads him to the gang's hideout. Irene Ware, Bush's sister, aids in the escape and nearly upset's O'Brien's plan by going along. Stanley Fields, gang member, suspects O'Brien, but his suspicions are allayed when O'Brien stages a holdup. Dangers continue to beset the group until the gang is finallly rounded up, Bush is cleared of the murder charge and O'Brien gets the girl.

A good cast includes Victor Potel, Reginald Barlow, Dick Cramer, Tom London, Charles King, Olin Francis and Crauford Kent. From William S. Hart's exciting story Dan Jarrett and Frank Howard Clark did a neat screen play. David Howard directed. Best exploitation angle is that featuring the battle of wits by one man in the stronghold of outlaws.

Production Code Seal No. 2,077. Running time, 59 minutes. "G."

Brandt Circuit May Total 75 by Summer

With 51 theatres now in the Brandt circuit, negotiations are under way whereby a number of new units will be added and pooled, William Brandt has indicated. It is expected that by the time the new season gets under way the circuit will have around 75, Brandt added.

Admits Owing on Tax

WASHINGTON, March 20.—Marion Davies filed a stipulation with the Board of Tax Appeals here today conceding she owes the Government $30,000 plus interest, in additional income taxes for 1931. The Internal Revenue Bureau had charged her with a deficiency of $52,044. She had paid a 1931 income tax of $100,292.

The deficiency was assessed on $260,000 received by the actress from the Forty-five East Fifty-seventh Co. of which she was the sole stockholder. She contended that the money was part repayment of funds advanced by her to the corporation.

"M'liss" Next Shirley

HOLLYWOOD, March 20.—Dorothy Yost has completed the screen play of "M'liss," from the story by Bret Harte, and it will be the next Anne Shirley picture. Radio had four scripts in preparation, but Miss Yost was first to get an okay on a completed draft.

Anita Louise with Flynn

HOLLYWOOD, March 20.—Warners have assigned the feminine lead in "The Charge of the Light Brigade" to Anita Louise. The male lead will be played by Errol Flynn.

Variety Club

Cleveland

CLEVELAND, March 20.—COL. HARRY E. LONG, Loew theatre division manager, and COL. NAT HOLT, RKO theatre head here, will be kings for the day at the weekly luncheon Monday in the Hotel Statler. BEN LYON, Mayor HAROLD L. BURTON, Safety Director ELLIOTT NESS and others will be guests.

Keno games Saturday nights are proving popular, with JACK SCHULMAN, DICK DEUTSCH and NAT WOLF in charge.

Chief Barker I. E. SCHMERTZ and a party motored to Buffalo for the annual ball and banquet of the Buffalo tent.

Barker DEUTSCH and MRS. DEUTSCH celebrated their 13th wedding anniversary at a party in the Mayfair Casino.

Leonard Goldstein Quits

HOLLYWOOD, March 20. — Leonard Goldstein today resigned as executive assistant to Ben Goetz, Consolidated Laboratories, and accepted a similar post with George Hirliman Prod. He will leave for New York in two weeks and will then go to England to negotiate deals.

M. Sullavan Replaced

HOLLYWOOD, March 20.—Margaret Sullavan, who suffered a broken arm in an accident here yesterday, will be unable to work for six weeks. Paramount will borrow a feminine lead for "Hotel Imperial" in which Miss Sullavan had been cast.

McCormick Coming Back

HOLLYWOOD, March 20.—Barret S. McCormick, RKO advertising and publicity head, will entrain for New York tomorrow night, having completed several days of conferences here.

Wall Street

Most Up Slightly on Board

	High	Low	Close	Net Change
Columbia, vtc	36½	36	36½	— ⅛
Consolidated	6½	6⅜	6½	+ ⅛
Consolidated, pfd	18½	18½	18½	.....
Eastman Kodak	165	163	163	+1
Eastman, pfd	165	165	165	— ½
Loew's, Inc.	48⅞	48⅜	48⅜	— ⅜
Loew's, pfd	106½	106½	106½	+ ⅛
Paramount	10¼	10	10	+ ⅛
Paramount 1 pfd.	76¾	76⅛	76⅛	+ ⅞
Paramount 2 pfd.	11	10½	10¾	.....
Pathe Film	8¼	8⅛	8¼	+ ¼
RKO	8⅜	7⅞	8⅛	+ ⅛
20th Century-Fox.	29	28¾	28⅞	+ ⅞
20th Century, pfd.	37	36½	36½	+1
Universal, pfd	91	89	90½	+2½
Warner Bros.	13	12⅜	12⅞	+ ⅜
Warner, pfd	53	53	53	+1

Technicolor Lone Curb Gain

	High	Low	Close	Net Change
Sonotone	2¾	2¾	2¾	.....
Technicolor	30	29⅜	29½	+ ⅛
Trans-Lux	4¼	4⅛	4⅛	.....

Bonds Off Slightly

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	30	29¼	29¼	— ¼
General Theatre Equip. 6s '40 ctf	29⅞	29	29	— ¼
Loew's 6s '41 ww deb rights	102½	102½	102½	.....
Paramount Pict. 6s '55	91½	91	91	— ½
Warner Bros. 6s '39 wd	95¾	94½	95¾	— ¾

(Quotations at close of March 20)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 69 NEW YORK, MONDAY, MARCH 23, 1936 TEN CENTS

Chance Games Expanding In Many Sections

Giveaway Insurance Is New Development

Giveaways as a means of bolstering theatre attendance continue to hold the attention of exhibitors throughout the country, as numerous situations are expanding the use of chance games of some sort, and state and municipal authorities are taking cognizance of a new offshoot of the games, giveaway insurance, under which participants in giveaways are insured against loss if their names are called when they are absent from the theatre.

Following are the outstanding recent developments in various parts of the country.

Free Games Approved

NEW HAVEN, March 22.—Chief of Police Philip T. Smith and Assistant City Attorney M. Edward Klebanoff have agreed to approve Bank Night, Cash Night and all other games in which free participation is possible. No decision has been handed down

(*Continued on page 9*)

ITPA Protests Cuts In Electric Scales

MILWAUKEE, March 22.—A protest has been entered with the Wisconsin Public Service commission by the I. T. P. A. against the commission's recent order reducing the electric light rate for athletic and baseball fields.

The association charges the new rate is discriminatory. Under it, these fields pay a rate of three cents per kilowatt hour for the first 2,000 kilowatts and two cents per hour for all over this amount. It is charged that theatres pay for their electric current nearly double that which is charged athletic fields.

Reade Gets Mineola On Surrogate Lease

Surrogate James A. Delehanty has leased the Mineola, Mineola, L. I., to Walter Reade for a term of 10 years. Matty Chrystamas had been operating the house for some time. Reade will alter the house extensively, Leo Justin stated Saturday. About two weeks ago a fire caused considerable damage.

With the acquisition of the Mineola, the circuit totals 36. The Rialto, Asbury Park, is being converted into a market. The house has been open six weeks in the past two years, Justin said.

Board Changes Due March 30 In the MPPDA

Shifts in Major Company Personnel the Reason

Several new directors will be elected to the board of the M. P. P. D. A. at its annual meeting March 30, in accordance with the Hays organization's practice of including in its directorate the heads of member companies.

Executive changes in member companies of the M. P. P. D. A. during the past year have resulted in making four or five officials eligible for election to the organization's board. Leo Spitz became president of RKO in November following RCA's sale of one-half of its RKO holdings. John E. Otterson was elected president of Paramount following the reorganization of that company last June. George Schaefer was recently appointed vice-president and general manager of United Artists, the top eastern post in that company. R. H. Cochrane, executive vice-president of Universal, will become president, and J. Cheever

(*Continued on page 9*)

C. E. Elliott Forms China Roars, Inc.

HOLLYWOOD, March 22.—Clyde E. Elliott today told of the formation of a company under the Nevada charter to be called China Roars, Inc. He stated that financial backing has been arranged through a syndicate of western capitalists. Release is indefinite.

Elliott has obtained the sanction of the Chinese government to film a picture. He sails with a complete crew April 27, aboard the *Chichibu Maru* for Nanking where he will confer with officials regarding protection of his unit in the interior of China.

The company is entirely new and separate from the unit formed a year ago with a Columbia releasing setup.

F. & M. Darkens Big House in St. Louis

ST. LOUIS, March 22.—Fanchon & Marco will close the Ambassador here on March 26, after the current week's show, for an indefinite period. Harry C. Arthur, F. & M. vice-president, declared the move was forced by an inability to obtain suitable product.

The theatre figures in the Government's action against RKO, Paramount and Warners, charging conspiracy, which is pending in Federal

(*Continued on page 9*)

Has Six Lined Up

With independent Broadway theatre operators hot after product for Easter Week, the Music Hall has six pictures from as many major companies tentatively lined up for April 10. So far W. G. Van Schmus hasn't decided on the attraction and the film companies involved are hoping for the best.

The attractions tentatively dated are: "Sutter's Gold," (Universal); "Captain January," (Twentieth Century-Fox); "Mr. Deeds Goes to Town," (Columbia); "Desire," (Paramount); "Little Lord Fauntleroy," (U. A.); and "The Witness Chair," (Radio).

Expect Golder To Delay Dual Move in Phila.

PHILADELPHIA, March 22.—Benjamin Golder, local attorney, who was appointed *amicus curiae* by the U. S. District Court here to attempt to determine whether or not a conspiracy existed among distributors to restrict the exhibition of double features by contract prohibitions, will make no significant move in this capacity while the distributors' petition for a rehearing of the duals case is pending, in the opinion of members of the local industry.

Golder, who was attorney for Harry and Louis Perelman in the case which resulted in the district court pronouncing illegal the anti-double feature clauses in contracts, returned from a Florida vacation some time ago, but has made no request of local exchanges yet for any records from their files. Distributors' attorneys do not recognize any authority in Golder's appointment as "friend of the court" to examine their private documents and, it is learned here, any attempt

(*Continued on page 9*)

Poster Men's Board To Meet Wednesday

The executive board of National Poster Service Ass'n. will hold a special meeting Wednesday at the Lincoln to complete details in connection with the annual convention slated for April 18-19 in Chicago at the Palmer House.

Attending the local session will be Simon Libros, president, and George Aarons, secretary, Philadelphia; Louis Weinzimmer, Harry Schlitt and Edward Behrens, New York.

See Flood As Hard Blow to Film Grosses

Theatre Damage, Jobless To Affect Business

As flood waters began to recede in the stricken areas of New England, Pennsylvania and the Ohio Valley, theatre men were making efforts to take stock of the damage done to houses and foresaw a probable serious curtailment of grosses for the next several weeks, at least.

In addition to the necessity of closing for repairs in many instances, exhibitors are faced with a situation wherein thousands have been thrown out of employment, although only temporarily, thousands are homeless and many communities are confronted with the threat of disease, food and water shortages and the failure of power facilities. All potential theatre patrons, these thousands obviously will have little funds or opportunity to attend theatres.

Circuit executives were reluctant even to attempt to estimate the extent of damages to theatres or the amounts which would be required to put theatres in shape again, until it was possible to survey the situations affected.

Loew's reported that its two houses in Hartford were only slightly damaged, water having come into the cellars but causing little damage. The managers of the houses were able to move most of the equipment. The same was true in the one house in Springfield, Mass. Those theatres were closed, it was stated, because of

(*Continued on page 3*)

Pathe Still Holds $248,000 RKO Notes

Pathe still owns $248,000 of RKO gold notes, it was disclosed on Saturday in a stipulation entered into with the RKO trustee. The holding represents the last of more than $3,000,000 of notes issued in 1930 when RKO acquired the Pathe assets.

Approximately 50 per cent of the original issue was in secured notes and was turned over to creditor banks by Pathe in 1930 and 1931. The balance comprised $1,696,000 of unsecured notes, all of which with the exception of the $248,000 remaining, were sold to *Time* magazine in April, 1935. Pathe received $340,000, or approximately 20 cents on the dollar, from *Time* for the $1,448,000 of notes. The

(*Continued on page 2*)

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JAMES A. CRON, *Advertising Manager*

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Extend Restriction On German Theatres

WASHINGTON, March 22.—The president of Germany's Federal Film Chamber has indefinitely extended his decree prohibiting the erection of new film theatres, according to a report to the U. S. Department of Commerce from Assistant Trade Commissioner Rolland Welch, in Berlin. The original decree would have expired on March 31.

An additional clause provides that, in cases where building permission has already been granted, the permit expires unless the house is put in operation within six months after the permit is issued.

Vitaphone 88% Finished

Of the 130 Vitaphone shorts scheduled for 1935-36 release, 115 have been completed, 88 per cent of the list. Of the full schedule, 92 will be done at Sam Sax's Brooklyn plant and the remaining 38 at Warners Burbank studio on the coast.

Seigel Not for Warners

Arthur J. Seigel denied on Saturday that he had any intention of rejoining Warners for the purpose of handling the Wisconsin theatres. He said that reports to that effect were "embarrassing."

"Boulder Dam" for Astor

"Boulder Dam" has been booked into the Astor, starting Friday.

Insiders' Outlook

By RED KANN

Hollywood, March 22.

THE chariot, a quivering Ford, was bouncing over Beverly Hills' boulevards and dodging automobiles as your correspondent hurried Dave Selznick to a prior appointment. Between traffic lights, rolling hills and the need for speed, it was a precarious undertaking, this job of poking into the Selznick mind for approaches on matters, current and future, in the celluloid world. . . .

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"With Hollywood tumbling over itself in the production of highly expensive negatives, don't you think it's about time to figure out how the money is coming back?" was one question as we beat a husky limousine to the crossroads. "I think the danger mark is reached on pictures costing one million," thought Selznick, his eyes on the road, not on us. "And yet, there is the case of 'Mutiny on the Bounty.' Look where that's going. I've made a number of pictures that cost a lot of money, but they've worked themselves out. Yet you're right in seeing a danger. The scramble for talent is responsible, but don't overlook the new competition coming from London. It's done considerable in sending up salaries. . . .

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"The answer is percentages for the real stars, not percentages based on the net which nobody here will go for, but percentage on the gross. The agents—you've heard of them—are for percentages, but only on the take from the first dollar," he continued. "I know it's a difficult thing to work out under the current system with pictures sold in blocks, but it no longer is for me. My arrangement with United Artists allows me to approve sales and that, naturally, gives me control over the rentals I get for my pictures. You know, I can see how the adoption of percentages will work out. The genuine stars draw them in any way and regardless of the picture quality. These performers will be very apt to gravitate toward the better type of producer because there will be a greater degree of assurance in the quality of the attractions. This in turn, would obviously mean that the combination of star and producer will result in smash attractions. That, to carry it further, would mean a greater return to the star on his or her percentage split." . . .

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Selznick has definite slants along other lines as well. "You may recall several seasons ago I struck a warning note on the cycle of costume pictures," he observed as interviewer and interviewed bounced along merrily. "Don't misunderstand. I think the costume attraction will continue, but only in moderation. There has been a flood of them in the last couple of years, perhaps too many. In parallel manner, the danger exists over classics. The good ones will get by, but something to watch out for is the filming of works of any noted author merely on the strength of his name. Dickens, for instance, wrote a lot of novels, but the public knows and remembers best only four or five." . . .

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"Well, then, what's coming next?" was the query. Selznick replied he saw a trend toward biography. "The evolution there will be first, biography with a romantic thread intertwined. Later, but gradually, I see no reason why producers cannot turn to straight biography without necessarily dragging in a fake romantic story. I think the public will go for it." Between traffic worries, the time was found to ask, "Do you propose trying it?" The answer, "Yes, I do, but I cannot tell what the subject will be. Ideas are too often pilfered out here." This commentator seemed to recall he had heard of that in his ramblings around Hollywood. . . .

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Immediately, this young and dynamic producer is rushing "The Garden of Allah" into production. Merle Oberon, whose tests in Technicolor turn Selznick breathless faster than you can read this, will be starred. Others in color will play a large part in his lineup what with John Hay Whitney and his Technicolor interests and his $750,000 investment in Selznick International Pictures. In this direction, Dave has a great deal of company. The first flush of success enjoyed by "The Trail of the Lonesome Pine" has made the Hollywood consciousness keenly aware of the possibilities. . . .

▼

Those possibilities nowhere, so far as could be discovered, embrace a long view. They are confined to an appreciation of the commercial value which no doubt is inherent in the first half dozen or so in color. This reporter goes anti-Whitney long enough to point up the strong probability that the uproar is very apt to subside after the rainbow has paid six visits or so at the box-office. Most of Hollywood, however, is excited no end and refuses to look beyond the end of its nose, red or not. Predictions that all pictures will be made in color in five years are as plentiful as the five dozen oranges anyone can buy for two bits, if he has the two bits. . . .

New Haven Criteria For Film Value Set

NEW HAVEN, March 22.—Local film study groups in the public schools criticize current pictures, as follows: (1) Does the picture come up to the boasts of their producers? (2) If it is a well-known novel, are the familiar characters portrayed as the author had intended? (3) Are minor points over-emphasized; are major points treated with indifference? (4) Do we find in the picture that the moral viewpoint, if there is any, is put across in the right way?

Criticisms are combined into a recommendation which is posted so that the school may be guided in its choice of current films.

Pathe Still Holds $248,000 RKO Notes

sale, it was said at the time, resulted from the publishing company's interest in attaining a closer affiliation with RKO preliminary to the consummation of the deal under which RKO took over distribution of the March of Time reel.

The notes held by Pathe and *Time* rank in the RKO reorganization proceedings with the unsecured claims of general creditors.

Roberti-Kelly Teamed

HOLLYWOOD, March 22.—Lyda Roberti will be teamed with Patsy Kelly in the next Hal Roach comedy. Roach is seeking someone to replace Thelma Todd as Miss Kelly's partner and will try three different players on the three remaining pictures to come of the original series of eight Todd-Kelly comedies. Pert Kelton was tried in the sixth, Miss Roberti will be used in the seventh, and another player will be found for the eighth.

Rosenquest Made Buyer

Harry E. Rosenquest, assistant to Norman H. Moray, in charge of Vitaphone sales, has been promoted to short subject buyer for the Warner circuit under Clayton Bond. Rosenquest succeeds William J. Clarke, who has resigned effective April 4.

Pioneer Has One to Go

HOLLYWOOD, March 22.—"Dancing Pirate" is finished and Pioneer has but one more picture to make for Radio release. After that the company will make four per year for United Artists. The story for the final Radio picture has not been selected.

N. J. Tax Vote Today

TRENTON, March 22.—Another vote will be taken tomorrow in the legislature in an attempt to pass the 4% admission tax measure.

See Flood As Hard Blow to Film Grosses

(*Continued from page* 1)

the failure of electric power in the area.

The Comerford houses in the eastern Pennsylvania section appeared to be the most seriously affected as a unit, 14 theatres having been hit in eight towns. No estimate of damage could be made for several days, it was indicated.

The Reade circuit, with five houses in Trenton, N. J., and two in Kingston, N. Y., reports business off at least 10 to 20 per cent because of the impeding of highway traffic. None of the circuit's houses is closed, however.

Offers Relief Programs

The 16mm. division of J. H. Hoffberg Co. has offered to furnish gratis a complete show, including features, shorts, projection equipment and operator, to any organization seeking to raise funds for the relief of flood sufferers.

Hartford Houses Damaged

HARTFORD, March 22.—With film shipments from Boston stranded as flood waters sweeping down the Connecticut valley washed out railroad rights-of-way and inundated highways, theatres in this city and neighboring towns are suffering serious damage. A great number of them are closed.

The waters of the Connecticut River rose above 36 feet on Saturday and caused much damage, with this city bearing the brunt of the ravaging torrent, and without telephones and lights.

Many theatres here were closed as well as stores. The Poli State, Astor and Crown were flooded. Loew's rushed pumps through from New York to Springfield, Mass., where the flood waters showed signs of receding. Crews were working night and day removing all seats from theatres in Middletown, Windsor, Collinsville and Thompsonville, towns in the path of the waters, where all houses were closed.

Delivery Service Maintained

PHILADELPHIA, March 22. — Horlacher Delivery Service, with headquarters here, reports that it has maintained its film delivery service in the Philadelphia and Washington flood area to all theatres which were able to present performances. The company also delivered to the far northwestern part of Pennsylvania, where houses usually get their film by rail. It was necessary on many occasions to travel as much as 100 miles out of the way to make deliveries, the company reported.

Close Houses in Ohio Town

MARIETTA, O., March 22.—The rampaging waters of the flooded Ohio River swept into this town on Saturday, covering the downtown streets with 10 feet of water and forcing the suspension of all business. Business houses and all theatres on Pomerox St. were boarded up.

Other towns along the river in this area were momentarily expecting the crest of the flood to strike, with the possibility that the downtown business sections will be in the direct path of the flood.

Further down the river Cincinnati was waiting anxiously, expecting the river to reach flood proportions today or tomorrow. However, no theatres are located in the immediate vicinity of the river. It is expected they will be safe unless the waters spread beyond expectations.

Mass. Houses Closed

LOWELL, Mass., March 22.—All theatres in this town and others along the Merrimack River are closed. Film deliveries are seriously impeded to those houses in the area which are able to remain open. Many of the houses, although not damaged to any extent by water, have been unable to open because of the failure of power lines.

15 Feet in Auditorium

JOHNSTOWN, Pa., March 22.—The Wilmer & Vincent Embassy here, forced to close the other night in the midst of the show, reported 15 feet of water in the auditorium. No estimate could be made as to when the house would be able to reopen.

Vehicle for Fonda Set

HOLLYWOOD, March 22. — Henry Fonda's first starring role for Radio will be in "His Majesty's Bunker Bean." John Grey is writing the screen play from the novel and play by Harry Leon Wilson, and the picture will be directed by Edward Killy and William Hamilton. William Sistrom will produce and the picture is scheduled to start late this month.

◂ *Purely Personal* ▸

WILLIAM WYLER plans to leave for the coast either Wednesday or Thursday with the first draft of the script of "Dodsworth." SIDNEY HOWARD, who is preparing the script, will head for Hollywood later and finish the work there.

•

JACK PARTINGTON returned Saturday from Boston where he attended the opening performance of "Hollywood Ballet," an F. & M. unit. The show will open today at the Metropolitan Opera House for a two-day run.

•

NORMAN H. MORAY, who arrived in Seattle today on his country-wide trip among Vitaphone branch managers, will leave tomorrow for San Francisco.

•

ELISHA COOKE, JR., New York stage player, has been placed under contract by Universal, and has been assigned a role in "Money from Heaven."

•

MILDRED LAW, young dancer who has appeared in Vitaphone shorts, has been signed by Warners. She will leave shortly for the Burbank Studios.

•

WILLARD MCKAY will return from a brief Florida visit today by plane after renewing acquaintance with his family, there a few more weeks.

•

BUDDY CANTOR has been named film commentator for Station WMCA. On March 24 he will interview PEGGY CONKLIN.

•

EUGENE PICKER'S wife will leave Doctors' Hospital either Wednesday or Thursday with the latest arrival in the Picker family.

•

WILLIAM SMALL has opened Theatre Advisory Exchange, Inc., to tell exhibitors how to finance houses, keep them in condition and run them.

•

LOUIS K. SIDNEY is now sunning himself at Miami Beach. He'll be there for about two weeks.

•

MIKE KALLETT of Oneida, N. Y., was due in town this week, but didn't keep to the schedule.

•

NICHOLAS M. SCHENCK is due back from Miami this week.

ERNEST V. HEYN has been named editor of the new film fan magazine to be published in April by *Radio Guide*. Heyn was eastern editor of *Photoplay* and *Movie Mirror*. CARL SCHROEDER has been named western representative for the new magazine.

•

JOE MOSKOWITZ returned Saturday from Philadelphia where he attended the opening of a new play.

•

WALTER READE is back in town after spending the week-end at his New Jersey shore home.

•

PAUL COHEN of M-G-M's foreign department has changed his name to PAUL CRANE.

•

JOSEPH M. SCHENCK got in yesterday from the coast, via the rail route.

•

JACK W. SPRINGER leaves today for Miami for an extended vacation.

•

HARRY C. ARTHUR arrives from St. Louis within the next few days.

•

HOWARD S. CULLMAN returned from Palm Springs, Cal., yesterday.

•

. . . *Bridgeport*

SAM BODAMO has succeeded PATRICK ALONZO, resigned, as manager of the Globe.

ARTHUR C. ESPOSITO, publicity director here for Loew houses, is back to work after an illness.

LARRY STARK of the Bijou, New Haven, has been named assistant manager of the Majestic here.

FRANK SILVA, JR., has resigned as Park press agent, to handle radio publicity for the National Democratic Committee in Washington and Buffalo.

HUMPHREY DOULENS, *Post* and *Telegram* critic, is back to work after an operation.

•

. . . *Denver*

ABLE DAVIS has taken over the ROXY from CHARLES U. YEAGER.

SAM KAMINSKY, formerly a film exchange man, has become a big butter and egg man. He has bought a butter and cheese market. Says business is fine.

A. J. NARANJO, operating in Maxwell, N. M., has extended his portable circuit to Roy and Wagon Mound, N. M.

"Breakfast," Rogers Band, Philly Lead

PHILADELPHIA, March 22.—"Love Before Breakfast" at the Earle with Buddy Rogers and his band on the stage made the best showing in a week of rain and holdovers which held grosses down all along the line. The take was $16,500, over par by $2,500.

"Wife vs. Secretary," in its second week at the Stanley, was good for $16,000, up by $2,000. "Little Lord Fauntleroy," in its second week at the Aldine, was good for $9,000, but all other spots failed to make a showing.

Total first run business was $88,800. Average, without the Erlanger, is $81,950.

Estimated takings for the week ending March 19:

"LADY CONSENTS" (Radio) (2nd run)
ARCADIA—(600), 25c-40c-50c, 7 days. **Gross:** $2,100. (Average, $2,800)

"LITTLE LORD FAUNTLEROY" (U.A.)
ALDINE—(1,200), 40c-55c-65c, 7 days, 2nd week. **Gross:** $9,000. (Average, $8,160)

"TRAIL OF THE LONESOME PINE" (Para.)
BOYD—(2,400), 40c-55c, 7 days. **Gross:** $15,000. (Average, $14,000)

"LOVE BEFORE BREAKFAST" (Univ.)
EARLE—(2,000), 25c-40c-50c, 7 days. Stage: Buddy Rogers and Band, Jeanie Lang, Cookie Bowers, Bill Steel, Betty Kean. **Gross:** $16,500. (Average, $14,000)

"LADY OF SECRETS" (Col.)
ERLANGER—(2,000), 40c-55c, 7 days. **Gross:** $4,000.

"THE COUNTRY DOCTOR" (20th-Fox)
FOX—(3,000), 40c-55c-65c, 7 days, 2nd week. Stage: Edgar Bergen, Boy Foy, Sylvia Manon & Co. **Gross:** $15,000. (Average, $14,000)

"STORY OF LOUIS PASTEUR" (F.N.) (2nd run)
KARLTON—(1,000), 25c-35c-40c, 7 days, 2nd week. **Gross:** $3,500. (Average, $4,000)

"FOLLOW THE FLEET" (Radio) (2nd run)
KEITH'S—(2,000), 30c-40c-50c, 7 days, 2nd week. **Gross:** $3,200. (Average, $4,000)

"WIFE VS. SECRETARY" (M-G-M)
STANLEY—(3,700), 40c-55c, 7 days, 2nd week. **Gross:** $16,000. (Average, $14,000)

"I CONQUER THE SEA" (Academy)
STANTON—(1,700), 30c-40c-50c, 7 days. **Gross:** $4,500. (Average, $7,000)

Wall Street

Little Changes on Board

	High	Low	Close	Net Change
Consolidated Film.	6⅜	6¼	6¼	— ¼
Eastman Kodak...	162	162	162	—1
Loew's, Inc.....	48	48	48	— ⅜
Loew's, Inc., pfd..	106¾	106¾	106¾	+ ¼
Paramount	10	9¾	9¾	— ¼
Paramount 1 pfd..	76	76	76	— ⅛
Paramount 2 pfd..	107⅞	103¼	103¼	.....
Pathe Film.....	9¼	8⅜	9⅛	+ ⅞
RKO	8¼	8⅛	8⅛	.....
Warner Bros.....	12⅞	12⅜	12¾	— ⅛

Sonotone Up on Curb

	High	Low	Close	Net Change
Sonotone	2⅞	2⅞	2⅞	+ ⅛
Technicolor	29⅜	29⅛	29⅛	— ⅜
Trans Lux.....	4⅛	4⅛	4⅛	.....

Bonds Mostly Inactive

	High	Low	Close	Net Change
General Theatre Equip. 6s '40....	29¼	29¼	29¼	.....
General Theatre Equip. 6s '40 ctf.	29	28½	28½	— ½
Keith B. F. 6s '46.	95	95	95	.....
Paramount Pictures 6s '55.....	91	91	91	.....
Warner Bros. 6s '39 wd.....	95¾	95½	95¾	.....

(Quotations at close of March 21.)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Bridge of Sighs"

(*Invincible*)

HOLLYWOOD, March 22.—For entertainment purposes this is a sober toned crime drama carrying a formula love interest contrast. Commercially it provides the value of several better-than-ordinary names in the featured parts, including Onslow Stevens, Dorothy Tree, Jack LaRue, Walter Byron, Oscar Apfel and Maidel Turner. A well knit plot and good acting maintain suspense. The picture is acceptable as a second feature.

It opens in a court room. An innocent man is convicted of murder. Love interest develops immediately between District Attorney Onslow Stevens and Dorothy Tree, sister of Paul Fix, the convicted man. Convinced of her brother's innocence, Miss Tree contrives to get herself imprisoned in the women's penitentiary. Striking up an acquaintance with Mary Doran, a gangster moll, she participates in a jail break after getting necessary information identifying the real killer. In a quick action-packed auto chase climax she leads the police to the gangsters' hideout and with the aid of Stevens makes it possible for Police Chief John Kelly's officers to capture Walter Byron, the murderer, and Jack LaRue, his henchman, Oscar Apfel and others.

The original screen play by Arthur Horman makes for maximum dramatic thrills and excitement, some laugh-provoking comedy contributed by Kelly and an adequate romantic contrast, qualities of which Phil Rosen's direction takes good advantage.

Production Code Seal No. 1,990. Running time, 65 minutes. "G."

"Little Miss Nobody"

(*Twentieth Century-Fox*)

HOLLYWOOD, March 22.—Offering Jane Withers in her most interesting characterization to date, Sol Wurtzel has produced a picture which nicely balances humor, pathos and heart throbs.

Miss Withers, cast as an inmate in an orphan home, finds avoiding trouble an impossibility. When she is caught changing identification records, the authorities decide to commit her to a reform school, not knowing that she has made a change to give the benefit of a good home to Betty Jane Hainey, at a personal sacrifice. Escaping while traveling, Miss Withers is befriended by Harry Carey, who himself is a fugitive from justice. The situation is cleared when Carey's enemy, Thomas Jackson, is killed while robbing the home of Ralph Morgan, who becomes identified as Miss Withers' real father.

John Blystone directed, skillfully getting much from the scenes that are dominated by children. The adults in support include Sara Haden, Jane Darwell and Clarence Wilson, all contributing good performances. The screen play is by Lou Breslow, Paul Berger and Edward Elliscu from a story by Frederick Hazlitt Brennan.

The picture should please all general audiences.

Production Code Seal, No. 1,979. Running time, 72 minutes. "G."

Short Subjects

"Bottles"

(*M-G-M*)

Taking an ordinary plot, the producers of this colored cartoon have turned out a superior film with new twists and innovations. The story is of a chemist who makes a poison. After bottling it in a black bottle that has a realistic death's head for a cork he falls asleep. The bottle comes to life as do the others in the shop, reduces its filler, bodily, to miniature size and proceeds to wreak havoc. There is novelty with baby bottles singing and crying, bay rum bottles doing rumbas and the other possibilities in a drug store that make for remarkable innovation. The chemist is pursued by the death's head, and some thrilling chase sequences follow which show clever distorted animation as the victim is forced through his chemical apparatus and various hazards. The coloring and action is superb. It ends with the chemist waking from his nightmare and laughing it off. An artistic and imaginative cartoon, it is certan to please. Production Code Seal, No. 2,005. Running time, 8 mins. "G."

"For the Love of Pete"

(*Vitaphone*)

Joe Palooka, played by Robert Norton, comes to the screen in a comedy patterned after the comic strip. It is quite authentic with a Knobby Walsh, portrayed by Shemp Howard, that is realistic. The story concerns the efforts of Howard to get started in the fighting game again, and how he achieves this end. Norton is a baggage handler in a small town railroad station and brushes with the visiting champion who knocks him down after a pup tears his clothes out of his bags. Howard takes Norton under his wing in the haberdashery business, using his great strength around the shop. When he is informed that the challenger is in jail he substitutes Norton, who starts training. The expected happens in the big fight and Norton becomes champion. There is some humorous slapstick in the film which will find favor with the comic strip readers. Production Code Seal, No. 0734. Running time, 21 mins. "G."

"I'm a Big Shot Now"

(*Vitaphone*)

This is a color cartoon with action and invention which should put it over. Birdville's leading gangster is loafing in a saloon telling the world how tough he is and beating up a policeman to prove it. He decides to rob the bank, and, calling his gang together, pulls the job off. He retreats with the whole police force on his tail feathers, but is discovered in a hideout. The police lay siege with much shooting taking place. At length he is taken, quite ingeniously, and lodged in jail from where he sings what a jailbird he is now, somewhat mournfully. Production Code Seal, No. 2,019. Running time, 7 mins. "G."

"Paris in New York"

(*Vitaphone*)

Irene Bordoni is featured in this musical. She sings a few numbers which are spotted around a somewhat meager story. Miss Bordoni is the hit of a show. In an interview she reveals how she has tricked George Franklin, her producer, while drunk, into believing he had arrived in Paris when as a matter of fact he had been on a cruise-to-nowhere ship and was back where he started. The flash back method is used and when it reaches the supposed scene in a Paris cabaret a few vaudeville acts perform routine continental stuff. There is a burlesqued xylophone turn that provides good comedy. Franklin signs up the lot and still under the influence of liquor returns on the Hoboken ferry with his finds. A few novel dances and good musical numbers accompany the plot. Production Code No. 0778. Running time, 22 mins. "G."

"Wash Your Step"

(*Vitaphone*)

Hal Leroy, Cherry and June Preisser and the Eton Boys are involved in this amusing comedy of the washing machine business. Leroy is a super salesman and shows the boss how he sells machines with his singing and tap dancing. He is given Park Ave. territory and tries to sell a machine to his boss' wife while he is entertaining the Preisser sisters. For doing this Leroy is fired and he gets another job with what he thinks a rival company, as selling instructor. He finds out while wooing the boss' daughter, June, that the company is one of the former's large holdings. He gets the girl, however. This is a tuneful comedy with good entertainment. Production Code Seal, No. 0731. Running time, 22 mins. "G."

"Beauty Shoppe"

(*Universal*)

An Oswald, the rabbit, cartoon number not up to the standard of some of its predecessors. Oswald pursues three monkeys into a beauty shop with a net. They get permanent waves, do tricks with dummies, shave each other and perform other mildly amusing stunts. Production Code Seal, 1,955. Running time, 6 2/3 mins. "G."

Short Subjects

"The Vaud-O-Mat"

(*Mentone-Universal*)

A set built to resemble the tiny food compartments of an automat is used to introduce a series of vaudeville acts. Biglow and Gerald, comedy tumblers, get change at a cashier's booth and drop coins in various slots to start the acts. Vaudeville fans probably will enjoy the number. The acts presented are: Donatella Brothers, accordion players; the Smart Set Foursome; Edith Mann, dancer; Toto, the clown, with Meryl Mento; Adele Lawrence, singer, and Biglow and Gerald, themselves, in their comedy gymnastic stunts. Production Code Seal, 0890. Running time, 16 minutes. "G."

"The Blow-Out"

(*Vitaphone*)

Porky, a cartoon character, has a thirst for sodas, but lacks the necessary cash. He does one good deed after another and runs into a villainous character who goes about blowing up buildings with time bombs. He trails after the culprit and returns the bombs to him as often as he plants them. Eventually he brings about the capture of the criminal and gets the reward. The fadeout has him guzzling one soda after another. Average cartoon entertainment. Production Code Seal, No. 2,020. Running time, 7 mins. "G."

"Vitaphone Spotlight"

(*Vitaphone*)

Four vaudeville acts make up the material for this short. There are seen the Five Elgins, who do a juggling act with hats and Indian clubs; the Balabanow Accordion Revue, dancing and playing at the same time; Frank Conville and Sunny Dale, the former doing an impersonation of Chaplin, and acrobatic roller skating by Helen Reynolds and her troupe. Production Code Seal, No. 0886. Running time, 10 mins. "G."

"Stranger Than Fiction" Nos. 18-19

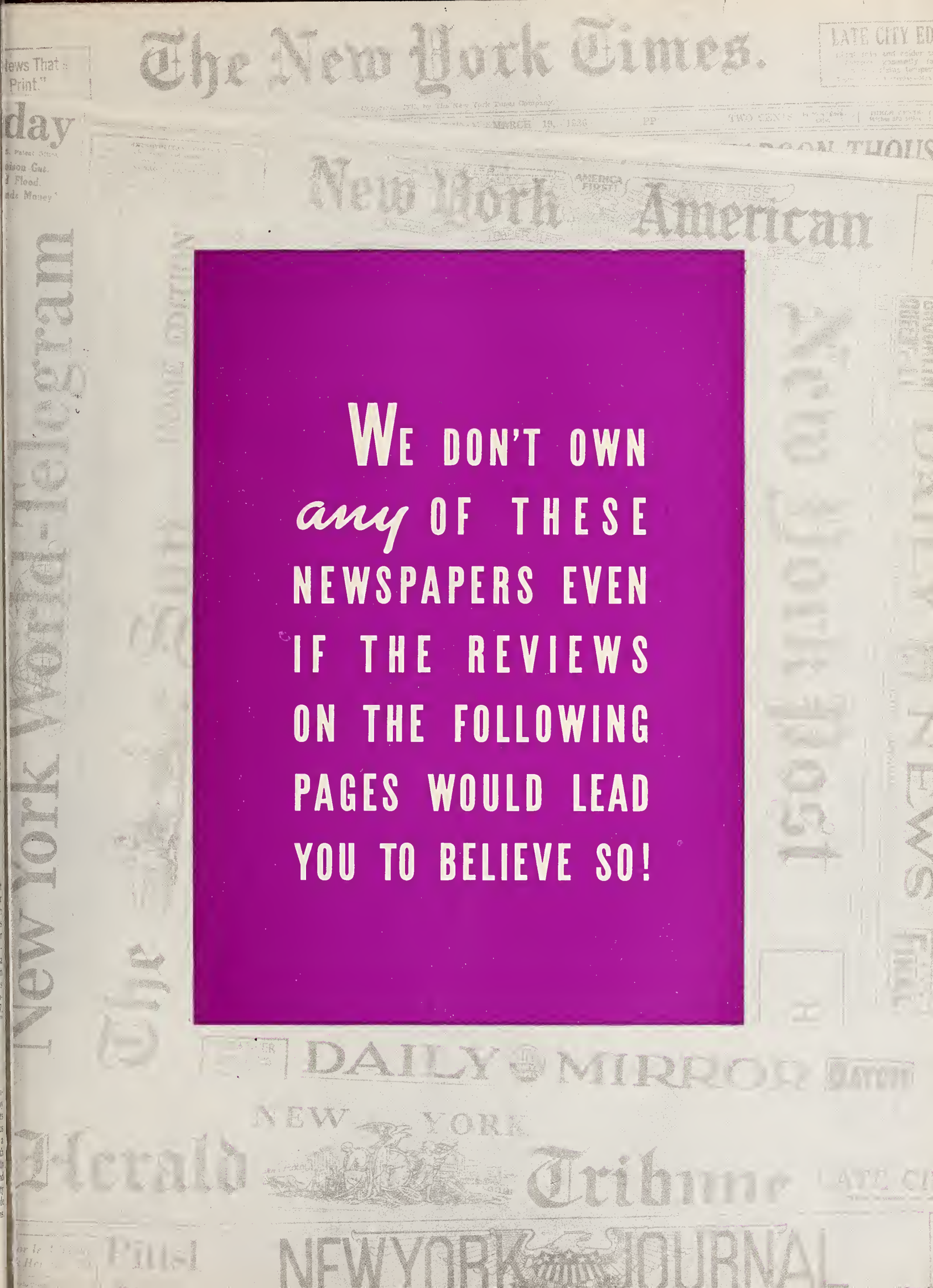
(*Universal*)

Two interesting numbers. The first shows an extraordinary house never finished at Santa Barbara by Sarah L. Winchester who believed in spirits and tried to confuse them. Other subjects are a tidal wave at Hangchow, the making of gold leaf, a church in a glass case, a woman blacksmith, and a machine that melts metal by using the sun's rays. Production Code Seals, 0896 and 0897. Running time, 9½ mins. each. "G."

"Going Places"

(*Universal*)

This is very interesting and beautifully photographed, with narrative by Lowell Thomas. Land and air shots of Morro Castle at Havana; gorgeous street scenes with public buildings; a current human interest touch with Colonel Battista giving out presents to children, and tourists in cafes and night clubs are shown. There is plenty of good music, too. Production Code Seal, 0860. Running time, 9 mins. "G."


WE DON'T OWN
any OF THESE
NEWSPAPERS EVEN
IF THE REVIEWS
ON THE FOLLOWING
PAGES WOULD LEAD
YOU TO BELIEVE SO!

"THESE THREE" FINE SCREEN STORY

By REGINA CREWE

Samuel Goldwyn is one of those motion picture miracle men who makes a practice of accomplishing the impossible. His latest achievement is in evidence upon the Rivoli's screen where he offers exquisite dramatic entertainment, a triumph of ingenuity, and, as a dramatic vehicle, "These Three" retains all the grim power, the irresistible forcefulness.

Karen Wright and Martha Dobie labor together in the establishment of a New England girls' school, aided always by young Dr. Cardin and the socially powerful Mrs. Tilford. Paradise are the shallow and garrulous Aunt Lily Mortar and the particularly venomous, diabolically malicious little liar, Mary Tilford. It is this thoroughly unpleasant child who learns through the intimidation of eaves-dropping schoolmates that there has been a scene between the evil-minded Aunt Lily and Martha Dobie in which the elder woman has accused her niece of undue friendship with Karen's fiance, Dr. Cardin.

With this information in her possession, this small slice of Satan romps home to a credulous Grandma with wild tales which are seemingly substantiated by the perjured testimony of the completely subjugated Rosalie, a girl ensnared in the vicious thrall of the sardonic Mary. Ruin follows. The righteous and doting Mrs. Tilford spreads the tidings, and the school is fled as a plague spot. Martha, Karen and Joe—"These Three"—are encompassed by disaster. A libel suit is brought and lost for lack of a word from the precious Aunt Lily. The Doctor is dismissed from his hospital. The girls face a bleak and dreary future of ostracism.

Worse, even, than this is the doubt that looms large in Karen's mind regarding the fidelity of her fiance and her friend. The engagement is broken, and an honest confession from Martha of her silent love for the unsuspecting Joe brings utter dissolution and desolation. It is from the blathering lips of Aunt Lily, returned "at long last," that the first gleam of truth penetrates the fog of doubt and falsehood. Rosalie confesses her bondage to Mary, Mrs. Tilford tries vainly to make amends, Martha reunites Karen and Joe, so that there is a happy ending for at least two of "These Three."

The piece is well-cast and exquisitely played. Acting honors go to Marcia Mae Jones and Bonita Granville, as the Rosalie and Mary of the drama. Carmencita Johnson distinguishes herself, as well, as others do nicely. Alma Kruger is ruthlessly righteous as the first proud, then pitiable Mrs. Tilford, while Catherine Doucet is a properly irritating Aunt Lily.

The starring trinity works well, Miss Oberon is most effective, Mr. McCrea does some of his best trouping as the Doctor, and Miss Hopkins graciously subordinates herself to the requirements of her part.

The part of Mary Tilford emerges as one of the most truly terrible ever conceived, and its portrayer, the talented Bonita Granville, excels as the chilling child whose skin you'd love to touch—with a paddle. Director William Wyler tells his story with strength and skill.

N. Y. AMERICAN

"THESE THREE," AT RIVOLI, EXCITING DRAMA OF SLANDER

By BLAND JOHANESON

"These Three" is a stirring and fascinating drama of slander's effect on innocent and civilized people.

With Merle Oberon and Miriam Hopkins in the leading roles, and Joel McCrea opposite them, it is a brilliantly acted and forcefully true story; an adult picture of strength, tenderness and charm.

The two young women schoolmates, open a boarding school for little girls. Devoted to each other and and Marcia Mae Jones play the to their work, they manage to lead roles in support of the princimake it go. Miss Oberon's betpals. Director Wyler has persuaded trothal to Mr. McCrea makes no amazing performances from both difference in their warm relations. of them. Little Miss Granville is as One of their pupils, however, a wicked a villain as ever has been venomous child, resents discipline screened. And little Miss Jones is and proceeds to invent elaborate a weak and pitiable foil. Both are trouble. She reports to her grand- fascinating little players.

mamma that the young doctor's The production is handsome and visits to the school are unsavoury, in delightful taste. Miss Hopkins that Miss Hopkins has betrayed and Miss Oberon wear smart frocks her friend. The school is ruined which actually seem plausible in in due course. The girls are per- school-teachers. The New England suaded to misunderstand each school is charming.

other. A nasty slander suit piles Delicately and cautiously further tragedy upon the unfortu- handled "These Three" is a touchnate trio. ing and delightful picture. Wome

Two little girls, Bonita Granville particularly, will relish it.

N. Y. MIRRO

HERALDING THE ARRIVAL OF "THESE THREE," AT THE RIVOLI

By FRANK S. NUGENT

Miss Hellman's job is little short of brilliant. She has constructed an absorbing, tautly written and dramatically vital screen play. To it, in turn, a gifted cast headed by Merle Oberon, Miriam Hopkins and Joel McCrea has contributed lavishly of its talents, aided by superb direction and exceptionally fine photography. In its totality the picture emerges as one of the finest screen dramas in recent years.

The film has that quality of muddled helplessness which three persons experience when they find themselves struggling vainly to cut through the porous fabric of lies told by a venomous little girl. Because of an unreasoning lie, three lives have their courses changed and nothing can ever again be the same for any of them. Not even the film's happy ending can hide the realization that this is a tragedy.

Miss Hellman's story is of the two young head-mistresses of a school for small girls, both in love with the same man, Dr. Cardin, or, if you prefer, Joel McCrea. Miss Oberon has his heart, while Miss Hopkins is content to worship from afar. Then little Mary Tilford, a malevolent vixen who lies by preference and has a pathological hatred for her teachers, runs home to her grandmother and, to escape a punishment, whispers the venomous untruth about the misconduct of the doctor and his sweetheart's best friend.

The tale, confirmed by another little girl for reasons which must be seen to be believed, is accepted with horror and spread with indignation and her friend. The engagement is broken, and an honest confession from Martha of her silent love for the unsuspecting Joe brings utter dissolution and desolation. It is from the blathering lips of Aunt Lily, returned "at long last," that the first gleam of truth penetrates the fog of doubt and falsehood. Rosalie confesses her bondage to Mary, Mrs. Tilford tries vainly to make amends, Martha reunites Karen and Joe, so that there is a happy ending for at least two of "These Three."

The piece is well-cast and exquisitely played. Acting honors go to Marcia Mae Jones and Bonita Granville, as the Rosalie and Mary of the drama. Carmencita Johnson distinguishes herself, as well, and others do nicely. Alma Kruger is ruthlessly righteous as the first proud, then pitiable Mrs. Tilford, while Catherine Doucet is a properly irritating Aunt Lily.

The starring trinity works well, Miss Oberon is most effective, Mr. McCrea does some of his best trouping as the Doctor, and Miss Hopkins graciously subordinates herself to the requirements of her part.

The part of Mary Tilford emerges as one of the most truly terrible ever conceived, and its portrayer, the talented Bonita Granville, excels as the chilling child whose skin you'd love to touch—with a paddle. Director William Wyler tells his story with strength and skill.

N. Y. TIMES

By EILEEN CREELMAN

Samuel Goldwyn has produced a magnificent picture.

Miss Hellman has done her usual practically perfect job. She has had rare help, too, in making "These Three" one of any year's outstanding pictures. She had Mr. Goldwyn to insure perfection of detail. She had William Wyler to direct, to get every last emotion out of those tense situations. She had a cast-made box office by the presence of Merle Oberon and Miriam Hopkins, with the secondary roles brilliantly acted by two little girls, Bonita Granville, as the detestable Mary Tilford, and Marcia Mae Jones, as her frightened aid.

The skill of Mr. Wyler's direction is best illustrated by the performance of Joel McCrea, who really acts now and then. He plays Dr. Cardin, about whom the tragedy centers. The two young teachers are the important characters, but the script gives the doctor's role significance.

Mary Tilford is the hateful brat, with Bonita Granville seeing to it that the audiences want to strangle her. Mrs. Tilford listens to Mary's lies when she runs to from school; she destroys the school and its young principals by repeating, in sober good faith, lies to the mother of each pupil.

Mary overhears Martha's aunt taunting her with Karen's fiance, with that final sequence when the two girls have lost their scandal suit against Mrs. Tilford, admits her own unguessed torment about Joe. Having remained together through all the agony of a trial, the three separate.

Its punch is double that of any film since "The Informer," which it resembles not in the slightest.

"These Three," although a play has its share of real gayety. Its mood, until the world cracks up about its young trio, is happy and heart-warming. It's not likely any one will miss this.

N. Y. SUN

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"THESE THREE" SUC CHAP

By THOR

Since Charlie Chaplin had that his picture has found drama that is distinguished character and luminous per been assembled on the scre Miriam Hopkins, Merle Granville and Marcia Mae supporting cast, collabora and inescapably credible.

The story tells of the of two young school teach tablish themselves in a s munity. Their resourc chiefly of their keenne thusiasm, but with t young Dr. Cardin they get going and are on a success when catast takes them and lays course of thei seeded in the love for one of the teac propelled to a clir malignant little Me of the pupils, brin dalous charge of The tragedy is fir Dobie, the other t

ESE THREE" ABSORBING CINEMA

By ROSE PELSWICK

/ no picture in recent years has come in for more advance
n than the one that arrived yesterday at the Rivoli Theatre.
uel Goldwyn's production, "These Three," which, before going
il, can be set down as an absorbing, excellently acted and
ly distinguished drama.

REE STARS IN FILM

picture has been expertly
Miriam Hopkins and Merle
n appear as two young teach-
who conduct a girls' school
smart New England town.
McCrea is a young doctor who
in love with Miss Oberon,
ware that the other girl is in
e with him. Then one of the
ung students, a vicious and hate-
l child, works herself up into a
rage against her teachers, who
had punished her for lying. Learn-
ing that the doctor had been in
Miss Hopkins' room late at night,
she magnifies the utterly innocent
incident to scandalous proportions when relating it to her
grandmother. The grandmother
informs the parents of the other
pupils, and all the children are
withdrawn from the school, and
when the three helpless victims
try to defend themselves by suing
for libel, they lose the case.

N. Y. JOURNAL

critics unanimously
eatness of a picture...
ell open an extra box-
tare of the crowds that
o storm your theatre!

"THESE THREE" AT RIVOLI SUPERB FILM

By KATE CAMERON

Miss Hellman has done a superb job. She has kept the drama and the action throughout at a high tension pitch. The dialogue is most effective. There is ncither an unnecessary nor a phony word in the picturc. Every scntence uttered by the actors rings true and even the hysterical outbursts of the little wolf in chit's clothing, who is the ten-ycar-old villain of the piece, are too vividly rcal to be comfortable.

The story is not a pretty tale. The villain-child, Mary Tilford, who is a pupil at the New England girls' school run by Martha Dobie and Karen Wright, builds up a fictitious case against Miss Dobie and Miss Wright's fiance, Dobie Joseph Cardin, which she presents to her horrified grandmother. Mrs. Tilford refuses to believe that lurid tale until Mary's story is backed up by Rosalie Wells, another pupil whose weakness for wearing a roommate's bracelet unknown to the latter, has put her under the evil influence of Mary.

Mrs. Tilford feels called upon to rescuc the other children from the school and in her righteous anger she succeeds in thoroughly ruining the lives of the three people concerned in the lying tale. The two girls and the doctor bring Mrs. Tilford to court for their slander but they lose the case. Then slander begins to doubt her friend and her lover and the three go their various ways until Martha gathers from the prattling of her selfish and scatter-brained aunt, Mrs. Mortar, that Rosalie was forced by Mary to back up the latter's lie. Martha sees Rosalie and gently extracts the truth from her, in time to send Karen off to meet Dr. Cardin in Vienna.

CHILD ACTORS HAILED

Thc three principal performers Miriam Hopkins, Merle Oberon and Joel McCrea, distinguish themselves by their fine, understanding interpretation of the roles of the school-teachers and the doctor. But it is the children of the cast that make the deepest impression by their realistic performances. Bonita Granville, who is the daughter of the well known stage actor, Bernard Granville, is magnificent in her portrayal of the perfect brat and little Marcia Mae Jones, who falls under the spell of the wicked child, gives a heart-tearing performance.

Catherine Doucet, as Aunt Lily Mortar, and Alma Kruger, in the role of the grandmother, give the able support to the principals. The less important roles are capably handled, too.

The production, as a whole, is a fine, artistic accomplishment on the part of the producer, the director and the cast. William Wyler, who directed the story, has fitted each scene beautifully into the other and has skillfully adapted the tempo of each incident to the mood created by it.

N. Y. DAILY NEWS

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AT THE RIVOLI

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of the Rivoli it is well
sor in "These Three," a
citing, keen perception of
s felicitous a cast as has
Copperfield."
cCrea, the young Bonita
ayers, aided by a faultless
a drama that is absorbing

ier love for the doctor and is
n-hearted when he becomes
ged to Karen Wright. But it
ves them all when Mary Til-
inflamed by a hatred of the
hers, runs away and tells her
ndmother of imaginary happen-
s which she claims to have ob-
ved and heard when the doctor
ited Martha Dobie in her room.
The resulting holocaust destroys
ie career to which the teachers
ave devoted themselves and breaks
he engagement of Dr. Cardin and
Karen. The ruination is complete
despite their later vindication when
a confession is finally wrung from
the wretched child who did the
damage.

N. Y. POST

By WILLIAM BOEHNEL

An honest, sensitive, beautifully acted film that deserves the admiration and respect of all moviegoers.

Lillian Hellman herself fashioned the screen play—fashioned it with sincerity, super-fine writing, unflinching character observation and unerring feeling for showmanship. Samuel Goldwyn, the most tasteful and courageous of the Hollywood impresarios, produced it with his customary brilliance; William Wyler directed it with a sure touch, and it is played to perfection by Miriam Hopkins, Merle Oberon, Joel McCrea.

THE HISTORY OF A MALICIOUS LIE

With nothing more than college degrees and a grim determination to make a success of their future the Misses Karen Wright and Martha Dobie take over the former's old and dilapidated Connecticut farmhouse and with the aid of Dr. Joseph Cardin, a local medico, rebuild it so that they can use it as a school for young girls. With much labor, deprivation and heartaches they develop their enterprise so that it attains an enviable reputation.

But among their pupils is a poisonous little imp Mary Tilford, the granddaughter of the school's most influential patroness. Given to cheap lies and bullying, this loathsome little creature is punished by Miss Dobie, and purely out of malicious revenge spreads the rumor that Miss Dobie and Dr. Cardin have been having an affair.

The effect of her malicious lie is fatal. Not only does it destroy temporarily Karen's faith in Cardin, with whom she is in love, but horrified parents, convinced of the truth of the rumor by Mary's grandmother, withdraw their children from the school, leaving the enterprise a financial wreck and the two schoolmistresses social exiles. To regain their self-respect Martha and Karen, aided by Cardin, bring a libel action against Mary's grandmother, but are unable to prove their innocence. Eventually, when Martha, Karen and Cardin have gone their separate ways, Martha forces a confession out of Mary, and the grandmother tries to make restitution. But the real damage has been done. A beautiful friendship between three young people has been forever destroyed by a detestable lie, even though Karen and Cardin do eventually find happiness together.

All the players give their best to it. As the diabolical adolescent Bonita Granville plays it superbly. But hers is not the only fine written into the role—plays it for all the venom that Miss Hellman has piece of acting. Little Marcia Mae Jones, as the youngster who is bullied into silence, is in many respects better than Miss Granville, and if there are any acting honors to bestow they should go to her without reservation. Miss Hopkins, Miss Oberon, Mr. McCrea and all the others, too, give performances that are a joy to watch.

See "These Three," then, and in doing so see a film of real distinction.

N. Y. TELEGRAM

By RICHARD WATTS, Jr.

Miss Lillian Hellman has wrought a stirring, mature and powerful motion picture, a genuinely distinguished photoplay that is a vast tribute to all concerned in its production.

It is the story of how the lives of two young school teachers were wrecked by the malicious lies of a spiteful child. In "These Three" the child's slander deals with the relationship between the two girls and the doctor who has befriended them.

The idea works out with high effectiveness. By her lie, the child succeeds in poisoning her credulous aunt against the young teachers, in turning the community against them and in destroying their school. The other girl really did love the doctor, even though innocently, and there is reason for the mutual suspicion that is the ironic cream of the tragedy. By showing you the way in which the two heroines had built up their school, gives its eventual destruction a quality of pathos while the ending is none the less moving.

Of course, it is the character of the child that dominates the proceedings. The youthful actress, Miss Bonita Granville gives as always a believable and impressive portrayal. I wish, however, that the drama had been written so as to throw more light on the social and psychological background responsible for the girl's maliciousness of spirit.

Miss Merle Oberon brings her personal attractiveness, her increasing expertness as an actress and her excellent voice to the role of the school teacher engaged to the doctor and Miss Miriam Hopkins plays with directness, honesty and admirable reticence the part of the girl who loves the part man silently and hopelessly. Joel McCrea, for the first time as I recall it, provides a genuine and forthright characterization as the guiltless physician. But the most moving performance of all is that of little Miss Marcia Mae Jones, who is quite heart-breakingly soft and helpless as the innocent tool of the monstrous child. William Wyler's direction is exceptional and, as usual, Mr. Goldwyn's production is tasteful and handsome.

N. Y. HERALD TRIBUNE

Stop Press News!

SECOND DAY'S SWIRLING CROWDS SEND RIVOLI RECEIPTS TO NEW WALL-BULGING HIGH AND EVEN TOPS THE SENSATIONAL OPENING DAY'S RECEIPTS BY $712 . . .

as we go to press at 5 P. M. of the third day the amazing box office rush shows that 1146 more people have purchased tickets (today Friday) than during the same period of the preceding day.

SAMUEL GOLDWYN *presents*

These Three

with

Miriam **HOPKINS** · *Merle* **OBERON**

JOEL McCREA

Directed by
WILLIAM WYLER

Screenplay by
LILLIAN HELLMAN

Released thru **UNITED ARTISTS**

Chance Games Expanding In Many Sections

(*Continued from page* 1)

with reference to Screeno, Bingo and Beano, although it is intimated that Bingo is looked upon with disfavor.

No further action will be taken, it is said, unless further complaint is received warranting police or court action. State police, however, have been checking all theatres in this vicinity for overcrowding on game nights. About 10 theatres here operate cash awards.

Bans in Bridgeport and Waterbury remain in effect. The Lido in Waterbury is the first there to offer merchandise prizes on Prosperity Night, instead of cash, a substitute suggested by the authorities.

Plan Wichita Giveaways

KANSAS CITY, March 22.—Wichita, free of giveaway troubles all through the depression, will join the procession within the next few weeks when Fox Midwest introduces Bank Night at the Miller, Palace and Orpheum, first run houses there.

Fox shortly will introduce the promotion at the Watson, Eldorado and the Brown-Grand at Concordia, Kan. At Hutchinson the circuit probably will add the Fox to its other two there using Bank Night.

Outside of Topeka and Winfield in Kansas, and Springfield in Missouri, the circuit is using Bank Night in all of its important towns. Topeka has been kept fairly clean of extra-theatre promotions, although at least one independent is using Screeno there.

Commonwealth Amusement Corp., operating about 25 theatres in western Missouri, Kansas and Iowa, is using Bank Night almost 100 per cent. Among the few exceptions are the Gillioz, Monett, Mo., and State, Garden City, Kan., both newly added.

Texas Insurance Illegal

HOUSTON, March 22.—Bank Night insurance as offered here has been declared a lottery and ruled illegal by Attorney General McCraw of Texas. District Attorney Barkley plans a local test case.

Insurance associations here have been offering a 25-cent policy insuring the purchaser from losing on Bank Night in the event his name is called when he is absent from the theatre.

The attorney general has been asked to rule on the Bank Night question, but has not handed down an opinion. Independent theatre owners protested Bank Night practices as unfair competition.

The opinion on insurance pointed out that this type of organization could not under the law receive a permit from the insurance department.

Iowa Bans Insurance

DES MOINES, March 22.—The Iowa Insurance department has refused to sanction a plan for Bank Night insurance here. Maurice V. Pew, deputy insurance commissioner, assured the applicants that the department would interfere if such a plan were launched.

All the independent theatres here have joined in starting Bank Night, inspired by the crowds drawn by Tri-States' Bank Night plan. The first drawing last week started at $200 and the money was collected at the Beaver.

Reserves Bank Night Verdict

GREENWICH, Conn., March 22.—Decision in the first Bank Night test case in Connecticut has been reserved by Judge L. Paul Burke in Town Court here. Henry C. Dreyer, manager of the Pickwick, was arrested when he refused to discontinue cash awards and is at liberty under bail of $500. He plans to continue the weekly Bank Nights until a decision is handed down.

Prosecuting Attorney Henry B. White brought two charges against Dreyer. Throughout a lengthy trial witnesses were examined to bring out the method employed by the theatre on Bank Nights.

The defense contended that the management did not raise the price of admission on Bank Nights, that it was not necessary for a patron to pay any more for the extra ticket handed him and that no inferior pictures were shown on the designated nights. Also it was shown that it was not necessary that a person be in the theatre when his name was called to receive the award.

Kansas to Study Games

TOPEKA, Kan., March 22.—Attorney General Clarence V. Beck of Kansas plans to move against Bank Night and other promotions.

Complaints have come to his office, Beck said, indicating that some schemes were becoming rackets. Another worry of the Attorney General is the fire hazard created by people blocking doorways during drawings. He is asking cooperation of local law enforcement officers.

Sues on Bank Night

KANSAS CITY, March 22.—Affiliated Enterprises, Inc., patentees of Bank Night, has filed suit here against Dusty Rhodes' Gillham and Rube Finkelstein's Belmont, asking $300 each from the exhibitors, who refused to pay rentals on the promotion because the company allowed Fox Midwest to use a Bank Night pool plan in their 13 Kansas City houses. Both exhibitors continue to use Bank Night.

Plan Tampa Insurance

TAMPA, March 22.—It is reported here that a company is to be formed to offer insurance on Bank Night drawings. The plan, to operate under state insurance regulations, calls for the insuring of patrons at the theatre, at a rate of five cents for each $100, the policy to be good for only one week.

Win Milwaukee Case

MILWAUKEE, March 22.—Local exhibitors won their third victory on charges of violating lottery and gambling ordinances when a district court jury decided Hollywood was not a gambling game. The case was brought against Earl Williams, manager of Fox's Oriental. Police raided the house recently.

Foresees Legal Ban

NEW CANAAN, Conn., March 22.—A forecast that the 1937 Connecticut legislature will enact a law banning cash awards in theatres of the state has been made by Judge Stanley P. Mean of this town. "There is no law against it now, but there will be when the legislature meets again," he said.

Bank Night in Pittsburgh

PITTSBURGH, March 22. — Bank Night has reached the first run sector here. The Alvin, Harris house, institutes the game this week, in conjunction with five of the circuit's neighborhood houses. The Alvin has used an automobile giveaway and will replace it with the cash awards.

Has Two Kinds of Nights

NEW ORLEANS, March 22. — Ben Dudenheffer, local agent of Bank Night, is now handling Buck Night as well. He took over the latter after W. O. Tuttle quit.

Senator Impressed

Washington, March 22.—"The Story of Louis Pasteur" broke into a Senate debate and made the *Congressional Record* the other day.

In discussing the Public Health Service appropriation Senator McKellar of Tennessee said he had just seen the picture at the Earle and that "Paul Muni's wonderful characterization had further impressed him with the vital importance of the Public Health Service."

Changes in MPPDA Board Due March 30

(*Continued from page* 1)

Cowdin, chairman of the board, under the impending transfer of control of that company. Cochrane is already a member of the M. P. P. D. A. board.

The consolidation of Twentieth Century-Fox also was accomplished during the year. Sidney R. Kent, president, is a member of the M. P. P. D. A. board. Joseph M. Schenck, who will attend the annual meeting, is not.

Annual reports of Will H. Hays and department heads will be presented to the meeting.

Golder Delay Seen In Phila. Dual Move

(*Continued from page* 1)

he may make to do so will be contested in the courts.

The distributors' application for a rehearing before the U. S. Circuit Court of Appeals for this district of their appeal from the district court's decision holding the anti-duals clauses to be illegal has not been decided yet. Therefore, the case is still in the process of appeal, it is pointed out, and any move Golder may make now in his capacity of *amicus curiae* would be invalidated should the distributors win their appeal steps.

Approve Operator Bill

ST. LOUIS, March 22.—The Public Safety Committee of the Board of Aldermen has approved a bill sponsored by local projectionists requiring an operator for each projector in local houses. The measure, if passed, will have little effect immediately, as practically all houses employ at least two operators on each shift. Theatre men at public hearings had declared the bill unnecessary.

"Pasteur" Is Sensation in Chicago Loop

CHICAGO, March 22.—"The Story of Louis Pasteur," in after an outstanding exploitation campaign, piled up a huge $11,800 at the Apollo. It built from day to day with remarkable word-of-mouth advertising. Par for the house is $4,500.

"The Lone Wolf Returns" garnered $13,700 at the State-Lake, and "The Petrified Forest," with John Boles on the stage at the Chicago, pulled an excellent $39,000. This was over the line by $9,000.

Total first run business was $128,300. Average is $117,000.

Estimated takings:

Week Ending March 17:

"TRAIL OF THE LONESOME PINE" (Para.)
ROOSEVELT—(1,591), 30c-60c, 7 days. **Gross:** $10,500. (Average, $11,000)

Week Ending March 19:

"FOLLOW THE FLEET" (Radio)
PALACE—(2,509), 25c-50c, 2nd week, 7 days. **Gross:** $18,300. (Average, $19,000)

"PETRIFIED FOREST" (W.B.)
CHICAGO — (4,000), 35c-68c, 7 days. Stage: John Boles headlining. **Gross:** $39,000. (Average, $30,000)

"THREE LIVE GHOSTS" (M-G-M)
ORIENTAL—(3,490), 25c-40c, 7 days. Vaudeville. **Gross:** $15,200. (Average, $15,000)

"THE MILKY WAY" (Para.)
GARRICK—(900), 25c-50c, 7 days. **Gross:** $5,800. (Average, $5,500)

Week Ending March 20:

"STORY OF LOUIS PASTEUR" (W.B.)
APOLLO—(1,400), 25c-50c, 7 days. **Gross:** $11,800. (Average, $4,500)

"MODERN TIMES" (U.A.)
UNITED ARTISTS—(1,700), 35c-60c, 4th week, 7 days. **Gross:** $14,000. (Average, $17,000.

"THE LONE WOLF RETURNS" (Col.)
STATE LAKE—(2,776), 20c-35c, 7 days. Vaudeville. **Gross:** $13,700. (Average, $13,000)

F. & M. Darkens Big House in St. Louis

(*Continued from page* 1)

court, New York. In recent weeks the house has been grossing approximately $13,000, considered a fair take. The weekly rental of $2,350 has been paid by St. Louis Ambassador Theatre, Inc., of which Arthur is president, but it is understood the bondholders' committee for the property has indicated that it would declare a default.

Buy Two Martini Songs

HOLLYWOOD, March 22.—Pickford-Lasky has bought two songs for Nino Martini's next picture, "The Gay Desperado." They are: "Tonight, Lover, Tonight," by Jack Stern and Harry Tobias, and "The World is Mine Tonight," by Holt Marvell and George Posford. Response to the numbers after Martini had tried them out in a broadcast influenced the purchase.

Form Theatre Company

HARRISBURG, March 22.—Rex Reading Corp., of Reading, has been chartered here to operate theatres. Incorporators are Sarah Rossheim, Joseph B. Rossheim and Howard A. Lehman.

"Fleet" Winds Up 3rd Week On the Coast

Los Angeles, March 22.—"Follow the Fleet" completed its third week in fine style, going $2,000 over average at Pantages, but dropping below par at the Hillstreet by approximately the same amount.

"Three Women" at the Grand International made the only other impressive showing in a week of poor grosses, doing close to $2,000 above the line.

The weather was good.

Total first run business was $66,933. Average is $88,150.

Estimated takings for the week ending March 18:

"THE COUNTRY DOCTOR" (20th-Fox)
CHINESE—(2,500), 30c-55c, 7 days. 2nd week. **Gross:** $7,500. (Average, $12,500)

"PASSING OF THE THIRD FLOOR BACK" (G.B.)
FILMARTE — (800), 30c-40c, 7 days **Gross:** $1,200. (Average, $2,000)

"VOICE OF BUGLE ANN" (M-G-M)
4 STAR—(900), 30c-55c, 7 days, 2nd week. **Gross:** $2,200. (Average, $3,250)

"THREE WOMEN" (Amkino)
GRAND INTERNAT'L—(750), 35c-40c, 7 days. **Gross:** $3,000. (Average, $1,200)

"FOLLOW THE FLEET" (Radio)
HILLSTREET—(2,700), 25c-40c, 7 days, 3rd week. **Gross:** $5,700. (Average, $8,000)

"THE COUNTRY DOCTOR" (20th-Fox)
LOEW'S STATE—(2,500). 30c-55c, 7 days, 2nd week. **Gross:** $9,000. (Average, $14,000)

"FOLLOW THE FLEET" (Radio)
PANTAGES—(3,000), 25c-40c, 7 days, 3rd week. **Gross:** $5,200. (Average, $3,200)

"DESIRE" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, Al Lyons and his orchestra. **Gross:** $14,000. (Average, $18,000)

"COLLEEN" (W.B.)
WARNER BROS. (HOLLYWOOD) — (3,000), 25c-40c, 7 days. **Gross:** $9,333. (Average, $14,000)

"COLLEEN" (W.B.)
WARNER BROS. (DOWNTOWN) — (3,400), 25c-40c, 7 days. **Gross:** $9,800. (Average, $12,000)

Chaplin Is $12,300 Leader in Buffalo

Buffalo, March 22. — "Modern Times" was the topnotch draw here in a week that saw every first run house in town beating par comfortably. It drew $12,300 to the Great Lakes, over average by $5,000 and was held over.

"The Country Doctor" was $3,000 to the good at the Buffalo, and the Lafayette's dual, "Invisible Ray" and "His Night Out," went $2,500 over the line with a take of $8,500.

Total first run business was $54,000. Average is $42,000.

Estimated takings for the week ending March 14:

"THE COUNTRY DOCTOR" (20th-Fox)
BUFFALO—(3,000), 30c-50c, 7 days. **Gross:** $15,100. (Average, $12,000)

"WIFE VS. SECRETARY" (M-G-M)
HIPPODROME—(2,500), 30c-50c, 7 days. **Gross:** $7,400. (Average. $7,300)

"MODERN TIMES" (U.A.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $12,300. (Average, $7,300)

"PADDY O'DAY" (20th-Fox)
"IT'S A GREAT LIFE" (Para.)
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,600. (Average, $5,800)

"THE INVISIBLE RAY" (Univ.)
"HIS NIGHT OUT" (Univ.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $8,500. (Average, $6,000)

"THE LEAVENWORTH CASE" (Republic)
GAYETY—(1,600), 15c-25c-35c, 7 days. Stage: "Revue Continental." **Gross:** $4,100. (Average, $3,600)

Out Hollywood Way

Hollywood, March 22. — Ginger Rogers wins screen star popularity contest of the *South China Morning Post*, Hongkong, for the second consecutive time; Claudette Colbert runner-up. . . Leighton Brill returned to Paramount after technically advising on "Showboat.". . . John Hay Whitney author of Pioneer's new slogan, to be used on all ads: "Pioneer Pictures Color the World" . . . Paul Mantz, favorite pilot of local elopers, has built a replica of an old pusher for 20th Century-Fox's "Turmoil."

"Dancing Pirate" completed by Pioneer. . . Harry Highsmith of the M-G-M music department, back after an illness of two weeks. . . 20th-Fox lifts option on Michael Whalen, likewise Delma Byron. . . Paramount gives term contract to Louise Stuart and lifts option on Elizabeth Patterson. . . . Columbia contract to John Galludet. . . . Warner pact for Rosalind Marquis. . . . Ken Whitmore from Paramount's publicity staff to Columbia as assistant to Bill Thomas. . . . Wid Gunning joins Paramount writing staff, working on "Let's Get Married."

Universal signs Jeanne Dante, Doris Nolan. . . . Harrison Forman technical advisor on Columbia's "Lost Horizon." . . . Arthur Jacobson, Universal player, will be known as Henry Hunter. . . . 20th-Fox handicap golf tournament April 5, with 400 entries to date. . . All studios to contribute for the ninth annual Temple Israel benefit show March 28. . . Rodney Bush leaves Paramount to head new trailer department at Radio under Harry Benedict. . . . Marcella Bannett, secretary to David O. Selznick for three years, resigned because of illness and plans European rest. . . . Muriel Roberts gets long termer at 20th-Fox. . . . Larry Fine, one-third of Stooges, father of 10-pound boy.

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Casting—Charles Butterworth, Hilda Vaughn, Phillip Sleeman to "Half Angel," 20th-Fox. . . . Arthur Hoyt and Tyler Brook added to "Poor Little Rich Girl," same studio. . . . King Baggott and Juanita Quigley in "Witch of Timbukto," M-G-M. . . . Wallace Beery in title role of "Old Hatch," same studio. . . .Wade Boteler and Gene Morgan to "And So They Were Married," Columbia. . . At Radio Alec Craig to "Mary of Scotland," Landers Stevens to "The Ex-Mrs. Bradford," Harry Carey to "The Last Outlaw."

Marian Marsh and Lloyd Nolan in "Queer Money." . . . Alice Brady in "The Harvester," Republic. . . . Ernie Smith, former football star, in "The Under Sea Kingdom," Republic serial. . . . Halliwell Hobbes in Warners' "The Charge of the Light Brigade." . . . Eddie Schubert in "Earthworm Tractors," Warners. . . . Donald Crisp added to "Angel of Mercy," also Warners . . . Joan Bennett, Joel McCrea and Elisha Cooke, Jr., to Universal's "Money from Heaven"... Thomas Beck, second masculine lead in "White Fang," 20th-Fox... Wendy Barrie, James Stewart, Weldon Heyburn, Una Merkel to "Speed" at M-G-M. . . . Alan Hale and Sidney Toler to untitled Laurel and Hardy feature, Roach. . .Walter Abel in "Mob Rule," M-G-M. . . Henry O'Neill, Addison Richards and Olin Howland to Warners' "Earthworm Tractors." . . . Spring Byington, Mary Treen to "Stage Struck," same studio. . . . Eadie Adams in "San Francisco," M-G-M. . . Billy Watson in "Small Town Girl," M-G-M.

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Writers—Francis Faragoh, Edward T. Lowe and John Patrick get new term contracts at 20th-Fox. . . . Edith Fitzgerald doing screenplay on "The Old Timer," Paramount. . . . Joseph Traub adapting "Cops and Robbers" at Warners. . . . William Rankin writing screenplay for his original, "Kingdom Come" for Paramount. . . . Tom Van Dycke adapting "The Man Who Lived Twice," Columbia. . . . Laird Doyle on script of "Three Men on a Horse," Warners. . . . Olive Cooper doing additional dialogue on Republic's "Navy Born." . . . Jefferson Parker and Murray Roth writing script of "Public Nuisance No. 1," 20th-Fox.

✚

Directors—J. Walter Rubin to direct "Suicide Club" for M-G-M. . . . Alexander Hall assigned to "The Duchess" at Paramount. . . Lewis D. Collins to do "Twenty Fathoms Below" for Republic.

✚

Title Change—"Mr. Deeds Goes to Town" release title of Columbia's Frank Capra film formerly called "Opera Hat."

Goldwyn Writers Busy

Hollywood, March 22.—With eight films scheduled for production at the Goldwyn studios for the coming season, writers at work include: Jane Murfin, making final revisions on "Come and Get It"; W. P. Lipscomb, on "Hurricane"; Sidney Kingsley, on "Dodsworth," in New York, and Samuel and Bella Spewack on the screenplay of "The Princess and The Pauper."

Joins Supply Company

Boston, March 22.—William Hawkins has been appointed by manager Ken Douglas as the Vermont and New Hampshire sales representative for Capitol Theatre Supply Co.

Shreve Gets K. C. Post

Kansas City, March 22.—Walter Shreve has been made manager of the local office of National Theatre Supply Co., succeeding Walter Denney, resigned.

Shreve has been with the company for 10 years, and most of that time he has spent in the western Missouri and Kansas territory.

A. G. Smith has rejoined the branch and will cover Kansas and part of Missouri.

Atlantic Acquires Two

Atlantic Pictures Corp. has closed with Twickenham Prod., London, for American distribution of "Last Journey" and "His Private Secretary."

"Secretary" Is Seattle Best, Getting $8,300

Seattle, March 22.—"Wife vs. Secretary" was the big noise of the week. It grossed $8,300 at the Fifth Avenue, thereby passing par by $1,300. It was moved to the Blue Mouse for an extended run.

"The Country Doctor" was good in its second week at the Music Box, an extended run from the Fifth Avenue. The $4,250 take was up by $250. Other sports failed to impress.

Total first run business was $31,650. Average is $33,500.

Estimated takings for the week ending March 20:

"FOLLOW THE FLEET" (Radio)
BLUE MOUSE—(950), 25c-40c-55c, 7 days, 3rd week, extended run from Orpheum. **Gross:** $3,200. (Average, $4,000)

"WIFE VS. SECRETARY" (M-G-M)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $8,300. (Average. $7,000)

"HELL SHIP MORGAN" (Col.)
"TWO SINNERS" (Republic)
LIBERTY—(1,800), 10c-15c-25c-35c, 7 days. **Gross:** $3,850. (Average. $4,000)

"THE COUNTRY DOCTOR" (20th-Fox)
MUSIC BOX—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Fifth Avenue. **Gross:** $4,250. (Average, $4,000)

"KLONDIKE ANNIE" (Para.)
"EVERY SATURDAY NIGHT" (20th-Fox)
ORPHEUM—(2,450), 25c-30c-40c, 7 days, 2nd week. **Gross:** $5,700. (Average, $6,000)

"BOULDER DAM" (W.B.)
"BOHEMIAN GIRL" (M-G-M)
PARAMOUNT—(3,050), 25c-30c-35c, 7 days. **Gross:** $4,450. (Average, $5,000)

"LAUGHING IRISH EYES" (Republic)
REX—(1,500), 15c-25c-35c, 7 days. Stage: "Chez Davis' Chicago Follies." **Gross:** $2,900. (Average, $3,500)

Silent Scenes Out, Dreher Report Says

Hollywood, March 22.—Hardly a single silent scene is made in films today, according to a report by Carl Dreher, head of the Radio sound department. Radio's consumption of sound stock rose in 1935 to 7,000,000 feet, after remaining at approximately 5,000,000 for three years. Last year nine pictures used over 200,000 feet of sound each as against two such films in 1934.

The total footage run through the recorders since Radio began making sound films, according to Dreher's report, was more than 32,000,000 at the end of 1935. More than one-third, or 37 per cent, of all features released by Radio in 1935 contained music, the report said, with an increase expected this year.

Klinger to Pittsburgh

Pittsburgh, March 22.—Jack Klinger, manager of the Granada in Toledo, O., for a group headed by William Skirboll, has come here to handle the newly reopened Barry, formerly the Pitt. Klinger will remain until the house is running smoothly, then will name his own successor.

Erlanger Holding Films

Philadelphia, March 22. — The Erlanger, managed by Samuel F. Nixon-Nirdlinger, which turned film house for "Modern Times," will continue in this policy.

Owing to a temporary jam on first run product at the Stanley and Boyd, Nirdlinger expects to get other major product for the season.

WELL-NAMED

SUPER X . . . as unusual as it sounds, and well-named too. For it passes superlatively excellent photographic quality on to the screen. Producers, exhibitors, the public . . . everyone benefits. No wonder that cameramen choose Super X Film for the majority of the big feature pictures. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

The Top Box-Office Author Names in Pictures!

HAROLD BELL WRIGHT

ZANE GREY

Principal Productions, Inc.

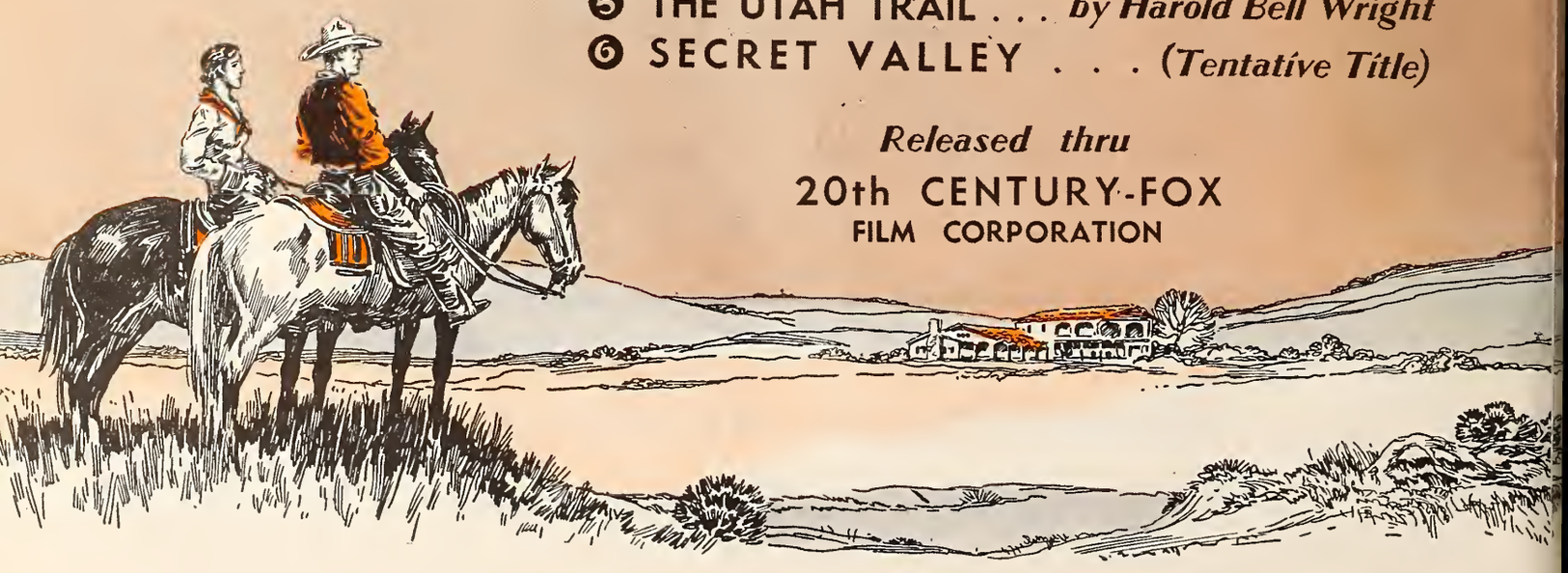
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A *New* Series of HAROLD BELL WRIGHT *and* ZANE GREY Outdoor Classics

1. ALIAS BRIAN KENT . . *by Harold Bell Wright*
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3. THE DEVIL'S HIGHWAY *by Harold Bell Wright*
4. SMOKY RANGE . . . . *by Zane Grey*
5. THE UTAH TRAIL . . . *by Harold Bell Wright*
6. SECRET VALLEY . . . *(Tentative Title)*

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FILM CORPORATION



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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Block Sales Measure Hit By Schaefer

Answers Independents on Pettengill Bill

By CLARENCE LINZ

WASHINGTON, March 23.—No industry in the country has keener competition than prevails among the affiliated houses of distributors, the Pettengill sub-committee was told here today by George J. Schaefer, vice-president of United Artists. "It is a case of dog eat dog," he declared, explaining that while the various distributors sell to each other's affiliates they do on the same basis as to independents, and protect the latter either by splitting the product or by refusing to sell the affiliate.

"This is the 'monopoly' of which the proponents of the block booking bill complain," he said. Shaefer devoted his testimony almost entirely to a categorical answer to the charges of

(*Continued on page 7*)

Copyright Hearing To End on Apr. 15

WASHINGTON, March 23.—Members of the House Patents Committee today agreed definitely to close the hearings on copyright revision April 15, and, if necessary, to appoint sub-committees to take testimony simultaneously.

As the committee tomorrow begins another week of hearings on the Duffy Bill, with representatives of the film industry scheduled to be heard, the Neely sub-committee on block booking will meet to discuss the course to be taken with respect to the Neely-Pettengill Bill on which hearings were held last month.

During the executive meeting which is planned it is expected that the pro-

(*Continued on page 8*)

Nathanson Contract Talk to Be Resumed

Negotiations for renewal of N. L. Nathanson's contract as operating manager of Famous Players Canadian Corp. are to be resumed by Y. Frank Freeman, Paramount theatre head, in the near future. Nathanson's contract expires in June and the renewal is expected to be on a long term basis.

The negotiations to date are reported to have proceeded "satisfactorily." Freeman returned last week end from a 10-day visit to Paramount southern theatre headquarters.

Flood Repairs Are Rushed With Outlook Much Better

Quick surveys of theatre damage as flood waters recede have left circuit heads and individual operators in a somewhat more cheerful frame of mind than they were late last week.

The heaviest damage is concentrated in Pittsburgh where both Warners and Loew's have emergency crews at work and are arranging to send in reserve seat equipment and new carpets.

Hartford and other Connecticut river towns are still without light, but actual damage to houses in that territory is not as great as was at first anticipated.

Pittsburgh Digging Out

PITTSBURGH, March 23.—Downtown theatres began digging themselves out of the flood wreckage over the week-end and losses are now being estimated at well over $2,000,000. The Penn, hardest hit of all, has $500,000 damage alone and it will be at least six weeks before this house can reopen. The Alvin and Stanley managements are more optimistic and believe they can resume operations Easter week. It is

(*Continued on page 8*)

Bergner Films to U. A. for 5 Years

By BRUCE ALLAN

LONDON, March 23.—United Artists has signed a contract with Elisabeth Bergner and her husband and producer, Dr. Paul Czinner, whereby U. A. will handle world distribution on all Miss Bergner's pictures for the next five years. The deal was negotiated by Samuel Goldwyn, who declared today the closing of the contract was one of the chief reasons for his trip here. Miss Bergner, who was taken ill recently, is in a nursing home.

All the Bergner films will be made at Denham, and the stories will be left entirely to the discretion of the star. Her first three will be Sir James Barrie's "The Boy David," George Bernard Shaw's "St. Joan"

(*Continued on page 8*)

Fellner, Executive Of Cecil Film, Dies

LONDON, March 23.—Herman Fellner, managing director of Cecil Films, Ltd., was found dead in his home here yesterday. He apparently had hanged himself. He was 58 years old. He was largely responsible for introducing the sales policy here of selling territorial rights to films instead of single prints instituted in 1913. The

(*Continued on page 8*)

Symphonic Again

These symphony orchestras can't scare Dave Rubinoff and his Stradivarius. He has just accepted an invitation to conduct the Seattle Symphony in July—and has accepted. The 62nd annual convention of the Shrine will be there.

Several months ago when Rubinoff went to Cincinnati to conduct the Sinsinnahtee Symphony Orchestra a flock of girls kissed him at the railroad station. Then some of the musicians with upraised brows walked out before the allegro movement, but nevertheless they paid off the deficit.

Jersey Shifts To Lower Rate On New Taxes

TRENTON, March 23.—A new amusement tax program of one cent on each 25-cent admission bracket with no exemptions was under consideration by legislative leaders tonight as part of a move to impose a broad-base tax.

Veteran legislators want to bring the thrice-defeated amusement-luxury tax bill to a vote again tonight before turning to the far-reaching new levy. The amusement tax in the present bill is four per cent on gross admissions, to be absorbed by exhibitors who, they say, could raise their scale to cover the tax or absorb the loss.

If this bill is defeated again, plans are to abandon it and turn to a general state tax. Included with amusements in the present bill are taxes on

(*Continued on page 4*)

Theatre Liquor Bill Passed in Assembly

ALBANY, March 23.—The Assembly today passed the Brownell Bill which permits theatres in New York City to be licensed as sellers of alcoholic beverages.

The bill now goes to the Senate where it must be also passed before becoming a law.

RKO to Have At Least 48, States Levy

March of Time, Bowes, 36 Shorts Scheduled

RKO Radio will have no less than 48 features next season, Jules Levy, vice-president and general sales manager, stated yesterday upon his return from a two-month trip to Honolulu and Hollywood. This is the same number as for the current season.

The short subject schedule will virtually be the same with the exception of the Walt Disney subjects. There will be 36 two-reelers, the March of Time and Major Bowes' amateur shorts.

Branch managers from Pittsburgh, Buffalo, Albany, Philadelphia, Washington, Boston, New Haven, Cleveland, Cincinnati and Detroit will convene today for a regional sales session with Levy. On his way back from the coast, similar meetings were held in Dallas, New Orleans and Chicago.

Radio Studio Setup Is Complete—Spitz

Reorganization of the Radio studios is now complete, Leo Spitz stated yesterday upon his arrival from Chicago. Several changes had been made prior to his arrival and during his stay in Hollywood.

Spitz added that Walt Disney will

(*Continued on page 8*)

U. S. Not to Have Outside Legal Aid

WASHINGTON, March 23.—It was indicated here today that the Department of Justice has given no consideration to the employment of outside attorneys in the Government action against Warners, RKO and Paramount, now pending in Federal court, New York.

Officials said specifically that Ben Golder, Philadelphia attorney, had not

(*Continued on page 4*)

Personnel Changes In Effect at FWC

LOS ANGELES, March 23.—Resignations, promotions and other changes in the F. W. C. operating setup became effective today under orders of Charles Skouras.

Milton Hossfeld, senior booker, moved into the newly created job of

(*Continued on page 4*)

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Foreign Reporters To Be Ampa Guests

Officers of the Association of Foreign Press Correspondents will be the guests of the Ampa at the regular weekly luncheon at the Astor on Thursday. Foreign publicity directors of the major companies will be present.

The officers of the Foreign Press group will be introduced by their president, A. Bernard Moloney, of Reuter's. The other officers are: Kenneth Durant, Telegraph Agency of the U.S.S.R., F. Auberjonois, Havas; H. W. Von Doemming, German News Bureau; A. Frank Tinsley, Reuter's; A. Arbib Costa, *La Tribuna;* Harold Butcher, *London Herald;* Pierre Denoyer, *Le Petite Parisien;* K. Iwamoto, of *Domei Tsushin Sha;* G. J. M. Simons, *de Telegroaf;* Dixie Tighe, *London Express.*

W. J. Coulter Gaining

RICHMOND, March 23.—Walter J. Coulter, circuit operator, is recovering from an operation at the Richmond Hospital.

Ethel Barrymore Hurt

Ethel Barrymore is in the United Hospital in Port Chester suffering from a broken shoulder which she sustained in a fall.

Intermountain Expands

SALT LAKE CITY, March 23.—Intermountain Theatres, Inc., has entered the Montana field with the taking over of two houses.

Insiders' Outlook

By RED KANN

Hollywood, March 23.

TALES from the Hollywood hills:

Mox Shobbus, the exhibitor from the fringe of Hollywood, was visiting one evening shortly before Eddie Alperson left for Miami where the Chamber of Commerce says the sunshine rivals Hollywood's. Eddie was on the phone.

"I wanna talk to that fella," insisted Shobbus, whose ebullience knows no limitations. And so he talked, the conversation running something like this:

"Mr. Alperson, this is Mox Shobbus talking. You don't know me? Well, I operate a theatre on the fringe of Hollywood. I can't get Charlie Skouras on the telephone, but I insist on talking to you. You're one of those Fox West Coast guys. Well, I wanna tell you, Mr. Alperson, that I don't like the protection you get over my theatre. It's not fair. Furthermore I don't like the way you run Bank Nights. What? You won't listen to me? You better, even if you never did hear of me. I am an exhibitor and I got a right to live just like you. Furthermore, I am thinking about filing an anti-trust suit. Harry Arthur is no bigger than I am."

Alperson cutting in:

"An anti-trust suit? Why didn't you say so in the first place and cut out the unimportant stuff. Now we're getting down to big business." . . .

▼ ▼

From the bottom of the pile, this program note, reverting to the preview of "Little Lord Fauntleroy":

"That was the beginning of what has been, along with 'Trilby,' 'Uncle Tom's Cabin' and a few others, consistently one of the most popular plays of modern times. It has been revived constantly in England and America and has been played in a variety of foreign languages. Among the actors and actresses who have played the part of 'Fauntleroy' have been Wallie Eddinger, Ray Haskell, Maudie Sinclair, Elsa Lanchester and Mae West, who played it in Brooklyn as a child of seven." . . .

▼ ▼

There is the agent with an "in" at one of the studios. He was also interested in a young woman and insisted that the producer give her a chance.

"She can act and dance, I tell you. At least give her a chance to show what she can do."

"All right," grudgingly consented the producer who later reported in this fashion:

"I'll tell you. Although your friend is a poor singer, she is also a bad actress." . . .

▼ ▼

A Zanuckdote.

Darryl picked up the office phone one day and called into it:

"Where's Baxter?"

An electrician on the "Wooden Crosses" set, more concerned with horse racing than his job, answered absent-mindedly:

"He's not even in the running." . . .

▼ ▼

"Why do so many folks stop at the Beverly-Wilshire? Is it because the hotel is closer to the studios?" asked an in-and-outer unaccustomed to Hollywood ways.

"No," replied a regular, "it's because the hotel is closer to Myron Selznick." . . .

▼ ▼

Gloria Stuart, working in "The Poor, Little Rich Girl" refuses to talk to Shirley Temple. Miss Stuart asserts she was never introduced.

This is a vital development in Hollywood. It is of the stuff that makes crises. . . .

▼ ▼

Now that Santa Anita has closed for the season, the studios might be able to return to work if it weren't for the widespread worry over state and Federal income taxes. Always something to keep the colony in a dither. . . .

▼ ▼

The Italo-Ethiopian war entered conversation at a party. An excerpt:

"Selassie should have ended this months ago. He can't win and besides he's out of money. Why does he try to continue on that basis? Who does he think he is anyway? John Stahl?" . . .

▼ ▼

The reportorial conscience becomes quiet with assurance from Cecil B. DeMille, who should know, that the actor who played the asp in "Cleopatra" has finally returned to Egypt bragging no end. . . .

Seat Makers to Meet

Theatre chair manufacturers from all over the country will hold a special meeting Friday. William Gedris, head of Ideal Seating, arrived from Grand Rapids, Mich., yesterday. preliminary to the session.

To Hold Cobb Preview

The Center will have a preview of "Everybody's Old Man," starring Irvin S. Cobb, tonight following the last showing of "Charlie Chan at the Circus." Cobb's friends and New York literary critics have been invited.

Production Spurts With 41 Shooting

HOLLYWOOD, March 23.—Production facilities were taxed last week to handle 41 features in work, 52 in the cutting rooms and 21 in preparation for the cameras within two weeks. Short subject production showed a slight drop, however, with only two in work. At least 10 of the features shooting should have particular interest for exhibitors from the exploitation and entertainment standpoints.

Paramount led the field with eight features in work, Warners running a close second, with seven. Columbia had three features shooting, three preparing and five editing. M-G-M had six, one and 11; Paramount, eight, two and six; Republic, three, three and five; Radio, two, three and four; Roach, one, zero and one; Twentieth Century-Fox, five, five and five; Universal, one, zero and four; Warners, seven, zero and nine; independents, five, four and two.

On the short subject schedule Columbia had one in work, two in preparation and two cutting. M-G-M had zero, three and five; Radio, one, two and three; Roach, zero, one and three; independents, zero, three and two.

"These Three" Heads For a $45,000 Week

With $35,600 in the till for the first five days, "These Three" is expected to tally around $45,000 for the first week at the Rivoli.

"Sutter's Gold" has been booked into the Music Hall starting Thursday and "Little Lord Fauntleroy" is dated in beginning April 2.

Para. Seeks New Lead

HOLLYWOOD, March 23—Paramount's hard luck with "Hotel Imperial" continues. Margaret Sullavan, who broke her arm on the set last week, is definitely out of the picture and will have to be replaced. This is the film originally launched with Marlene Dietrich and which was about one-third through production when the player withdrew from the cast. Miss Sullavan replaced her.

Oscar Asche, Actor, Dead

MARLOW, England, March 23.—Oscar Asche, famous Shakespearian actor and author of "Chu Chin Chow," in which he starred in for five years, died here today of heart disease. He was 64 years old.

Phillipson Here

Percy Phillipson, managing director of Automaticket, Ltd., of London and president of the General Register Corp. of New York is here for a two weeks' stay.

Jack Oakie Marries

YUMA, Ariz., March 23.—Jack Oakie married Venita Varden Sunday aboard a Southern Pacific train here. They returned to Los Angeles and are now en route to New York.

Ascap to Reelect Buck

The reelection of Gene Buck as president, and E. C. Mills as general manager of Ascap is expected at the annual meeting of the board to be held Thursday at the Ritz Hotel.

THREE IN A ROW

For the third successive season an *Educational Picture* wins the Academy Award for the best short subject novelty of the year.

1933

KRAKATOA

The world's most destructive volcano in eruption.

1934

CITY OF WAX

A fascinating story of nature in the raw from the Battle for Life series.

Produced by Stacey & Horace Woodard

1935

WINGS OVER MT. EVEREST

OFFICIAL PICTURES OF THE HOUSTON–MT. EVEREST FLIGHT

A featurette of historical value, packed with the supreme thrills of man's first flight over the "roof of the world."

Narrated by Lowell Thomas

Presented by
W. HAMMONS

Educational Pictures
"THE SPICE OF THE PROGRAM"

Distributed in U.S.A. by
20TH Century-Fox Film Corporation

Jersey Shifts To Lower Rate On New Taxes

(Continued from page 1)

cigarettes, cosmetics, playing cards and non-commercial camera film.

The proposed new state general tax is sponsored by one of the Administration leaders, Senator Charles E. Loizeau of Union, chairman of the Appropriations committee. His political ally, Assemblyman Thomas M. Muir, will introduce the bill for Loizeau in the Assembly, where all tax proposals must originate.

The one cent on each 25-cent admission bracket for amusements in the new bill is estimated to yield $1,600,000. Amusements in the present four per cent measure are counted on to produce only $1,000,000.

Amusements constitute only a fraction of the new bill, which includes a three per cent state income tax, a general two per cent gross receipts tax on all business, and other levies. The total yield is figured at $31,000,000.

Pass Maryland Tax Bill

ANNAPOLIS, March 23.—Despite the opposition put up by exhibitors, the Senate today passed by a vote of 24 to 4, the bill to levy a 10 per cent tax on all amusement admissions in Maryland. The bill has been sent to the House, where a fight is planned against it.

The program previously adopted by the Senate Finance Committee sought $1,000,000 from theatres alone toward a total requirement of $2,700,000.

One new proposal advanced is for a levy of three-quarters of one per cent on gross receipts. It is estimated that this would raise $425,000.

Personnel Changes In Effect at FWC

(Continued from page 1)

field man working between Los Angeles and New York. He was succeeded by Charles Piercy, former booker in the George Bowser territory. Piercy is succeeded by Edward Solig who, in turn, is replaced by Edward Smith, late of the Sturdivant territory. David Boyd moved into Smith's post.

George Milner tendered his resignation as Columbia head booker to take over Boyd's territory. The resignation of Lawrence Stevens brought in Larry Wentz, formerly chief booker of RKO to succeed him. Seymour Fisher, Columbia assistant booker, replaced Milner, and Larry Buckner replaced Fisher.

J. J. Sullivan leaves for New York by plane Saturday or Sunday with Edward Zabel, chief statistician, remaining to complete all eastern details.

LOS ANGELES, March 23.—H. F. Anderson, formerly RKO shorts booker, has replaced Larry Wentz as chief booker of the company. Charles Neff has been moved from the RKO poster department into the position formerly held by Anderson.

Purely Personal

MIRIAM HOPKINS is aboard the *Paris* on the high seas for a vacation in England. Although she had been dickering to appear in "Turn Back the Clock," the next DOUGLAS FAIRBANKS, JR., film for Criterion, the deal fell through.

•

JIMMY CAMPBELL, who handles the music end of G. B. pictures, is in Chicago working on radio tieups for "It's Love Again," the next JESSIE MATHEWS film. He's scheduled to return Monday.

•

JULES LEVY brought back from Dallas a 10-gallon sombrero. He's advertising the centennial this year. RKO isn't even mentioned, which is a tough break for Levy.

•

JOE VOGEL got back from Pittsburgh yesterday after looking over the flood situation as it affected Loew's Penn. He has a rather bumpy trip on the plane.

•

MORRIS POUZZNER, New England exhibitor, has taken over the Rivoli, Far Rockaway. The house, now dark, will be renovated and opened next month.

•

ADAM ADAMS, New Jersey exhibitor, talked a fireman out of a ticket yesterday when he was caught in the Film Center elevator with a lighted cigar.

•

LOU MARKS of JOE HORNSTEIN'S office tried to visit Hartford over the week-end to look into the flood situation, but was stopped at Middletown, Conn.

•

NED E. DEPINET and JULES LEVY are back in town after a trip to the RKO studios and several stopovers where they held regional sales meetings.

•

BILL SAVAGE of RKO's legal staff was in Chicago yesterday on the Spear suit against Pathe in connection with picture rights to the Dionne Quintuplets.

•

BOB MOCHRIE, assistant to A. W. SMITH, JR., left yesterday on a trip to the Warner branches at Washington, Pittsburgh and Cincinnati.

•

CLYDE LUCAS and his orchestra will start work tomorrow in a musical short at the Vitaphone studio in Brooklyn.

•

J. LOUIS GELLER, local exhibitor, has been reelected chairman of the board of the Royal Industrial Bank.

•

LOU ANGER is still around town. He had planned to leave Sunday, but changed his mind the last minute.

•

BILL ERB, New England district manager for Paramount, was in from Boston yesterday.

•

ED FINNEY, Republic advertising director, has arrived from the coast.

•

JEFFREY BERNERD is due back from Hollywood on April 1.

•

NEIL F. AGNEW has returned from the south by plane.

•

HARRY H. THOMAS is back from a week in Boston.

ADOLPH ZUKOR and LEO SPITZ lunched together at the Astor. Others convening in the Hunting Room included GEORGE SKOURAS, LOUIS WEBER and MAX A. COHEN.

•

S. CHARLES EINFELD, director of advertising and publicity for Warners, expects to leave for Hollywood tomorrow or Thursday by air. A short trip, only a handful of days.

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CHARLES STERN of U. A. left Sunday for Charlotte and Atlanta. JACK GOLDHAR, who was in town last week, has returned to his district quarters in Chicago.

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WILLARD MCKAY, back from Florida, reported yesterday SAM DEMBOW'S wardrobe at Miami includes all of the latest Immerman creations.

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HARVEY DAY has left on a tour of Educational exchanges in the west. He will be gone five weeks.

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EDWIN H. MORRIS, son of SAM E., returns next Monday from the Bahamas.

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ROGER PRYOR has arrived from the coast. He is stopping at the Lombardy.

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LOU IRWIN and JOE PINCUS off for Cincinnati. Back in a couple of days.

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MRS. NED E. DEPINET returns from the coast tomorrow.

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AL LICHTMAN returned yesterday from Bermuda.

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. . . *Lincoln*

HAROLD SCHOONOVER is operating the Mazda at Aurora, Neb., while his father, JIM SCHOONOVER, is vacationing in California.

CARL ROSE of York, Neb., says he's about 26 pounds lighter after a sojourn at the hospital. He's on full feed now, though, and gaining it back. He's city manager there for HARRY WEINBERG'S houses.

HOWARD ALLEN and his brother, Doc, will continue to operate the Island, Grand Island. The ALLEN boys came up from the Texas Hoblitzelle circuit not long ago.

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. . . *New Orleans*

CLAUDE DARCE of the Opera House, Morgan City, La., was on Film Row recently.

R. M. CARMAHAN, owner of the Roosevelt of Sulphur, La. spent last weekend in this city accompanied by his wife.

ROBERT WILLKINS, Kansas City franchise holder for Republic, visited New Orleans en route to South America.

M. WEINGRUN, owner of the suburban Avenue, is having it completely remodeled with the intention of making it a class A house.

W. H. HURT, of the Princess, Waynesboro, Miss., was in town.

WILLIAM COBB, owner of the Fox in Houma, La., was on Film Row.

A. (TONY) DEMHARTER has been driving around lately in a new car.

HENRY VAUTARIN, owner of the Elks in Mandeville, La., has reopened his theatre on Sunday only until the start of the regular summer season.

R. J. BRUNET, owner of the Imperial, is still under the weather.

U. S. Not to Have Outside Legal Aid

(Continued from page 1)

been retained by the Government in its New York action. Golder recently was named by the Philadelphia Federal court to determine whether a conspiracy existed among distributors to restrict the showing of double features by contract provisions. He had been attorney for Harry and Louis Perelman in the case which resulted in the Federal court declaring illegal dual prohibition clauses in contracts. The distributors' petition for a rehearing is pending in Philadelphia.

Pooling Moves Stir Milwaukee Interest

MILWAUKEE, March 23.—Rumblings of a battle for control of neighborhood houses between the Wisconsin Amusement Enterprises and the combined Saxe Amusement Management, Inc., and Warners is seen in the pooling of the Comet independent west side neighborhood house, with the Tivoli, operated by Saxe. The two houses are within a block of each other and will operate under the Saxe banner with John Honthaner, operator of the Comet, managing both.

This move is seen as an answer to the recent announcement that the L. P. G. Amusement Co., reported to be aligned with Wisconsin Amusement Enterprises, is taking over the Layton Park, Pearl and Grace, southside neighborhood houses from Charles Washicheck. Originally scheduled for March 15, the transfer will become effective April 1.

Up to the advent of the L. P. G. Amusement Co., Saxe and Warner had the south side situation well in hand as a result of the pooling some six months ago of the Granada and Modjeska, the former a Warner house, both now operating under Saxe.

Wisconsin Amusements is reported dickering for several other spots in Saxe-Warner territory, while various independent exhibitors in the affected territories are viewing the situation with no little concern.

Committee Is Named

An advisory committee consisting of men prominent in the film industry, the arts, education and philanthropy has been formed to aid in the activities of the Museum of Modern Art Film Library. Will H. Hays, Jules E. Brulatour and Irving Thalberg represent the film contingent, and Stanton Griffis, Cornell University; Dr. Irwin Panofsky, professor of fine arts at Princeton, and David H. Stevens of the Rockefeller Institute represent the other fields. The committee will meet once a month with the museum's trustee committee.

Conn Forms Chelsea

Maurice Conn, who will produce 30 features next season for Conn. Prod. and Ambassador Prod., has formed Chelsea Pictures to distribute the product locally. He is president of the local company and Adolph Pollak is vice-president and general manager.

A New York exchange will be opened in about a week at the Film Center. Conn is due in the east in two weeks. For the current season, Conn has 16 scheduled.

FIELD REPORT

GIVES MARCH OF TIME No. 1 RATING

A year ago some showmen questioned the idea of audiences liking the March of Time and its hard-hitting drama of real life. Its worth in small rural theatres was doubted. Questioned, too, was the importance the public and the press would place on the monthly issues. But with its second year now under way, these questions have answered themselves.

DO PICTURE AUDIENCES WANT TO SEE THE MARCH OF TIME?

Here is one answer from a large suburban house in a big mid-western city.

*"*Recently I attended the.....theater here to enjoy the March of Time. After the so-called feature a 'Screeno' game was conducted. Finally the feature began **again**.

"Leaving my seat I asked the usher when I might see the March of Time. In a characteristic gush of courtesy he showed me the manager. This tuxedoed dignitary explained that the March of Time was omitted to save time. But this was the last show! **He offered me a refund and I refused it.**

"By this time a **large group** had gathered and they took up the argument. **None would accept refund** or invitation to leave. Some became angry and the super-manager was called. He wailed that the cost of running extra time was too great; that the contest had taken too long. Receiving no sympathy he offered to show our request after the feature now on.

"Leaving the unsatisfied crowd I returned to my seat. Presently the house lighted and an announcement made that through an error the March of Time had been omitted and would be shown immediately. It was."—H. M.

And another from one of the largest first run houses in the Southwest.

*"Our weather here has been pretty severe, but the March of Time, **proven by figures, has meant an awful lot of money for us at the box office** and has been established in the minds of our patrons as one of the greatest film features the theater has ever seen."—P. S.

HOW IMPORTANT AN EXPLOITATION MEDIUM IS THE MARCH OF TIME?

This letter is from the General Seafoods Corporation to its branches and dealers all over the country.

"The March of Time during the past month has been filming a picture of the New England Fishing Industry. It impressed us so greatly that we are writing this letter to advise you of the March of Time play dates in the theaters in your territory with their names and addresses.

"It is quite possible that you may wish to **incorporate this news in your local advertising,** and we feel sure that such action will be of material benefit to you."

WHAT IS THE MARCH OF TIME WORTH TO THE SMALL-TOWN THEATRE?

The operator of a 200-seat house in this Montana town (pop. 468) says:

*"Being a comparatively new subscriber to the March of Time I have been **noticing the increased interest my patrons are taking in your news** and look forward eagerly to the next issue.

"I admire the courage and bravery of the March of Time in giving the public unbiased facts. We want more leaders like you in the motion picture industry."—H. O. E.



Radio City's Center Theater displays the March of Time and its three exciting episodes on a huge lobby easel as well as on its Sixth Avenue marquee.

RELEASED BY RKO RADIO PICTURES

From a 500-seat house in an Idaho town (pop. 1500) comes this letter.

*"In my opinion this is THE greatest item in short subjects available to exhibitors today.

"I feel that this subject has not only added prestige to our program presentation but has also **built our business on the days of its showing** to the extent of bringing patrons to our theater who do not come at any other time.

"The exhibitor of today who has the March of Time available for his screen and does not use it, is not doing his duty to his community."

HOW IMPORTANT DOES THE PRESS CONSIDER THE MARCH OF TIME?

This review is from the Washington, D. C., News.

"Showmen are pretty well agreed that only two short subject series have any influence on the box office. One- and two-reel films enhance programs. **But the only shorts that consistently affect prospective patrons' choice of theaters are the March of Time** and Walt Disney's cartoons."

Australia's famed Smith's Weekly finds it important too:

"The greatest sensation in the moving picture world since the advent of the 'Talkies' has arrived in Australia—a series entitled 'The March of Time.'

"They are 'The Thinkies'—the term is 'Smith's'.

"They deal with subjects of world interest in a manner which sends the audience away with something to ponder."

As does London's Observer:

"March of Time is, on every count, the most lively, intelligent, and important departure of the recent screen."

• • •

*All letters reproduced here were written in the course of regular business, and the originals are on file in the March of Time's Advertising Department in New York. Not having been intended as testimonials, their signatures and theater names have been deleted.

Minneapolis Tips "Pine" Big $11,500

MINNEAPOLIS, March 23.—Spring weather gave theatres a break here with the result that "The Trail of the Lonesome Pine" ran up to $11,500 at the Minnesota. This was $1,500 to the good.

"Love Before Breakfast" was a money-maker, assisted by Eddie Peabody and his company at the Orpheum, the gross going $1,000 over the line for a total of $6,500.

"Follow the Fleet" continued to be outstanding in its second week at the St. Paul Orpheum, the gross of $6,000 going $2,000 on the profit side.

Total first run business in Minneapolis was $27,500. Average is $25,500. Total first run business in St. Paul was $17,500. Average is $16,000.

Estimated takings:

Minneapolis:
Week Ending March 18:

"MAGNIFICENT OBSESSION" (Univ.)
WORLD—(400), 25c-55c, 7 days, 10th week. **Gross:** $2,100. (Average, $3,000)

Week Ending March 19:

"TOUGH GUYS" (M-G-M)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending March 20:

"TRAIL OF THE LONESOME PINE" (Para.)
MINNESOTA—(4,000), 25c-55c, 7 days. **Gross:** $11,500. (Average, $10,000)

"LOVE BEFORE BREAKFAST" (Univ.)
ORPHEUM—(2,900), 25c-40c, 7 days. Stage: Eddie Peabody and company. **Gross:** $6,500. (Average, $5,500)

"THE PETRIFIED FOREST" (W.B.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

St. Paul:
Week Ending March 20:

"DESIRE" (Para.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,000. (Average, $5,500)

"IT HAD TO HAPPEN" (20th-Fox)
RIVIERA—(1,000), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)

"FOLLOW THE FLEET" (Radio)
ORPHEUM—(2,000), 25c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $4,000)

"THE BOHEMIAN GIRL" (M-G-M)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"THE MAGNIFICENT OBSESSION" (Univ.)
WORLD—(400), 25c-35c, 7 days, 4th week. **Gross:** $1,500. (Average, $1,500)

Tribune Making a Film

CHICAGO, March 23.—Shooting of the industrial picture, "Trees to Tribune," is now in progress at the *Chicago Tribune* plant. Cullen Landis is directing the three-reel film, which will be used as an educational and advertising film by the newspaper.

Members of the *Tribune* staff have been appearing in the picture.

232 to Play Jolson Film

HOLLYWOOD, March 23.—Al Jolson's "The Singing Kid" will have day and date openings in 232 Class A houses on April 10 or 11.

"Doctor" Big in Portland

PORTLAND, Ore., March 23.—"The Country Doctor" grossed $2,000 on its opening day at the Orpheum here and brought out long lines in front of the house.

Out Hollywood Way

HOLLYWOOD, March 23.—Pickford-Lasky sending questionnaires to 2,500 exhibitors, critics and fans in an effort to find out, with respect to FRANCIS LEDERER, how many he should make a year, what type of character he should play and what type of film he should appear in. Suggestions also are sought on stories. . . . LLOYD CORRIGAN given surprise party at Laguna. . . . D. W. GRIFFITH a visitor at the M-G-M lot last week. . . . LOU GENSLER to produce "Internes Can't Make Money," recently purchased from MAX BRAND by Paramount.

GEORGE HAYES to be co-featured with WILLIAM BOYD and JAMES ELLISON in the "Hopalong Cassidy" series for Paramount. . . . IRWIN SHAW, New York playwright, signed by Radio. . . . Paramount lifts options on FRANCIS FARMER, ANN EVERS and WILMA FRANCES. . . . THOMAS VAN DYCKE, Columbia writer, honeymooning in Santa Barbara, his wife the former ANNE LLOYD of Los Angeles. . . . Columbia testing THOMAS MITCHELL of the New York stage, for the lead in FRANK CAPRA's next, "Lost Horizon." . . . MRS. CECIL B. DEMILLE to the bedside of her brother, DR. JOHN ADAMS, ill in Newark. . . . FRED MACMURRAY learning to sing.

DAVID O. SELZNICK to have help of the U. S. Army Signal Corps in use of carrier pigeons in "The Garden of Allah." . . . KAY GRIFFITH, singer, signed to a term contract at Paramount. . . . ANNE NAGEL gets term pact at Warners. . . . GENE COHN, New York newspaper man, joins the publicity department of Pioneer. . . . RICHARD ARLEN en route to England to make "The Barrier" for G. B. . . . AGNES DEMILLE leaves soon for London dance recital. . . . ABEN KENDEL's novel, "City for Conquest," published in England by MICHAEL JOSEPH.

WALLACE MACDONALD, Republic story editor, in complete charge of writers. . . . LOUIS WEISS starts production of "The Clutching Hand," second of three serials for Stage and Screen Prod. . . . COUNTESS DE MARSEY and her daughter, JACQUELINE, Paris writer, visiting MADELEINE CARROLL.

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Casting—LYNN OVERMAN in lead of "Three Cheers for Love," LUCIEN LITTLEFIELD in "Early to Bed," WILLIAM WAYNE, EDWARD BORDEN, BROOKS BENEDICT and TOM WILSON in "Forgotten Faces," JAMES ADAMSON and EDWARD FEATHERSTONE in "Florida Special," all for Paramount. . . . C. HENRY GORDON in "The Charge of the Light Brigade," WALLACE GREGORY in "Bullets and Ballots" and WILLIAM GRIFFITH in "Angel of Mercy," all for Warners.

ARTHUR LOFF in "Queer Money" and JAMES T. MACK in "Blackmail," Columbia. . . . BILLY WATSON and THOMAS BUPP in Radio's "Mary of Scotland." . . . ROBERT GLECKER in "Love Begins at Twenty," CAROL HUGHES in "The Case of the Velvet Claws" and JOSEPH CAWTHORN in "There's Millions in It," all Warners. . . . BETTY FURNESS in the feminine lead in "Three Wise Guys," M-G-M. . . . MARJORIE GATESON in "Private Number," Twentieth Century-Fox. . . . FRANCIS LEDERER in "The Old Timer" for Paramount. . . . CHARLES QUIGLEY in "The Duster," Paramount. . . . HELEN FLINT in "Early to Bed," same studio.

ANN PRESTON and HENRY HUNTER get leads in "What Price Parole," Universal. . . . PAT O'BRIEN, his suspension lifted, has lead in "Public Enemy's Wife" opposite MARGARET LINDSAY, for Warners. . . . CHARLES WILSON in "Big Brown Eyes," for WALTER WANGER.

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Writers—SEDA COWAN doing script for "Penthouse Love," Imperial.

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Title Changes—"Forgotten Faces" new title of Paramount's "Something to Live For." . . . "Make a Wish" to be release title of Radio film formerly "Twinkle, Twinkle."

Buenos Aires Firm To Have 16 in '36

WASHINGTON, March 23.—The Cia. Industrial Film Espenola, Sociedad Anonima—better known in Buenos Aires as the C. I. F. E. S. A.—has embarked upon an ambitious program for 1936, and has announced that there will be available from Spain about 16 features, according to a report to the U. S. Department of Commerce from Trade Commissioner DuWayne G. Clark, in Buenos Aires.

During the last year this company became fairly well established in the territory, and it is expected to set a more satisfactory record for the new year.

Two Companies Formed

ALBANY, March 23.—Two new incorporations here are the W. G. Amusement Corp., Brooklyn, formed by Leonard M. Halpern, Gustave H. Sperber and D. Benjamin Mason, and Mt. Vernon Biltmore, Inc., by Samuel I. Resnick, Max D. Cohen and David Sherman.

Horwitz Drops Games

HOUSTON, March 23.—Will Horwitz, operating four subsequent runs here, has dropped Bank Night. He used the game in two of his larger twice weekly. Suburban exhibitors recently protested Bank Night as unfair competition, and a test case is pending. The Kirby, an Interstate house, continues Bank Night every Tuesday.

M-G-M Buys "Sari"

M-G-M has purchased "Sari," Broadway operetta of 20 years ago. No production deal has been outlined.

HOLLYWOOD, March 23.—Clark Gable will be starred in "No Hero" by J. P. Marquand. Jack Conway will direct and Larry Weingarten will produce.

George Gordon Promoted

George Gordon, for six years on the Terrytoon cartoon staff, has been promoted by Paul Terry. He is now head of the animation department.

"Fleet" Hits $12,300 2nd Capital Week

WASHINGTON, March 23.—With flood waters of the Potomac offering stiff opposition, theatres held up. "Follow the Fleet" at RKO-Keith's took $12,300 in its second week, to top the regular first-week average by $1,700. A third week was ordered.

"The Voice of Bugle Ann," plus Jack Benny in person, sent the gross at Loew's Fox to $23,200, bettering par by $2,300.

At the Metropolitan, where "The Walking Dead" skyrocketed the take to $6,600, over average by $2,300.

A return engagement of "The Prisoner of Shark Island" at Loew's Columbia was good for $4,500, over the first run par by $900. A revival of "Arrowsmith" at the Belasco took $4,100 on seven days, which was increased to $4,900 by two extra days. The average week is $3,000.

"Wife vs. Secretary" at Loew's Palace for a second week, took a satisfactory $11,400, which was but $4,500 under the first week average.

At the Earle, "Desire," with a personal appearance of June Knight, slipped to $17,500, under average by $900.

Total first run business was $80,400. Average is $76,700.

Estimated takings, exclusive of tax:

Week Ending March 19:

"DESIRE" (Para.)
EARLE—(2,218), 25c-77c, 7 days. Stage: June Knight, Three Weir Brothers, Balabanow Five, "John Tio." **Gross:** $17,500. (Average, $18,400)

"PRISONER OF SHARK ISLAND" (20th-Fox)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $4,500. (Average, first run, $3,600)

"VOICE OF BUGLE ANN" (M-G-M)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Jack Benny & Mary Livingston, Georges Metaxa, Stuart Morgan Dancers, Three Chicken Sisters, Liazeed Arabian Troup. **Gross:** $23,200. (Average, $20,900)

"THE WALKING DEAD" (W. B.)
METROPOLITAN — (1,591), 25c-40c. 7 days. **Gross:** $6,600. (Average, $4,300)

"FOLLOW THE FLEET" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 7 days. 2nd week. **Gross:** $12,300. (Average, first week, $10,600)

Week Ending March 20:

"WIFE vs. SECRETARY" (M-G-M)
LOEW'S PALACE — (2,370), 35c-55c, 7 days, 2nd week. **Gross:** $11,500. (Average, first week, $15,900)

Nine Days Ending March 20:

"ARROWSMITH" (U. A.)
BELASCO—(1,140), 25c-65c, 9 days (revival). **Gross:** $4,900. (Average, 7 days, first run, $3,000)

Set "Diamond Night"

George Weeks and A. P. Waxman of G.B., have arranged a tieup of Bank Night and the film "Rhodes," with Claude Ezell of Affiliated Enterprises, Inc., which controls Bank Night. The variation of the chance game will be called Rhodes Diamond Night, the awards to be diamonds instead of cash.

Paramount Renewals

HOLLYWOOD, March 23.—Frances Farmer's option has been picked up by Paramount.

George Hayes has been placed under a term contract by Harry Sherman for the "Hopalong Cassidy" series.

Ann Evers and Wilma Francis also have had their options lifted.

Block Sales Measure Hit By Schaefer

(Continued from page 1)

independent exhibitors, in the course of which he said the independents did not show sex pictures in the neighborhood houses because they knew the public would not stand for them and that the affiliates refused to show them for the same reason. Wherever shown, he declared, they were exhibited by independents.

A statement from Schaefer that contracts called for the playing of percentage pictures on Saturdays and Sundays because of the "sharp practices" of some exhibitors in playing them on poor days because they could use any pictures on the week-end, brought a sharp question from Chairman Pettengill. He asked if it was more moral for the exhibitor to do that than for the distributor arbitrarily to name the play date.

Schaefer explained that only by getting week-end showing could the distributor be sure of a fair return on the heavy investment involved in such pictures and told the committee that contracts with the largest houses called for the showing of a fixed proportion of pictures on the two best days. He declared many exhibitors canceled pictures because of price rather than on moral grounds. He answered the charge that where high classification pictures were canceled the price of others was increased, by pointing out that the whole purpose of the contract was to assure a fair average for the full block.

Clarifies "Shuffling"

He denied that pictures are "shuffled," declaring that films may be in different classifications in different territories because they may be popular in one and not in another. The witness took up questions propounded earlier in the hearing by Pettengill as to the possible results of a hypothetical film showing both Italy and Ethiopia and explained the industry cannot afford to make films which offend foreign countries because it would result in the barring of the company from any such market.

Schaefer went into the question of selection, submitting figures presented before the Senate sub-committee to show that half of the contracts in the 400 leading cities are for less than full blocks, and said many small town exhibitors take 26 or less pictures and that a still greater number take from 7 to 60. He was referring to Paramount distribution figures.

"It seems to me the present line of argument is a two-edged sword," Pettengill commented. "You say block booking is necessary and then show that in town after town you are not selling in blocks."

"I do not say that block booking is necessary, but that I object to this bill because it puts shackles on the seller and leaves the buyer to do as he pleases," Schaefer replied.

He expressed approval of the proposal by Sidney R. Kent, Twentieth Century-Fox president, that if the seller could not offer blocks the exhibitor should be prohibited from buying them. Even in England, where films cannot be sold until previewed, block booking is permitted, he pointed out.

"The greatest revenue in this industry is from the larger situations," he said, "and this bill would deny me the right to go to a customer of long standing and offer him an entire block."

Representative Peyser of New York read into the record a letter from Mary Pickford opposing the Pettengill Bill, and pointing out that the making of films is not a mass production operation.

Looking 'Em Over

"Lucky Terror"

(Diversion)

An average western, this has all the requisite action and romance which will please children and fans. It is definitely for dual bills.

Hoot Gibson, riding along innocently, gets himself involved in the accidental death of George Cheseboro, who is fleeing from a gang of outlaws with his gold and who makes Gibson change mounts only to be killed when he is dragged over a cliff with his horse when it becomes panic-stricken. Gibson takes the saddlebags containing the gold and moves along, coming upon a medicine show in which Lona Andre, the dead man's niece, is working with Charles Hill and Frank Yacconelli, as a means to reach the mine. Gibson strings along with them and is arrested for the murder of Cheseboro. He is finally cleared in a coroner's inquest, but runs away.

Later he comes to the mine bringing with him the gold, which he had hidden. The outlaws raid the place. While Miss Andre goes for the sheriff he outwits them, and later, by some fancy riding, throws them off their horses into the hands of justice. Charles Hill demonstrates how his cure-all "elixir" can even separate gold from the ore when he takes the metal from the container in which Gibson had hidden it.

The performances by Gibson and Miss Andre are convincing. Yacconelli sings a short Italian song very well and Hill supplies the typical medicine man humor, delivering laughs with every mouthful of words.

Alan James directed from a story written by himself and Roger Allman. Arthur Reed's photography of the natural settings and the action are well done.

Production Code Seal No. 1,926. Running time, 60 minutes. "G."

Indianapolis Tips "Wife" to $10,900

INDIANAPOLIS, March 23.—"Wife vs. Secretary" was an outstanding hit at Loew's with a take of $10,900, over normal by $4,900.

Another big gross of the week was the $10,700 pulled into the Lyric by a combination of "Don't Get Personal," and Ben Lyon and Bebe Daniels on the stage. This was $3,700 on the profit side of the ledger.

Two holdovers did well, too. "Follow the Fleet," which played the Indiana the week before, pulled $4,300 at the Circle, and "The Country Doctor," in its second week at the Apollo, garnered $3,500.

Total first run business was $33,650. Average is $28,000.

Estimated takings for the week ending March 20:

"THE COUNTRY DOCTOR" (20th-Fox)
APOLLO—(1,100), 25c-40c, 7 days, 2nd week. **Gross:** $3,500. (Average, $4,000)

"FOLLOW THE FLEET" (Radio)
CIRCLE—(2,800), 25c-40c, 7 days, extended run from the Indiana. **Gross:** $4,300. (Average, $4,000)

"DESIRE" (Para.)
"LOVE ON A BET" (Radio)
INDIANA—(3,200), 25c-40c, 7 days. **Gross:** $6,250. (Average, $7,000)

"WIFE vs. SECRETARY" (M-G-M)
LOEW'S—(2,800), 25c-40c, 7 days. **Gross:** $10,900. (Average, $6,000)

"DON'T GET PERSONAL" (Univ.)
LYRIC—(2,000), 25c-40c, 7 days. **Gross:** $10,700. (Average, $7,000)

"Shark," "Colleen" Top Houston Takes

HOUSTON, March 23.—Spring weather brought throngs to Main street last week, but no picture pulled above par, and at least two fell below the line. "Prisoner of Shark Island," at Loew's, and "Colleen" at the Majestic, broke even with $7,000, and "The Front Page," at the Kirby three days, also pulled its quota of $1,500.

"Desire" at the Metropolitan took it on the chin, dropping $1,100 under the average of $7,000. "The Lone Wolf Returns" at the Kirby grossed $2,500, which was $500 off, and "The Melody Lingers On," running one day with Bank Night, was credited with $400.

Total first run business was $25,000. Average is $26,000.

Estimated takings for the week ending March 19:

"THE LONE WOLF RETURNS" (Col.)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $2,500. (Average, $3,000)

"MELODY LINGERS ON" (U. A.)
KIRBY — (1,450), 15c-35c, 1 day. (Bank Nite.) **Gross:** $1,100. (Average, $400)

"THE FRONT PAGE" (Amity)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,500. (Average, $1,500)

"PRISONER OF SHARK ISLAND" (20th-Fox)
LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"COLLEEN" (W. B.)
MAJESTIC — (2,250), 25c-50c, 7 days. **Gross:** $7,000. (Average, $7,000)

"DESIRE" (Para.)
METROPOLITAN — (2,600), 25c-50c, 7 days. **Gross:** $5,900. (Average, $7,000)

Ban Sunday Dancing

HARTFORD, March 23. — Sunday bowling and dancing have been banned here as a result of an attempt of the Loew-Poli Palace to present a stage show on the Sabbath. Previously both have operated, despite the law forbidding them. It had been determined nothing would be done until a complaint was made.

"Doctor" Big Detroit Hit In 2nd Week

DETROIT, March 23. — This town went for "The Country Doctor" in a big way for its second week at the Fox by piling up $21,300, above normal by $6,300.

Other houses also had good showings. "Voice of Bugle Ann" at the Michigan reached $24,600, "Rose Marie" garnered $11,400 at the United Artists, and "Klondike Annie" pulled $11,600 at the RKO Downtown.

Total first run business was $77,500. Average is $65,000.

Estimated takings for the week ending March 19:

"THE INVISIBLE RAY" (Univ.)
"DON'T GAMBLE WITH LOVE" (Col.)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $3,800. (Average, $5,000)

"THE COUNTRY DOCTOR" (20th-Fox)
FOX—(5,100), 15c-65c, 7 days, 2nd week. Stage: Vaudeville. **Gross:** $21,300. (Average, $15,000)

"VOICE OF BUGLE ANN" (M-G-M)
MICHIGAN—(4,100), 15c-65c, 7 days. Stage: Major Bowes' amateurs. **Gross:** $24,600. (Average, $20,000)

"WIDOW FROM MONTE CARLO" (W.B.)
"LADY IN SCARLET" (F.D.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $4,800. (Average, $5,000)

"ROSE MARIE" (M-G-M)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $11,400. (Average, $10,000)

"KLONDIKE ANNIE" (Para.)
RKO DOWNTOWN—(2,950), 15c-55c, 7 days. **Gross:** $11,600. (Average, $10,000)

Features for Patsy Kelly

HOLLYWOOD, March 23.—Hal Roach says that from now on Patsy Kelly will be seen only in feature length comedies, and that the last two shorts on this series of eight will not be made. This decision is in line with Roach's previously announced plan to make only one-reel and featurc comedies.

Wall Street

Big Board Off Slightly

	High	Low	Close	Net Change
Columbia, vtc	36⅜	36	36	— ½
Consolidated	6⅜	6¼	6¼	.....
Consolidated, pfd	18⅜	18¼	18⅜	— ⅛
Eastman Kodak	162	162	162	.....
Loew's, Inc.	47⅞	47½	47½	— ½
Paramount	9¾	9⅝	9¾	.....
Paramount 1 pfd.	75⅛	75⅛	75⅛	— ⅞
Paramount 2 pfd.	10¾	10¼	10¼	— ½
Pathe Film	10	9⅜	10	+ ⅜
RKO	8⅛	7¾	8	— ⅛
20th Century-Fox	29	28½	28½	.....
20th Century, pfd.	37	36¼	36⅞	— ⅛
Universal, pfd	89	87¼	89	—1½
Warner Bros.	12¾	12½	12⅝	— ⅛

Fractional Changes on Curb

	High	Low	Close	Net Change
Sonotone	2⅞	2¾	2¾	— ⅛
Technicolor	29¾	29⅛	29⅜	+ ¼
Trans-Lux	4⅛	4	4	— ¼

Most Bonds Gain

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	29¼	28¾	29¼	+ ⅝
General Theatre Equip. 6s '40, ctf	29½	28⅝	29½	+ ⅞
Keith B. F. 6s '46	94⅞	94⅞	94⅞	— ⅛
Paramount B'way 3s '55	57⅜	57⅜	57⅜	+ ¾
Paramount Pict. 6s '55	91½	91½	91½	+ ½
Warner Bros. 6s '39 wd	96	95½	96	.....

(Quotations at close of March 23)

Copyright Hearing To End on Apr. 15

(Continued from page 1)

posal will be made to turn the whole matter of block booking over to a sub-committee for investigation this summer, with a report to be rendered to the full committee next year. Whether this proposal will be acceptable could not be forecast, but there were no objections today from members of the full committee.

If the matter is not referred to a sub-committee, it is expected that the Neely group will make a report on the bill to the full committee. It is not expected, however, that the latter will get behind the measure in sufficient strength to force its passage during the present session.

At the Patents Committee meeting this morning, a sub-committee was appointed to draw up a schedule of hearings, noting the time to be given to each witness. Every effort will be made to keep to the schedule even though it means cutting short the speeches of committee members who for several weeks have been lecturing the witnesses.

Managers Propose Pact Arbitration

The League of N. Y. Theatres yesterday proposed that disputed issues in the new minimum basic agreement between playwrights and producing managers, which was placed in effect March 1 by the Dramatists' Guild, be submitted to arbitration. The suggestion was made in a telegram sent to Sidney Howard, guild president, and followed refusal by the guild last week to meet with the managers' contract committee for the negotiation of a new agreement.

A reply is being sent to the league today and is expected to contain a refusal to submit any part of the new agreement to arbitration, but will probably reiterate a suggestion made by the guild last week that the league put its proposals for changes in the agreement in writing for study by the guild council along with other proposed changes which are being received from managers.

The league recently authorized its contract committee to attempt either to negotiate a new agreement or to have the disputed issues submitted to arbitration. If the guild refuses both procedures, the managers have stated, the league proposes to draw up and use exclusively its own agreement.

Reductions of the managers' participations in the proceeds from the sales of film rights to stage plays under the new agreement have drawn most of the managers' fire.

Fellner, Executive Of Cecil Film, Dies

(Continued from page 1)

earliest films he handled by this method were "His Other Self" and "Quo Vadis."

He brought Jack Hulbert and Cicely Courtneidge to the screen. He was at one time with Ufa as a producer and production manager for Gaumont British. His first picture for Cecil Films was "Public Nuisance No. 1," recently completed.

Flood Repairs Are Rushed With Outlook Much Better

(Continued from page 1)

doubtful whether the Fulton will reopen until fall, since repairs will carry it well into the warm weather, and this house customarily closes during the summer.

Reports that Warners had suffered throughout the Tri-State area were denied today by Harry Kalmine, zone manager, who said the circuit was affected outside of Pittsburgh only in Johnstown, Erie and Wheeling. In the last named city the only thing preventing operation is lack of power. At Johnstown and Wheeling houses are open. Utility crews are working night and day to restore power in Wheeling and expect to have it on in a few days.

At the Stanley here the stage has buckled and an order has been placed for a new one. Seats are being taken out for replacements. New carpets have also been ordered and crews are working on 24-hour schedules shoveling out mud and debris.

Estimates place the Stanley damage at $200,000; Alvin, $150,000, and Fulton, $100,000, although this may be increased when the cooling plants are thoroughly inspected. Basements are still full of water.

Joe Vogel and Charles Moscowitz surveyed the Penn over the week-end and ordered replacements from New York. An orchestra leader's desk was found in the second row of loge seats.

National Guardsmen are patrolling the downtown streets.

Virginia Repairing Damage

RICHMOND, March 23.—With rivers back to normal in this territory after one of the most disastrous floods since 1870, exhibitors are surveying the outlook with more optimism than they have felt for several days.

Few theatres were actually damaged. Property loss has been widespread, but the necessity for cleaning up silt and making repairs is absorbing the unemployed.

Epidemics are a source of worry in places where drinking water has been contaminated. Travel conditions are bad as highways and bridges were damaged.

Hartford Still Dark

HARTFORD, March 23.—This city was still without electric power today, but the Connecticut River was rapidly receding. The Poli has water in the basement, but other houses are not damaged and will be ready to operate as soon as current is turned on.

The State, housing the WPA show, was inundated, but the damage seems to be smaller than anticipated as the water recedes.

Several houses attempted to run with emergency electrical equipment, but the Lenox was the only one open Saturday night. George Freeman, manager of the Poli, did not leave his house for four days. At Middletown conditions are slightly improved, although the three Lockwood houses are dark.

Richard J. Coleman, who was running a carnival, turned his lighting unit over to the hospital and armory where refugees were cared for.

In Waterbury, where many expected trouble, only the Lido was flooded, and this only in the basement. The State, a Warner house, which was damaged last year, escaped. Warners' chief damage was in the Palace, Norwich, where the lower part of the house was flooded.

The Capitol, Springfield, where new electrical equipment was installed recently, suffered heavily. Four Warner houses in Lawrence, Mass., also reported damage.

In Essex, Deep River, Collinsville, Williamantic and other towns films were delivered by roundabout routes. Houses served out of Boston made emergency requests for New York films.

Rhode Island Not Hard Hit

PROVIDENCE, March 23. — Rhode Island theatres have come out of the flood with no actual damage to buildings and no apparent effect on business.

Runs Flood Benefit

DANBURY, March 23.—Jack Harvey, manager of the Palace here, opened for a special Sunday matinee, the receipts of which were sent to the Red Cross to aid the flood victims in the Hartford area.

In Shelton, Morris Handleman, manager of the Shelton, was named treasurer of the drive for funds conducted by the Red Cross there.

Ciney Houses Unaffected

CINCINNATI, March 23.—Not one of the seven RKO theatres here was forced to discontinue operation because of the flood, according to Ike Libson. Most of the theatres are situated on a hill and were unaffected by the on-rushing waters which caused considerable damage in the business district.

RKO Closed at Lowell

LOWELL, Mass., March 23.—The only RKO house to close because of flood damage in the east was the Keith's here which was dark all day Saturday. The house was reopened yesterday. Little damage was done to the interior.

Harrisburg Near Normal

HARRISBURG, March 23.—Herman Nowitsky, of New York, in charge of construction work for the theatres of the Wilmer & Vincent chain, stated here today that first run spots in Harrisburg were able to operate during the period of the flood although seriously handicapped by lack of steam heat. This condition has been corrected.

Urges Flood Aid

Philadelphia, March 23. — Lewen Pizor, president of the M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware, yesterday addressed a letter to all members, urging that they communicate with the Red Cross in their communities, and offer their cooperation in the relief work for flood sufferers, through trailers, benefit shows or other means.

Bergner Films to U. A. for 5 Years

(Continued from page 1)

and Jack London's "Little Lady of the Big House." The films will all be part of next season's schedule.

Miss Bergner will fit a stage engagement for C. B. Cochran into her film schedule. She expects to go to Hollywood shortly to convalesce as the guest of Goldwyn.

Goldwyn said U. A. also had signed a contract with Victor Saville, who is forming his own company to make two big pictures annually. U. A. will handle world release and it is expected the film will merit release in the United States.

Twentieth Century-Fox will release Elisabeth Bergner's "As You Like It," produced by Dr. Czinner, in this country. The film was completed shortly before Miss Bergner's illness and is now being edited.

Radio Studio Setup Is Complete—Spitz

(Continued from page 1)

make 18 shorts annually for RKO as soon as the short subject producer completes his U. A. deal. In addition Disney will release through RKO "Snow White" which, according to Spitz, will take another year to finish.

The RKO head denied any deals are on for new producers. He doesn't plan to go to the coast again for some time, he said.

Asked about reorganization of RKO theatres, Spitz answered: "That's going on all the time."

May Keep Van Beurens

RKO may continue to distribute the Van Beuren color cartoon series for another season, although probably on a picture-to-picture basis, Ned Depinet said yesterday.

Uncertainty as to the time by which Walt Disney can complete his United Artists commitments and begin deliveries for RKO distribution, make a picture-to-picture deal for the Van Beuren cartoons almost essential for RKO next season, it was said. United Artists states that Disney has 20 pictures remaining to be delivered to it and estimates that it will take the producer until July, 1937, to complete delivery of these. RKO expects to have Disney subjects ready for distribution by January, 1937.

RKO now distributes 46 Van Beuren subjects annually, 13 of which are the Rainbow Parade color cartoons. Distribution arrangements for the other 33 subjects will not be distributed by the Disney-RKO deal, it was said.

Delay Vaudeville Decision

No decision was made yesterday on the return of vaudeville to the Palace Chicago. RKO executives are still mulling over the probability of putting stage shows back, but no definite action has been taken at this time.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Nat'l Screen And Casanave Set New Firm

To Handle Products of American Display

National Screen Service Corp., with Charles L. Casanave, vice-president and general manager of American Display Co., Inc., have formed a new company, National Screen Accessories, Inc., to handle distribution and sales of the accessories material produced by American Display.

The entire manufacturing facilities of American Display and the distribution organization of National Screen Service will be at the disposal of National Screen Accessories. Casanave will retain his official position with American Display and will be vice-president and general manager of National Screen Accessories.

American Display will remain as a corporate entity, devoting its facilities exclusively to the production of accessory material. National Screen Accessories was incorporated some time ago, but has been inactive until

(*Continued on page 6*)

Griffiths Elected K.R.S. President

By BRUCE ALLAN

LONDON, March 24.—D. E. Griffiths of First National was elected president of the Kinematograph Renters' Society at the annual meeting here today. Gaumont British rejoined the society, which is taken here as a forerunner of the withdrawal of the resignation of Twentieth Century-Fox, although no definite action has been taken on the latter move as yet.

With the return of G. B. and the retention of Twentieth Century-Fox, K. R. S. would have a 100 per cent representation among distributors.

Damage Estimates Await Flood Study

Joseph Bernhard, general manager of Warner Theatres, is expected back today from a survey of the damage to Warner houses in the flood area about Pittsburgh, McKeesport and neighboring towns. No estimate was available on the extent of the damage suffered by the circuit's theatres, pending the return of Bernhard.

The Comerford interests, which were the most seriously affected group in the eastern Pennsylvania area, with 14 theatres hit, also are unable to esti-

(*Continued on page 6*)

Warners May Refund Issue Of Debentures

Operation Might Total To $50,000,000

Warners may retire a $31,924,000 issue of six per cent debentures, due in 1939 and callable at 102, it was disclosed yesterday. The action would probably be in the form of a refunding program which might aggregate as much as $50,000,000.

In addition to the debentures, Warners are estimated to have approximately $50,000,000 in mortgage indebtedness and a refunding program would probably be scaled to care for approximately $20,000,000 of these. Preliminary discussions concerning a new issue of four and one-half per cent convertible debentures have already been held with investment bankers, it was said. The conversion price into common would be from $20 to $25 a share, it is expected. Definite action on the proposal is expected following the return of H. M. Warner from Europe about May 1.

Stuart McDonald, Warner assistant treasurer, said yesterday in commenting on the refunding reports that action in the matter "is a long way off." He admitted that the company had conferred recently with investment bankers on the subject but said that the discussions had been "inconclusive."

To Only One Other

Winter Park, Fla., March 24.—"The Story of Louis Pasteur" yesterday achieved a distinction attained by only one other film. It was praised in public by a President of the United States.

In his speech accepting an honorary degree from Rollins College, President Roosevelt described the film as "remarkable." At the time, he was speaking of the opposition often faced in introducing new ideas.

The only previous instance of a President thus praising a picture was the occasion when President Harding endorsed "The Covered Wagon," en route to Alaska in 1923.

Schaefer Talk Starts Clash Over Booking

By CLARENCE LINZ

WASHINGTON, March 24.—Threats to submit matter of a character which might be called to the attention of the Department of Justice caused a mild uproar during the block booking hearings before the Pettengill sub-committee today.

George J. Schaefer, sales manager

(*Continued on page 8*)

Hit Equipment Price Rise; Form New Dealers' Group

Any attempt to take advantage of the plight of theatre owners whose houses were damaged by the recent floods by increasing prices of equipment and materials will be opposed by the Independent Theatre Supply Dealers' Ass'n., J. E. Robin, head of the organization, said yesterday.

The association has received no reports of increased prices for theatre equipment from flood sufferers, Robin said, and his statement was made in reply to rumors that the concentrated demand for new equipment occasioned by the flood probably would result in a general advance in prices.

Robin pointed out that the dealer members of the association had been doing business for years with customers who were well known to them and would be unlikely to endanger a

(*Continued on page 6*)

A cooperative buying organization for dealers, which at the same time will provide for equipment manufacturers a needed outlet at present unavailable, will be the basis of the Associated Theatre Supply Dealers, a new association in the process of formation by George De Kruif, at one time vice-president and general manager of National Theatre Supply.

The new group will be in competition with the Independent Theatre Supply Dealers' Ass'n., of which J. E. Robin is executive secretary, and National Theatre Supply. It is the intention of the new organization to have between 35 and 40 members, one in each of the smaller centers and more in the larger centers, depending on the size of the territory.

Each dealer-member will be a part

(*Continued on page 6*)

Sheehan Deal To Join Para. Is Called Off

Negotiations Begun on Coast Six Weeks Ago

Winfield R. Sheehan has discontinued negotiations whereby he would produce a minimum of 10 pictures for Paramount release next season, it was revealed yesterday.



Winfield R. Sheehan

In a brief statement issued over his signature Sheehan said: "I have discontinued negotiations with Paramount. No contract has been signed."

The negotiations were begun by John E. Otterson, Paramount president, about six weeks ago during the latter's most recent visit to Hollywood. The plan at that time, subject to the ensuing negotiations, was for Sheehan to pro-

(*Continued on page 6*)

F. P. Canadian Stock To N. L. Nathanson

N. L. Nathanson, operating head of Famous Players Canadian Corp., is expected to acquire a substantial stock interest in the Paramount Canadian theatre subsidiary under the terms of the new contract being negotiated between himself and Y. Frank Freeman, Paramount theatre head.

By the acquisition of the stock, Nathanson would become an operating partner for the Canadian circuit, although his interest will be a minority one, probably limited to 20 or 25 per cent. The agreement is expected to be on a long term basis, presumably for a minimum of five years with provisions for extensions.

See Theatre Deal in Graham's Visit Here

LONDON, March 24.—The departure for the United States within a few weeks of John C. Graham, managing director for Paramount in England, and the arrival here tomorrow of A. C. Blumenthal are seen in some quarters as having relation to reported theatre deals. Reports link Union

(*Continued on page 6*)

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Braid, G. B.'s Head Of Publicity, Dies

LONDON, March 24.—Alec J. Braid, publicity director of Gaumont British, died here today. He entered the film business in 1913, after newspaper work, to handle publicity for Gaumont's "Chronochrone" process. He founded and edited the *Gaumont Weekly*, first film company house organ here.

He worked in a publicity capacity for Stoll Film Co. and W. & F. and in 1931 was named head of advertising and publicity for the Gaumont British distributing organizations.

Schaberger Rites Held

A requiem mass for Nicholas Schaberger, 78, who, as Nick Woods, starred in the old Thanhouser films, was held yesterday at St. Gabriel's Church, New Rochelle.

33 Van Beurens Are Set

RKO distribution of 33 Van Beuren short subjects, exclusive of the 13 Rainbow Parade color cartoons, will not be affected by the recent deal by which RKO is to distribute the Walt Disney cartoons. A typographical error in yesterday's MOTION PICTURE DAILY made it appear that the reverse might be true.

Lahr for Schaefer Party

Bert Lahr, Willie and Eugene Howard, Frank Parker and Rachel Carlay are on the growing list of celebrities who will be on hand to entertain at the testimonial dinner to George J. Schaefer next Monday evening at the Astor.

Insiders' Outlook

By RED KANN

Hollywood, March 24.

A PLANNED procedure for Hollywood. And a very impressive phrase falling from the sincere lips of a man who wants to see it in this land where the topsy-turvy is the normal. The idea belongs to Jesse L. Lasky, whose years of experience with Paramount, then on his own with Fox, qualify him to propound such a plan despite the obvious difficulties of, firstly, setting it up and, secondly, doing anything about it after it reaches paper. . . .

▼

He would, to go specific, take measures to launch seriously and in organized manner the development of new talent, the undoubted need for which long has been coursing through his mind. He concedes that studios are experimenting and hoping new stars, public-blessed, will break through the existing firmaments. He continues to retain an old scheme of his which is to some day people a picture by cast, not starring, demands in the firm belief that, by judicious endeavor and proper judgment, new talent will develop. But Lasky, while he comfortingly ponders the plan, is not apt to move for its execution. He has reasons. . . .

▼

"The blame goes back to the sales department and on through to the public, but chiefly the former. Producers, all of them, are constantly reminded by New York that pictures must have names in order to sell. All right, what happens? Producers go out after names. All kinds of names. Good, indifferent and downright bad. Everyone knows that players of merit are far too few and much too difficult to sign. That's one factor which shoots up the price of the availables to inordinate and staggering heights. It goes beyond. The fetish for names, reflecting sales department and public demand, today finds major studios coupling two, three and four drawing cards in the one picture. . . .

▼

"This automatically makes it mandatory for competitive studios to follow suit. It sharpens again the name equation, makes the demand even more pronounced and skyrockets talent prices to an even higher level. The result is more and more expensive negatives, but the result also is that studios are fearful of experimenting with unknown names which conceivably some day could loom as large as those who now make up the favorites. Thus, the circle continues its cycle with no remedy in sight. You hear talk calling for action, but nothing beyond conversation." . . .

▼

This is one condition which Lasky believes calls for a planned procedure. Another concerns a circumstance, already touched upon. It is color. There was "Becky Sharp." Now there is "The Trail of the Lonesome Pine." Dave Selznick is preparing "The Garden of Allah." Others are on the way. Local critical comment, effusive like virtually everything else in Hollywood, already has modestly dubbed "Lonesome Pine" as "superb" and "triumphant." Many are the naive folks in and around these hills who believe all they read. That makes the rush toward color inevitable. And that finds Lasky, for one anyway, concerned with the outcome and again stressing his thoughts about a procedure, docketed and planned. He foresees trouble ahead if the color urge persists. Unless all the signs are wrong, he is right, and how right. . . .

▼

What to do with color and what to do with prices for talent, in theory, might be fit subject matter for a planned procedure, but only on paper. For one, the industry is too competitive in the production end. For another, there are too many would-be emperors and emperors, as history narrates, can do no wrong. Thus is justified wild expenditures. There is to consider as well the Hollywood social system where achievement, actual or otherwise, dictates position and prestige. There is too little knowledge here of who clicks and who does not click at the box-office, too much excitement over local sensations, too little regard for what goes on elsewhere in the country. . . .

▼

Because Hollywood knows production is the industry's lifeblood, too great advantage is taken of the fact. New York advice gets a hearing, but usually not a break. New York is tolerated because it has to be tolerated. By preference and by inclination, Hollywood prefers to go it alone and, more often than not, actually does. Anybody can build bricks and mortar; but not anybody can make the attraction to fill seats. So goes the age-old observation about that huge portion of this business on the other side of the mountains. Yet, a glance at much of the product conveys the impression anybody might do better. . . .

▼

A planned procedure, as a matter of fact, was tried in 1933 when the New York executive roster, led by Will H. Hays, traveled west to straighten out the coast forever more. There were meetings. Story editors were to gather weekly and sell each other dormant material. Standing sets were to be leased. Patents were to be pooled. A Central Booking Office, designed to lick the agents, was in the offing. In distribution, a physical merger was aired. The newsreels were to operate thereafter on the Associated Press formula. It was impressive on paper. . . .

▼

The results? Story editors met, but as soon as one studio evidenced interest in another's property, the latter refused to sell on the theory there must be unsuspected values in that vehicle if there was bidding for its purchase. Standing sets had been leased to other studios and still are for that matter which was never of stupendous import anyway. Patents were to be pooled. Were they? The Central Booking Office plans sent talent, goaded by agents, into a furore and nothing thereafter developed. Ideas for physical distribution mergers were returned to New York and subsequently quietly pigeon-holed for dust and disintegration to take them over. Newsreels are continuing as they were, swelled to a higher total with the addition of "The March of Time." Planned procedure went down to ignominious defeat as of that day, never since to raise its head. . . .

Jersey Tax Program Faces a Long Delay

TRENTON, March 24.—New tax legislation, including an amusement levy, may be postponed for New Jersey until after the May 19 primary election. The House and Senate adjourned for the week after short sessions last night without considering tax legislation. The tax bill, which provides a levy of four per cent on gross admissions, was not even brought up in conference.

So far apart are the Republicans on the tax bill that leaders are considering postponing everything until after the primaries.

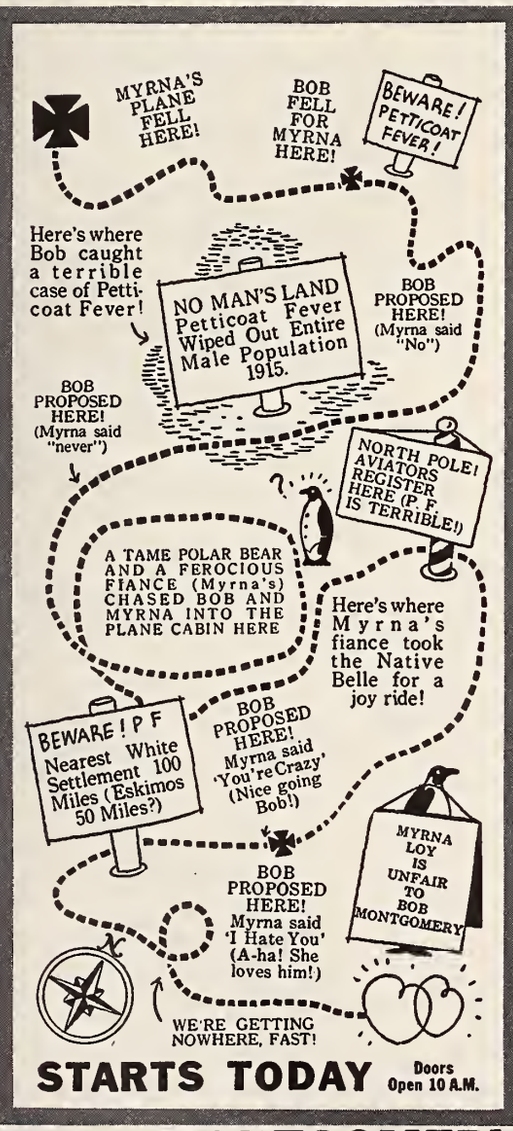
Despite a strong demand for a recess, a determined group of Senate leaders want to resume daily sessions next week until a tax bill is enacted. The two divergent programs will be considered at a Republican caucus next Monday.

Hoffberg to Open Office

J. H. Hoffberg will open a coast office within the next week or so. He has appointed Jerry Marks as his western representative. Marks and his family leave today to open the new branch.



MAP OF THEIR BIG LOVE AFFAIR!...



STARTS TODAY Doors Open 10 A.M.

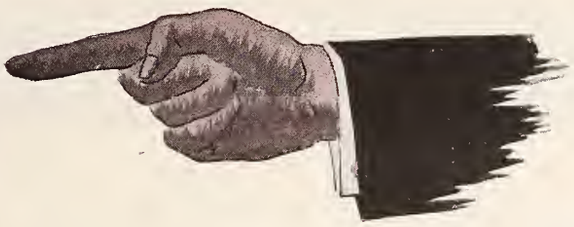
Robert MONTGOMERY
and magnificent **MYRNA LOY**

Petticoat Fever

M-G-M's version of the gay stage hit *with* REGINALD OWEN

CAPITOL *Extra!*—"DESERT DEATH" another "Crime Doesn't Pay" hit!—Fitzpatrick Traveltalk "MODERN TOKYO"

B'WAY & 51st—Major Edward Bowes, Mng Dir



NOTE TO THE THEATRE AD MAN!

This picture officially opens the Spring (romantic) season, so please give it plenty of you-know-what. Here's how the Capitol Theatre sold it, very informally, and that's how the folks like it in the Springtime!

SUTTER

RATES HISTORY'S

GOVERNOR MERRIAM PROCLAIMS "GOLD WEEK" FOR "SUTTER'S GOLD" PREMIERE IN SACRAMENTO TODAY!

VARIETY

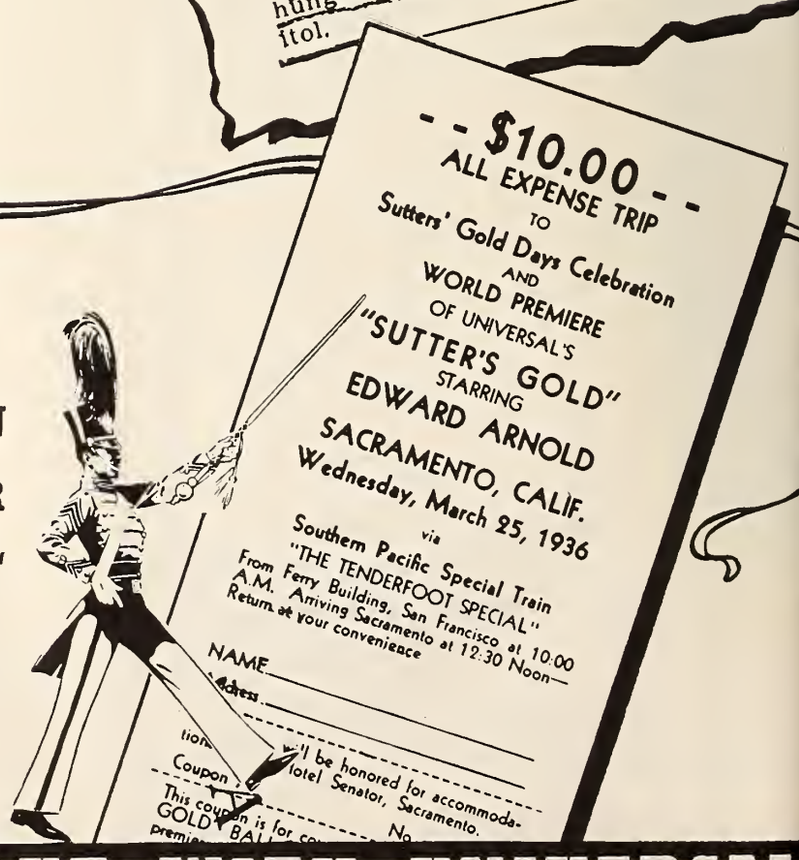
'Sutter's Gold Week'

Sacramento, March 10.

Governor Merriam has prcclaimed the week of March 25-31 'Gold Week' in recognition of the world premiere of Universal's 'Sutter's Gold' at Sacramento, March 25.

Banner publicizing the film is hung on the main floor of the capitol.

RAILROADS RUN SPECIAL TRAINS FOR "SUTTER'S GOLD" CELEBRATION!



STEP OUT WITH UNIVERSAL

'S GOLD

BIGGEST PREMIERE!

$10.00

ALL EXPENSE TRIP
TO
SUTTER'S GOLD DAYS CELEBRATION
AND
WORLD PREMIERE
OF UNIVERSAL'S
"SUTTER'S GOLD"
STARRING
EDWARD ARNOLD

SACRAMENTO, CALIF.-WED., MAR. 25-1936
via Southern Pacific Special Train
"THE TENDERFOOT SPECIAL"
Leaving Ferr. Bldg., San Francisco, 10 a.m.: Return at your Convenience.

MAKE THIS TRIP TO SACRAMENTO WITH THE HOLLYWOOD STARS!

TICKETS ON SALE AT:
TOM C. GIRTON BOX OFFICE, THE EMPORIUM, SAN FRANCISCO

NOTE: This ticket includes Round Trip Transportation, Meals and Accomodations at Hotel Senator, Sacramento, Admission to World Premiere of "Sutter's Gold" at the Alhambra Theatre, and Cover Charge to "Sutter's Gold Ball" at Hotel Senator following Premiere Performance.

HUNDREDS PAY $10 EACH TO ATTEND "SUTTER'S GOLD" OPENING!

THE SACRAMENTO UNION

'49-er Parade Is Planned at Film Premier

An old-fashioned Sacramento reception in which it is planned to have at least 1,000 persons dressed in '49 costumes greet a special train from Los Angeles and the bay region arriving for the world premier of the film "Sutter's Gold" was described last night at a dinner meeting of the Sacramento Junior Chamber of Commerce.

On authorization from the board Superintendent Charles C. Hughes probably will close schools March 25 so that school children may attend the ceremonies and parade incident to the premiere showing here of the motion picture, "Sutter's Gold."

ALL SCHOOLS CLOSE IN HONOR OF "SUTTER'S GOLD"!

'FORTY-NINERS PARADE TO HONOR "SUTTER'S GOLD" PREMIERE!

Sheehan Deal To Join Para. Is Called Off

(Continued from page 1)

duce four pictures annually himself, and to give personal supervision to six others. The Sheehan productions were to be made at General Service Studios.

Sheehan came here from the coast early this month to complete negotiations with Paramount officials. He plans to return to Hollywood tomorrow, but beyond his brief statement had nothing to say concerning any new plans he may have.

A Paramount official stated that inability to agree on terms of the deal was responsible for the discontinuance of negotiations. It was also intimated that rumors concerning the negotiations, which it was said were without foundation, influenced the decision to discontinue the discussions.

Several meetings of the Paramount board held since the negotiations were begun, took no action on a Sheehan contract. It was explained by officials of the company at those times that the agreement was still under discussion and not in shape for submission to the board.

Otterson and Adolph Zukor plan to leave for Hollywood on Friday, where they will spend two weeks completing plans for next season's production schedule with William Le Baron and the latter's associates. The possibility of the negotiations with Sheehan being resumed on the coast while the company heads are there was suggested within Paramount.

The production conferences at the Paramount studio will take the place of a second meeting of home office and studio officials which it had been planned, would be held in Chicago. The first such meeting was held there last December but it was believed advisable to hold the final one at the studio to save the time of production officials and make unnecessary their absence from the studio at this time.

Finish Industrial Film

Automotion Pictures, Inc., has completed its first industrial short with a comedy theme and a cast of stage players which includes Edward H. Robins, Madeline Grey, Gloria Palmer, Milton Francis and Ruth Edell.

Hit Equipment Price Rise; Form New Dealers' Group

(Continued from page 1)

trade relationship so well established by adopting unfair policies in a time of emergency. He said that liberal credit undoubtedly would be available to flood sufferers and that supply dealers had established deferred payment plans which could be utilized by exhibitors in need of either a few items of equipment or complete theatre renovation.

Robin said that reports indicated that most of the theatre equipment flood damage was to carpets and seats, projection equipment, with the exception of wiring, being out of reach of the water, for the most part.

Damage Estimates Await Flood Study

(Continued from page 1)

mate the damage until a complete study of the situation is completed.

In Hartford all downtown theatres are reopening following the restoration of electrical power. It was the failure of the power rather than the flood waters directly, which forced the closing of the Hartford houses. Theatres in the city are planning a benefit matinee for flood sufferers on March 29, when each house will donate theatre and film for the special showings, which have been approved by Mayor Spellacy. Only the State in Hartford was seriously damaged. About 2,500 of 4,000 seats were damaged there. The WPA Civic Repertory expects to resume stage performances April 2.

Patrons at the Roxy in New York have contributed $2,039.50 to the Red Cross for flood relief during the past three days.

Brighton Aids Flood Needy

BRIGHTON, MASS., March 24.—An after-school matinee at the Egyptian here tomorrow will be one of the first moves to aid flood sufferers hereabouts. Cans of food will be used for admission and the gifts will be distributed by the Red Cross and other organizations. Joseph Marquis, manager, arranged the move.

Silverstein Resigns

HOLLYWOOD, March 24.—David Silverstein today resigned his post as Republic story supervisor on features. No successor was named.

(Continued from page 1)

owner of the association. Letters were sent to approximately 110 dealers throughout the country and, according to Rudolph Eisenberg, who will be general counsel for the organization, the response has indicated a desire on the part of many to join the new group. Replies received thus far from questionnaires sent to about 500 equipment manufacturers pointed to a widespread desire to cooperate, Eisenberg declared.

De Kruif will act as general manager of the new association. It is planned to open a New York headquarters and showroom where equipment will be on permanent display. The admission fee for members is $50, for which the dealer will receive one share of stock. Dues will range from $50 to $100 a year, depending on the size of the dealer's territory.

It is not the intention of the organization to conclude exclusive arrangements with manufacturers, but it is expected, according to Eisenberg, that the prices obtained from manufacturers through the cooperative buying arrangement will be the best obtainable. The organization also plans to standardize prices, so that all dealer-members will sell the same piece of equipment for the same price, no matter where they may be located.

A clearing house will be established for the disposal of second-hand equipment and overstock. Assistance in sales and promotion through various methods, advertising for the dealer-members as a whole, help in credit and financing arrangements, accounting methods and a weekly bulletin of information are planned by the organization, according to the prospectus.

When the prospective dealer-members have been selected from the various centers, a meeting of those approved by De Kruif will be held here. No decision as to time and place has been made as yet.

See Theatre Deal In Graham's Visit Here

(Continued from page 1)

Cinemas, C. M. Woolf and other circuits in merger talks, although confirmation is lacking here.

The possibility is also seen here that Arthur Segal may bring together Paramount Theatres and Union Cinemas. Segal built the Paramount here, and recently signed with Union to build 40 houses for the circuit. Union at that time absorbed Reed Theatres, Ltd., which shares offices here with Paramount Theatres.

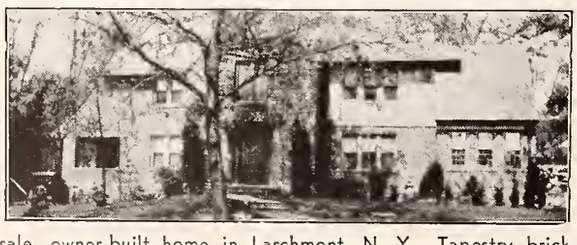
Nat'l Screen Part of A New Organization

(Continued from page 1)

this time. Casanave said yesterday it is planned to open several new branches in the near future, but as yet no decision has been made on location.

The arrangement is virtually an expansion move of National Screen Service, bringing that company into the national accessories field in addition to its trailer activity.

BEAUTIFUL HOME IN LARCHMONT



For sale, owner-built home in Larchmont, N. Y. Tapestry brick over hollow tile; slate roof; ten rooms; three baths; leaded glass windows and doors; hand carved lintel; satin oak finish; fireplace; tiled porch; two-car garage; copper screened throughout; convenient to station and schools; restricted neighborhood. This home will appeal to the lover of the beautiful. Must be seen to be appreciated. Address Box 500, Motion Picture Daily, Rockefeller Center, New York.

Purely Personal

RICHARD ARLEN, his wife, the former JOBYNA RALSTON, and their son, RICHARD, JR., sail today on the *Manhattan*.

•

PATRIC KNOWLES, young English actor under contract to Warners, will arrive today on the *Champlain* en route to Hollywood.

•

F. JOSEPH HOLLERAN, of the Times Square branch of the National City Bank has returned from a five-week trip to the coast.

Quip of the Day

Elevator conversation in the RKO Building:

He: "Lou Irwin's gone to Cincinnati."

She: "What for?"

He: "Dunno. Think it was to book Annette Kellerman up and down the Ohio River."

BILLY SCHWARTZ, 10-year-old son of E. SCHWARTZ, is recovering from a mastoid operation performed on Monday.

•

JACK SPRINGER and SAM COCALIS left yesterday for Florida. They were on the same train, in the same car.

•

MARIO LUPORINI, United Artists Italian representative, leaves for Europe Friday aboard the *Champlain*.

•

HAROLD ROBB and ED ROWLEY leave today for Dallas after spending a few days here.

•

BETTE DAVIS gets into town this morning on the Twentieth Century.

•

SAM COCALIS left yesterday for a vacation in Sebring, Fla.

•

GEORGE J. SCHAEFER returned from Washington yesterday.

•

LOU IRWIN has signed the Ritz brothers.

National's Product Buys to Start Early

With the arrival of J. J. Sullivan and Edward Zabel next week from the coast, buying conferences between National Theatre executives and the sales managers of major companies will get under way a month in advance of last year.

During the previous year, Sullivan and Edward L. Alperson started negotiating new product deals in May. National now operates 382 theatres throughout the country.

While Alperson was on the coast recently he closed with Twentieth Century-Fox.

Milt Kusell, New York state district manager for Paramount, has closed a two-year deal with George Skouras for the Skouras Theatres and also has signed a number of other deals for next season's output.

Eugene Picker, film buyer for Loew's, states he doesn't intend to move up his negotiations for new product.



LEO DECLARES A HOLIDAY FRIDAY NIGHT!

Everybody's coming. Check your lorgnette at the door and strut your stuff! This party is dedicated to good clean fun and the Management reserves the right to refuse admittance to sour-pusses!

SUPPER! DANCING! ENTERTAINMENT BY HEADLINERS OF STAGE, SCREEN, RADIO. PREFERRED TIME FOR EVERYBODY! THE TICKETS ARE LIMITED! GET YOURS TODAY!

Schaefer Talk Starts Clash Over Booking

(Continued from page 1)

of United Artists, gave members of the sub-committee copies of a stenographic report on a stage show which he said had been presented by two of the independent exhibitors who have advocated the adoption of the bill on moral grounds, and which contained a number of suggestive quips. At this point, Abraham F. Myers, general counsel for Allied States Ass'n, declared heatedly that the witness was descending to new low levels, and added, "When it comes to our turn we are not going to pull our punches in regard to Schaefer. We are going to introduce matter which may be called to the attention of the Department of Justice."

Congressman Cooper of Ohio, after reading the script, asked, "How can any man appear before this committee and advocate decency when he permits such a show as this to go on in his theatre""

Myers, in reply, declared, "I feel very confident that if anything like this was said on the stage and came to the attention of Yamins, he would not permit it to go on," to which statement C. C. Pettijohn, counsel for the Hays organization, answered, "Since Myers has made the statement that he is going to call the attention of the Department of Justice, and that he is not going to pull his punches, we won't do so either. I have some things which I was not going to introduce in this hearing, but now I'm going to put them in. I want to say right now that we accept the challenge of Myers."

"I am not in the least intimidated by what Pettijohn said," countered Myers, "but I will withdraw, in the interest of fair procedure, what was said about the Department of Justice."

Kuykendall Testimony Lengthy

Declaring that the Pettengill Bill will solve none of the complaints which have been registered, Ed Kuykendall, president of the M.P.T.O.A., told the sub-committee that the matters which have been discussed are chiefly problems best settled within the industry. He declared that a 20 per cent cancellation clause, at the least, is necessary to enable exhibitors to select the pictures best suited for their audiences. There is much confusion between the terms "independent," "affiliated" and "circuit," the witness said, explaining that there are over 400 circuits of four houses or more, and that they operate 5,656 theatres. Of these, he said, five circuits, with 1,094 houses, are affiliated organizations. The average seating capacity of individually operated houses, he added, is 515, while that for circuit theatres under local or independent management is 897 and that of the national circuits, 1,445.

"We have many disputes with the producers," Kuykendall continued, "concerning what should and should not go into pictures. The whole world loves to argue the point, but, even before the advent of the Legion of Decency, the producers were taking steps to improve their product. There are a number of trade practices to which exhibitors are opposed, but they are controversial matters in which neither the public nor the committee have any real interest.

"The Pettengill Bill, however, will not solve these difficulties," added Kuykendall, "but will merely serve to increase film rentals for the smaller theatres. A major point of difficulty will be that of controlling the differential in the price between a picture sold separately and one sold as part of a block. This will lead to continual litigation, with the courts placed in the position of having to determine the value of the picture. So stringent are the terms of the bill that no distributor would move one step beyond its provisions, and exhibitors will lose whatever cancellation and other privileges they now have. The difference between block and selective buying is exemplified in the case of United Artists, whose films are sold singly, bringing much higher prices than do those of the other producers. But full line forcing is a short-sighted, stupid business practice that should be abandoned.

"The only practical solution of the problem," Kuykendall added, "is a 20 per cent cancellation clause, which is one of the matters to be discussed at a meeting soon to be held with the distributors. If this bill becomes a law, we are convinced not only that it will not work, but that positively it will completely destroy any possible chance to secure a minimum rejection privilege to the exhibition contracts by a voluntary modification of sales policy."

At this point Pettijohn interjected, "I would take the position of Sidney R. Kent, that for moral and social reasons the exhibitor should have a 100 per cent cancellation privilege, but when it comes to cancelling because of the box-office the matter must be settled within the industry."

Ray Morrow, of Malden, Ark., was the next witness. He told the committee that he never had any difficulty in getting rid of pictures which he felt would offend his audiences, and stated that the small town exhibitor who has no competition, can settle his problem easily, pointing out that if a distributor is difficult to deal with it is necessary merely to refuse to deal with him the following year.

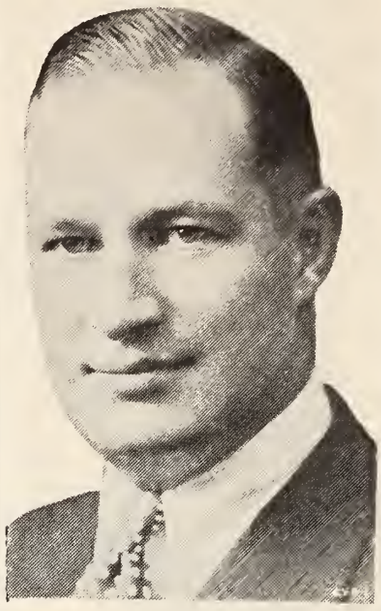
Briefs in opposition to the bill were introduced by Kuykendall for Jay Emanuel of Philadelphia; Hugh W. Bruen, president of the Theatre Owners of the Northwest, and M. A. Lightman, president of the Tri-State M.P.T.O.

Theatre League Now Has Dramatist Pact

The League of N. Y. Theatres, a producing managers' organization, has drawn up its own contract for the use of its members in their dealings with playwrights, Dr. Henry Moskowitz, president of the league, said yesterday. The contract is designed to take the place of the new minimum basic agreement placed in effect March 1 by the Dramatists' Guild, which is being rejected by the managers as a result of the refusal of the guild to negotiate a new agreement or to submit disputed points to arbitration.

A membership meeting of the league will be held today at which the managers' new contract will be explained and members will be asked to use the pact exclusively.

Hake Moved Up



C. V. Hake, Twentieth Century-Fox manager in Japan and Korea, has been named an executive aide to W. J. Hutchinson, foreign manager. He will arrive in New York about May 1 and will organize the 1936 Overseas Kent Drive as his first assignment.

News of Hake's appointment was received at the home office in a cablegram from Hutchinson, who is now in England.

Hake has represented Twentieth Century-Fox and its predecessor company in the Far East since 1928. Before joining Fox Film he was with First National and F.B.O. Before entering the film business he was with the Irving Trust Co. He is a native of Salt Lake City.

RKO Sales Problems Up at Meeting Here

Current sales problems were discussed yesterday at a meeting of RKO Radio eastern division sales officials at the Waldorf-Astoria, which was presided over by Ned E. Depinet, president, and Jules Levy, vice-president and general sales manager of RKO Distributing Corp.

Attending the meeting were E. L. McEvoy, eastern sales manager; Harry Michalson, short subject sales manager; Leo Devaney, Canadian district manager; Nat Levy, east-central district manager, and the following branch managers, C. R. Halligan, Albany; R. C. Cropper, Boston; H. T. Dixon, Buffalo; S. C. Jacques, Cincinnati; H. Greenblatt, Cleveland; A. J. Mertz, Detroit; R. E. Churchill, Indianapolis; B. Pitkin, New Haven; S. L. McNamee, Philadelphia; G. M. Lefko, Pittsburgh; R. C. Folliard, Washington, and R. S. Wolf, manager, and the entire sales force of the New York exchange.

Representing the home office were A. A. Schubart, M. G. Poller, William E. Dahler, Lou Miller, J. P. Skelly, Tom Quinn, William E. Clark, Harry Gittelson, Lou Gaudreau, Sid Kramer, Ed Smith, Jr., Rutgers Neilson and Leon J. Bamberger.

The meeting was the fifth regional sales conclave held by Levy in recent weeks in the course of a transcontinental tour of RKO branches.

Producers Authors' Targets at Hearing

WASHINGTON, March 24.—"Incompetent" producers who destroy the main values of the author's works were today attacked before the House Patents Committee by representatives of the writers, appearing in opposition to the Duffy Bill.

Features of the measure that would permit freedom of editorial revision were criticized by Ben Lucian Berman, author of "Steamboat 'Round the Bend" who declared it would undermine the authors' moral rights, and added that "98 per cent of the screen writers in Hollywood are taking orders from producers who are quite incompetent to direct them."

Other complaints were registered by Mary Heaton Vorse, who criticized the name "Sea Beast" used on one of her stories, starring Milton Sills, and complained that one studio used "only two lines" of her script.

The hearings through the remainder of the week will be devoted to the testimony of the various authors' groups.

Pass New Deal Short

COLUMBUS, March 24.—The Ohio censors have passed "The Amateur Fire Brigade," animated cartoon satirizing the New Deal, submitted in revised form by the Sentinels of the Republic. The board rejected the original script after having reviewed the film four times.

Nebraska MPTO Meet Set

OMAHA, March 24.—The semi-annual meeting of the local M.P.T.O. will be held March 31 and April 1 at the Loyal Hotel, according to C. E. Williams, president.

Wall Street

Losses Continue on Board

	High	Low	Close	Net Change
Columbia, vtc	36	35½	35½	— ½
Columbia, pfd	45½	45½	45½	—2¼
Consolidated	6⅜	6¼	6⅜	+ ⅛
Consolidated, pfd.	18½	18	18	— ⅛
Eastman	162	161¼	161¼	— ¾
Eastman, pfd	165	165	165	.....
Loew's, Inc.	47¾	47⅛	47⅛	— ⅜
Loew's, Inc., pfd.	106⅞	106⅞	106⅞	+ ⅛
Paramount	9¾	9⅝	9⅝	— ⅛
Paramount 1 pfd.	74	74	74	—1⅛
Paramount 2 pfd.	10⅜	10⅛	10⅛	— ⅛
Pathe Film	10	9⅜	9¾	— ¼
RKO	8	7¾	7⅞	— ⅛
20th Century-Fox.	29	28½	28½	.....
20th Century, pfd.	36⅞	36⅞	36⅞	.....
Universal, pfd.	88	89	88	.....
Warner Bros.	12⅞	12¼	12¼	— ⅜
Warner, pfd	54½	53½	53½	+ ½

Little Curb Activity

	High	Low	Close	Net Change
Sentry Safety	⅞	⅞	⅞	.....
Sonotone	2⅞	2¾	2¾	.....
Technicolor	29⅛	28¾	28¾	— ⅝
Trans-Lux	4⅛	4	4	.....

Trading Uneven on Bonds

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	29½	29	29	— ¼
General Theatre Equip. 6s '40, ctf	29¾	29	29	— ½
Keith B. F. 6s '46	95½	95	95	+ ⅛
Loew's 6s '41 ww deb rights	1027/16	1027/16	1027/16	—1/16
Paramount B'way 3s '55	57½	57	57½	+ ⅛
Paramount Pict. 6s '55	91½	90¾	91	— ½
Warner Bros. 6s '39 wd	97	96	96½	+ ½

(Quotations at close of March 24)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry In All Branches

VOL. 39. NO. 72 NEW YORK, THURSDAY, MARCH 26, 1936 TEN CENTS

Flood Damage Extent Still Not Estimated

Bernhard Reports Work Now in Progress

An estimate of theatre flood damage is still impossible to make, Joseph W. Bernhard, Warner theatre head, said yesterday on his return from an inspection visit to the company's houses in the Pennsylvania flood area.

All of Warners' 14 Pittsburgh theatres are closed and three additional Warner houses in Johnstown are closed, Bernhard reported. Cleaning and refurnishing of the theatres are progressing rapidly and reopenings now appear to be dependent upon the restoration of power and light services in the flood territories, it was stated. All neighborhood theatres, as well as the downtown first runs in Pittsburgh are closed, due to the continued lack of electric power, Bernhard said.

Comerford representatives yesterday toured houses in the Susquehanna

(*Continued on page 6*)

Warners to Offer 5-Year Music Pact

Warner music subsidiaries will offer five-year music licensing contracts to radio stations, effective April 1, in place of the short term agreements which have been in use since the companies' resignation from Ascap, Jan. 1, Herman Starr, Warner vice-president, said yesterday.

The contracts result from an agreement on revised rates for the use of Warner music reached this week by Starr and James W. Baldwin, manager of the National Ass'n. of Broadcasters. The new rates will retain the monthly fee arrangement inaugurated in January, but will be

(*Continued on page 7*)

Lynch in Milstein's M-G-M Post in L. A.

Los Angeles, March 25.—Clayton Lynch, former St. Louis branch manager for M-G-M, has been transferred to the local branch as manager, succeeding J. J. Milstein, who resigned recently. W. E. Banford, former Des Moines manager, has been shifted to St. Louis in Lynch's place, and D. C. Kennedy, former Des Moines salesman, has been promoted to the manager's post at that branch. The changes all will be effective next Monday.

Says Loss Should Be Shared By Theatres and Producers

By CLARENCE LINZ

Washington, March 25.—"Weak-kneed exhibitors who are afraid to admit they run a picture because it makes money for them," were assailed today before the Pettengill block booking sub-committee by E. D. (Jack) Miller, president of the Chicago Exhibitors' Ass'n.

Appearing in opposition to the Pettengill Bill, Miller told the sub-committee he differed from Ed Kuykendall, M.P.T.O.A. president, on the question of cancellations, and did not believe that the privileges should be carried so far as to lay the entire loss of a flop picture on the producer. It should be more of a 50-50 proposition, he said, explaining that when he contracted for a company's output and got a number of bad pictures he demanded, and got, an adjustment in price or refused to buy the output the following year.

"This bill will not stop any immorality in pictures," he said. He defended the exhibitors who have been charged with showing anything that had box-office appeal, and pointed out that "immoral pictures would not bring us any money over any length of time." Indicating that he deliberately overbuys, Miller explained that he plans on setting aside a certain percentage of pictures each year, but in

(*Continued on page 7*)

Court Holds Ruling On Union Picketing

Decision was reserved yesterday by N. Y. Supreme Court Justice Carewe on an application by Harry Brandt for an injunction to restrain the Film Exchange Employees' Union from picketing the Globe, a Brandt house on Broadway.

Picketing of the theatre was begun last Saturday by the exchange employes' union with the opening of "The Leathernecks Have Landed." The union has concentrated picketing activities on houses playing Republic pictures since 11 union employes walked out of the Republic exchange here recently. Weisman, Quinn, Allen & Spett appeared as attorneys for Brandt in the injunction proceedings.

Sheehan Gap in Para. List Not Filled Yet

Paramount has no plans at this time involving the addition of another producer to its studio staff to replace Winfield Sheehan, a company official stated yesterday.

The discontinuance of negotiations with Sheehan on a deal for the production of 10 pictures for Paramount

(*Continued on page 6*)

Capra Again

Hollywood, March 25.—For weeks, Hollywood has been developing excitement over "Mr. Deeds Goes to Town," the Frank Capra picture for Columbia which has been in work for a full year.

The advance word, originating from no known source remotely or otherwise identified with the producing organization, has been that the director has delivered one of the topflight attractions of the new year; that Gary Cooper climaxes his career as the male lead and that "Mr. Deeds Goes to Town" makes a brand new star in Jean Arthur.

Previewed here last night, the picture was afforded a rousing and enthusiastic reception. *Motion Picture Daily's* reviewer, throwing all restraint to the breezes, frankly characterized the picture as topping "It Happened One Night."

This and other comment, bouncing through the coast wire, are published on page 6 today.

U. A. Seeks Outlets In Illinois Towns

Chicago, March 25.—United Artists have promoted deals for the opening of the Masonic Temple Auditorium in Elgin and an armory in Kewanee as theatres, both to be known as "The Home of United Artists Pictures." This marks the beginning of what may be a battle between U.A. and Great States. Having sold away from Great States, U.A. is trying to get dates in spots where the circuit operates.

The Elgin house will be called the Temple Auditorium. It will be remodeled, redecorated and wired for

(*Continued on page 6*)

ITOA Asks Brandt To Remain as Head

Harry Brandt was unanimously recommended for reelection as president of the I.T.O.A. at a meeting of the organization's board of directors at the Astor yesterday.

The action was taken despite Brandt's repeated declaration in the past few months that he would not

(*Continued on page 7*)

Three Million AT&T Funds In Production

Federal Probe Details Loans on Pictures

By BERTRAM F. LINZ

Washington, March 25—Investigation of the film activities of the American Telephone and Telegraph Co., today by the Federal Communications Commission revealed that the telephone company had advanced a total of $3,413,400 for film production.

A. T. & T. advanced $15,000,000 to Fox Theatres Corp. in 1929, it was testified by Samuel Meisells, assistant accountant of the commission. The money was advanced by Erpi, which borrowed it from Western Electric, of which it is a subsidiary. Western Electric, A. T. & T. subsidiary, at the same time obtained a $12,000,000 advance from the parent company.

Meisells testified that he could find no information in the A. T. & T. records to show why the loan was made through Erpi instead of directly by A. T. & T. or Western Electric. Later, the accountant said, Erpi loaned $5,000,000 to General Theatres, Inc., the funds being used to pay off the advance originally made to Fox Theatres, and $9,775,000 to Halsey, Stuart & Co.

"Erpi furnished $15,000,000 to repay itself the $15,000,000 to Fox and substitute new debtors for the old one, at the same time reducing the original indebtedness by $225,000," it was explained by Samuel Becker, special

(*Continued on page 6*)

Writers Again Aim Fire at Producers

Washington, March 25.—Producers were again attacked today by representatives of the dramatists and screen writers appearing before the House Patents Committee in opposition to the Duffy Copyright Bill.

Instead of the Duffy Bill, it was urged, Congress should enact legislation to prevent producers from mutilating scenarios. John Howard Law-

(*Continued on page 7*)

Miggins New Europe Head for 20th-Fox

Ben Miggins, for the past five years European director of Movietone News, has been named European manager for Twentieth Century-Fox Film Corp. with headquarters in Paris, the

(*Continued on page 7*)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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MARTIN QUIGLEY
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Gerald Brooks Rites Will Be Held Today

Funeral services for Gerald Brooks, a member of the board of Paramount Pictures for many years, will be held at 3:30 today at his home, 18 West 12th Street. The services will be private.

Brooks, who was 52 years old, died of a cerebral attack at his home late Tuesday. He had been ill for some time past although he continued his business activities without interruption. He became a member of the board of Paramount Publix in 1929 and served up to the time of the company's bankruptcy in 1933.

Paul McCullough Dies

MEDFORD, MASS., March 25.—Paul T. McCullough of the comedy team of Clark and McCullough, died at Lawrence Memorial hospital here today from self-inflicted wounds. McCullough had been undergoing treatment at the hospital for a nervous disorder. He was 52 years old.

Warner Group West

Gradwell L. Sears, A. W. Smith, Jr. and S. Charles Einfeld, vice-presidents all of Vitagraph, the Warner-First National distributing company, will leave for Hollywood by air next week. The purpose is discussion on the 1936-37 product.

Colbert Party Guest

Claudette Colbert was guest of honor at a cocktail party given by Paramount at the Waldorf-Astoria yesterday afternoon.

Insiders' Outlook

By RED KANN

Hollywood, March 25.

NEVER let it be bruited about that Hollywood fails ever to recognize genius. Exactly what genius is and what makes it tick may be a matter of opinion and climate, but Hollywood, on and off the Metro lot, has voted Stromberg has it. For Hunt today is the white-haired boy in that studio. There is no need for him to bay at the moon; somehow or other Louis B. Mayer and Sam Katz will get it, or an acceptable substitute, if the Stromberg inclination should run into astronomical channels. . . .

▼

Stromberg is the chap who set Metro up in the business of making operettas. He has done so good a job that the studio feels it no longer has any worries along such lines as, for instance, it has had and still has with musical comedy. The reward for Stromberg thus has been a new five-year contract, grafted to the two years yet to go on the old, at terms to which no genius possibly could find exception. That deal, as this department gets it, proved a disappointment to Sam Goldwyn, who for long had hoped to bring not only Stromberg, but Thalberg, into the United Artists fold. You see, Nick Schenck knew all about it. . . .

▼

Since '33, the record shows Stromberg has been forging steadily ahead as one of the most successful producers of money pictures in Hollywood. In that year, the archives finally divulged after much patient effort, he produced "Penthouse" with Myrna Loy and Warner Baxter. This was the opus which took Miss Loy out of Oriental siren garb and made of her an attractive American girl; she's been that ever since. "Bombshell" with Jean Harlow and Spencer Tracy was another Stromberg of '33 vintage. Others pinned to his chest are "The Prizefighter and the Lady," a swell attraction thwarted by its title; "Eskimo," "Chained," "Hideout," "Treasure Island," "The Painted Veil," "The Thin Man," about which nothing further need be said; "Naughty Marietta," "Ah! Wilderness," "Rose Marie," "Wife vs. Secretary," "Small Town Girl," in production now with Bob Taylor and Janet Gaynor, and "The Great Ziegfeld," the picture which makes Metro-ites weak with emotion whenever they talk about it, which is practically all of the time. . . .

▼

It's a far cry from the days when Stromberg was press agent for Lewis J. Selznick and later for Tom Ince. It was an exploitation two-reeler for Ince, our memory seems to recall, which gave Hunt the production fever at high pitch and propelled him into the creative end of the business on his own. Long with Metro, his record, naturally pinpricked with some attractions which missed, has been an outstanding one. What they think there is expressed by an unnamed M-G-M executive: "If I had to choose from all the producers in Hollywood, I'd take Stromberg." He doesn't have to; he's got him.

▼ ▼

Newspaper and magazine correspondents sailing under false credentials are a bother to the studios. One method is to write important publications of plans to submit material at regular rates until one paper replies it will accept manuscript on such a basis. On publication stationery obviously, this allows the phony to print cards and launch operations for whatever purpose he may have in mind. The suspicions of a major studio were aroused recently and the resultant investigation brought to light the above technique. Instances of this nature are invariably turned over to the Hays office here for probing. In the case cited, the man was caught and frightened to a degree which probably will dispel any similar attempt on his part for some time to come. However, no doubt another is prepared to follow his trail. The studios expect it. . . .

▼ ▼

Mox Shobbus, Hollywood's Balaban without Katz, after counting up his matinee take in competition with Santa Anita, slot machines and Marion Davies' beach house, let loose a few iconoclastic bombshells:

"If the Government used to pay farmers for *not* farming and cotton men for plowing under every other row of cotton, maybe it would be a good idea if some exhibitors should be paid when they *don't* exhibit and if some exhibitors plowed under every other seat.

"Better still, if exhibitors plowed under every other feature and producers plowed under every other exhibitor, maybe we would all go out of business together." . . .

▼ ▼

One method, induced by necessity, of disposing of visitors with dispatch and courtesy is the A and B tour, a reflection of current drifts in production, no doubt. The visitor whose introductions stamp him as of some pumpkins gets the A tour which embraces the works. The others are given the B. It is not the visitor, however, who should be given the works, but those outside of Hollywood who send him here to further hamper picture making. . . .

Legion Approves 8 Of 10 New Pictures

Of 10 pictures reviewed and classified by the Legion of Decency in its latest listing for the current week, eight were called unobjectionable for general patronage, only two were classified as unobjectionable for adults and for the first time none was classed as objectionable in part.

The additions, classified, are as follows: Class A-1, Unobjectionable for General Patronage—"The Border Caballero," "Charlie Chan at the Circus," "House of a Thousand Candles," "King of the Pecos," "Tempo Massimo," "Too Many Parents," "Two in Revolt," "Young Love." Class A-2, Unobjectionable for Adults—"Der Fluechtling Aus Chicago," "Petticoat Fever."

Theatre Men Discuss Dramatist Contract

Provisions of the new contract to be offered playwrights by producing managers were discussed yesterday at a meeting of the League of N. Y. Theatres. The contract is understood to be similar in practically all respects to the one in use prior to March 1.

The league is attempting to obtain a solid managerial support for the use of the new contract, which is designed to supersede the one placed in effect March 1 by the Dramatists' Guild. This pact drew the objections of the producing managers by curtailing their participation in the proceeds from the sale of film rights to stage plays. The guild refused overtures from the managers aimed at either the negotiation of a new agreement or the submission of disputed points to arbitration.

Murphy, Paul Added To Universal Staff

HOLLYWOOD, March 25.—Charles R. Rogers, who will be executive vice-president of Universal in charge of production, has named Val Paul, who has been associated with him in other companies, to a production post at Universal.

Rogers also has signed Ralph Murphy, who directed a number of films for Rogers when he was a Paramount producer, to a contract as a Universal director.

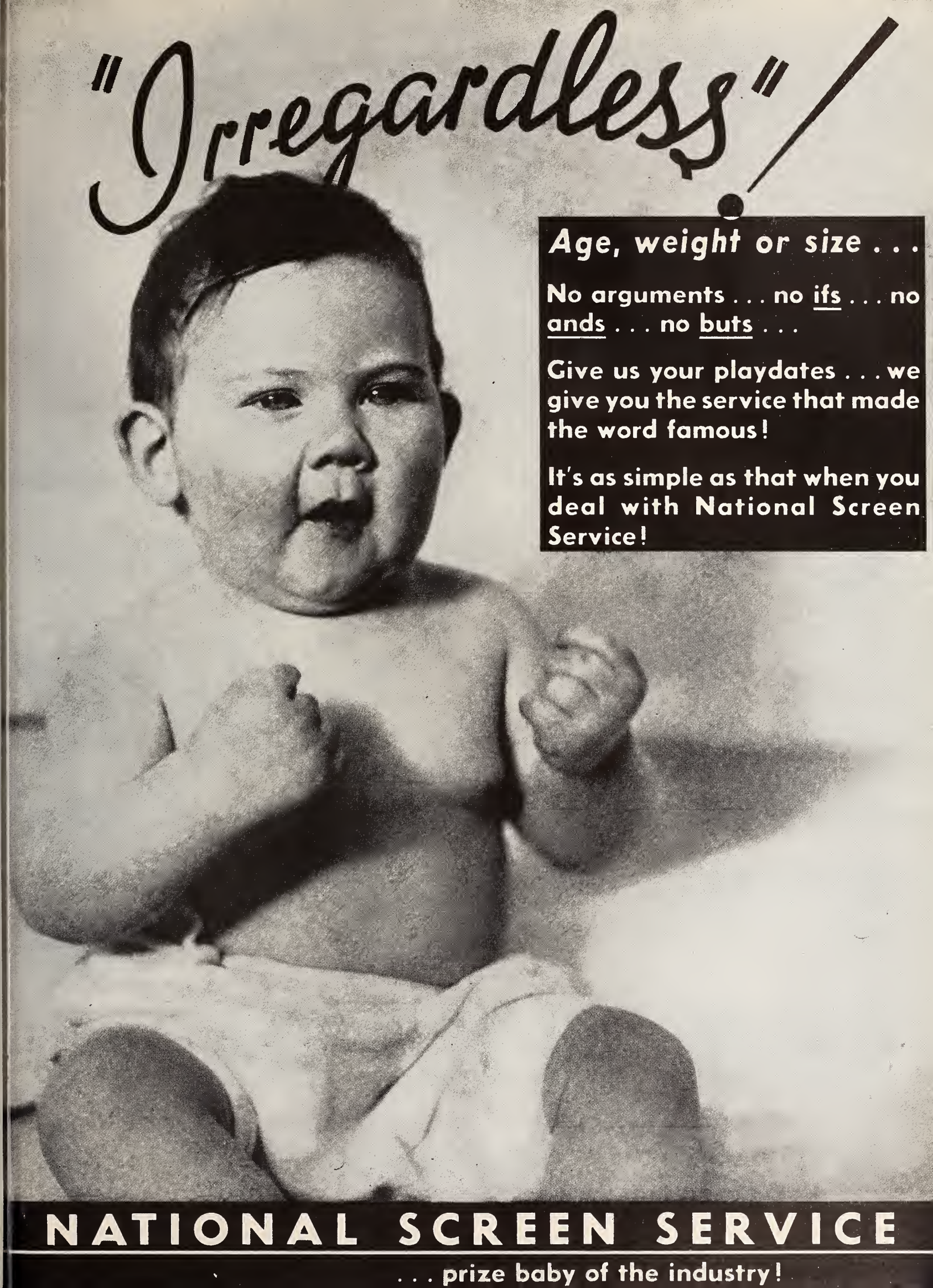
"Rose Marie" Heads Herald's Champions

"Rose Marie" heads the list of *Motion Picture Herald* box-office champions for February.

Six others to get this rating are: "Modern Times," "The Story of Louis Pasteur," "A Tale of Two Cities," "Exclusive Story," "Follow the Fleet" and "The Ghost Goes West."

Para. to Do 4 in Color

HOLLYWOOD, March 25.—Paramount has signed with Technicolor for four features in color during the next 12 months.


"Irregardless"!
Age, weight or size . . .
No arguments . . . no ifs . . . no ands . . . no buts . . .
Give us your playdates . . . we give you the service that made the word famous!
It's as simple as that when you deal with National Screen Service!
NATIONAL SCREEN SERVICE
. . . prize baby of the industry!

EASTER WEEK

AL J



delivers "his greate

"the Sing

MAMMY!
-What a set-up of supporting talent we've got!

SYBIL JASON

CAB CALLOWAY AND HIS BAND

ALLEN JENKINS · CLAIRE DODD · LYLE TALBO

*Bill Ullman, Fawcett Publications; Harry Neimeyer, *St Louis Post-Dispatch*; Jimmie Fidler, famed radio reviewer—after coast preview.

Songs by E. Y. Harburg and Harold Arlen.

WARNER BRO

-THE ONE AND ONLY

OLSON

show since 'The Jazz Singer'"*

ing Kid"

YACHT CLUB BOYS

EDW. EVERETT HORTON

T·BEVERLY ROBERTS·MITCHELL & DURANT

6.--Producers

A FIRST NATIONAL PICTURE
Directed by
WILLIAM KEIGHLEY

Three Million AT&T Funds In Production

(Continued from page 1)

counsel for the commission, under whose questioning Meisells disclosed the financial moves of A. T. & T.

A number of other operations in film fields were disclosed by the witness, including the purchase by Weco Corp., Western Electric subsidiary, of $8,500,000 of film securities notes with funds supplied by Western Electric. Graybar Electric Co., another A. T. & T. subsidiary, purchased $500,000 of the notes, he said.

Exhibitors Reliance Corp., owned by Erpi, it was revealed, put up funds for production, advancing Picture Alliance Corp. $805,000 to finance the making of 12 features, nine westerns, 29 two-reelers and 10 one-reelers. It loaned Educational $400,000 for 26 shorts. A loan was made to Universal for the production of "Moonlight and Pretzels." Krinsky and Cochran obtained $168,620 to make "Emperor Jones." Hecht and MacArthur were loaned $307,984 for "Once in a Blue Moon," and $187,000 for "The Scoundrel" and another film. Arnold Pictures Corp. obtained $70,000 for "His Double Life." Exito Prod., Inc., got $81,000 for "Unofficial Wife" and the Take-a-Chance Picture Co., obtained $100,000 for "Take a Chance." A credit of $50,000 was extended to the Quigley Publishing Co. in June, 1932.

Quigley Statement Issued

[The following statement was issued last night by Quigley Publishing Co.:

"On June 30, 1932, at which time, on account of the depression, the normal sources of credit to legitimate business were closed, Quigley Publishing Co. negotiated a credit, in amount of $50,000, with the Exhibitors' Reliance Corp., a subsidiary of Erpi.

"The credit above referred to was negotiated in full and mutual realization of the fact that it involved no implications or commitments beyond, or in addition to, repayment with interest at the normal rate.

"Repayment in full, together with interest, was completed on April 18, 1935."]

An explanatory statement issued by Charles F. Hurd, special counsel for A. T. & T., showed that the development of sound was more or less accidental, growing out of research on equipment for telephone testing. It was first applied as a new method of sound recording and later experiments were undertaken in the synchronization of sound and picture.

The company does not deny that it has a monopoly on the manufacture of sound equipment, but Hurd contended it was drawn into the picture situation legitimately when it became necessary to take over a producing company which found itself unable to meet a debt to A. T. & T. For a time, he said, the company was producing pictures at the Long Island studio of Paramount, but he admitted that none of its productions was successful.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Mr. Deeds Goes to Town"

(Columbia)

HOLLYWOOD, March 25.—Mr. Deeds goes to town and so will any exhibitor who books this hilarious combination of comedy, satire and romance, in which Frank Capra tops his "It Happened One Night." Gary Cooper gives by far the best performance of his career as the sensitive, sensible small town citizen who makes all the money he wants from a little factory and the writing of poetry for postcards.

A legacy of $20,000,000 takes him to New York, where hordes of chiselers attempt to take him over. Deeds evades all the traps with a shy, mild positiveness, placing his trust only in Jean Arthur, a newspaper girl, who betrays his confidence for a series of front page stories. Discovering that she has made him a byword as the "Cinderella Man," Cooper decides to give away his fortune. Parasitic relatives bring insanity charges and Deeds' defense, aided by Miss Arthur, is one of the funniest climaxes seen in many a day.

Capra's handling of the characters and situations deserves all possible praise. Robert Riskin's screen play from the original by Clarence Budington Kelland is packed with unexpected comedy twists. The same high praise goes to the impressive cast for its excellent work. Miss Arthur is telling as the alternately cynical and tender reporter; George Bancroft makes every minute count as the human editor and Lionel Stander introduces his own wild comedy as the press agent.

Deserving of comment are Douglas Dumbrille as the two-timing attorney, Raymond Walburn as the butler, H. B. Warner as the judge at the insanity hearing, Walter Catlett as the intoxicated poet, John Wray for a fine emotional scene as the desperate bankrupt, and Mayo Methot and Jameson Thomas as grasping relatives.

The film's highlights include the scene where Deeds toots his beloved tuba in the band at his own farewell celebration, his gentle, but efficient, distribution of knockouts, and the uproariously funny and touching insanity hearing, which supplies the best exploitation angle, if one is to be selected from many.

Production Code Seal No. 1,966. Running time, 115 minutes. "G."

Conn. IMPTO Votes For Incorporation

NEW HAVEN, March 25.—Incorporation of the new Independent M. P. T. O. of Connecticut has been decided upon. A constitution will be adopted at the next meeting April 7. It has been approved by the board of directors.

Problems already discussed have included possible savings on merchandise giveaways and insurance.

M-G-M Club Party Set

M-G-M's Pep Club is all set for its dinner tomorrow night on the Astor Roof. Jay C. Flippen will be master of ceremonies. Among the guests expected are Milton Berle, Ed Sullivan, Jack Benny, Jackie Coogan, Betty Grable, Harry Hershfield, Sid Gary, Gertrude Niesen and Harry Ross.

IA Men Coming East

HOLLYWOOD, March 25.—Steve Newman, local I.A.T.S.E. studio representative, left by train tonight for New York to attend the annual producer union conferences. Pat Casey, studio relations head, will start east some time next week.

Theatre Tax Approved

ANNAPOLIS, March 25.—Despite the opposition of a large group of Maryland exhibitors here today, the Ways and Means Committee reported favorably on the Senate relief bill calling for a 10 per cent tax on all amusement admissions.

U. S. Firms Win in Danish Sound Case

M-G-M and Twentieth Century-Fox have won a final decision in the Danish Supreme Court giving them the right to re-record sound track in Denmark without paying royalties to Nordisk Tonefilm.

The ruling upholds a decision of a lower court against Nordisk Tonefilm in a patent infringement suit.

Picker Heads Columbians

Leonard Picker has been named president of the Columbian Club. Other officers are as follows: first vice-president, Ruth Greenfield; second vice-president, Denny Heiss; treasurer, Joe Freiberg; financial secretary, Etta LeVoff; secretary, Carmel Latell; assistant secretary, Rose Sachs; chairman of the board, Tess Weinberg; press agent, Seymour Zwilling; exchange representative, Francis Goldberg.

O'Heron Joins Pioneer

HOLLYWOOD, March 25.—Frank O'Heron, who resigned as vice-president of Radio eight months ago, has joined Pioneer as executive assistant to Merian C. Cooper. O'Heron has been in retirement since leaving Radio.

Film Scenes at Kelso

PORTLAND, March 25.—Scenes for "God's Country and the Woman" are being filmed at the Weyerhauser plant, Kelso, Wash.

Flood Damage Extent Still Not Estimated

(Continued from page 1)

River valley, but the New York office was without word last night as to the extent of the damage. Reports are expected today.

Theatres Shut as "Luxuries"

PITTSBURGH, March 25.—A score or more of Warner and Harris neighborhood houses which reopened for business over the week-end were closed again today. The Duquesne Light Co. placed theatres in the luxury classification and asked the circuits to keep them shut in the interests of power conservation. The utility company did not intimate when the houses would be permitted to relight, but it was felt certain that they would remain dark until next Sunday at least.

Hartford Getting Power

HARTFORD, March 25.—Borrowing electric power from outside, the city has recovered its lights in several sections and theatres have reopened for the most part. Loew's Poli and Palace, however, remain closed, and the Allyn, Rialto and E. M. Loew were unable to predict certain opening tonight. Those theatres which had been successful in securing light the night before, reported poor business, with the 9 o'clock curfew still in effect, and police discouraging all automobile traffic.

U. A. Seeks Outlets In Illinois Towns

(Continued from page 1)

sound. Formal opening will take place on Easter Sunday with "Modern Times."

Tom Norman and Fred Schmitendorf are leasing these auditoriums on a percentage basis and are playing the pictures the same way. They also plan to send DeVry portable equipment on a truck into towns having small theatres, or none at all, and play U. A. pictures, forming a small circuit for one night stands, weekly, and if this is successful they may start a fleet of trucks on the same plan in order to give U.A. full showing in this territory.

Sheehan Gap in Para. List Not Yet Filled

(Continued from page 1)

release next season will necessitate a realignment of the comany's schedule unless the unit planned for Sheehan is replaced. Conferences on the situation created will be held in Hollywood next week on the arrival of John E. Otterson, Paramount president, and Adolph Zukor, chairman. The possibility of a new deal being discussed with Sheehan, who leaves for the coast today, was suggested again yesterday in Paramount. Otterson and Zukor leave for Hollywood tomorrow.

Set Chicago Parley

Annual convention of the National Poster Protective Ass'n will be held at the Palmer House, Chicago, April 18-19.

Says Theatre Should Share Film Losses

(Continued from page 1)

doing so is able to obtain attractions that more than offset the loss.

"I feel we should assume a fair part of what the distributor paid when he made the picture," he said. "Every distributor starts out to make a great picture, but it doesn't always turn out that way. I do not believe the producer should take an absolute cancellation on that picture, but I do believe he should take 50 per cent," Miller declared.

Exhibitors are interested mostly in box-office returns, it was declared by Judge Roy L. Walker of Lampasas, Tex., president of the Theatre Owners Protective Ass'n. in the state. Showmen in the small towns rely more on star value than anything else. The bill would take away the small theatre owners' ability to insure a steady flow of product, he contended.

If a company ever produced a picture which adhered strictly to a synopsis issued six months earlier, the public would not want it, was the opinion of Morton Thalheimer, president of the M.P.T.O. of Virginia.

Previous Testimony Expunged

Testimony offered earlier in the week by George J. Schaefer of United Artists regarding an allegedly undesirable act which played one of Nathan Yamins' houses in Fall River, Mass., was expunged from the record today upon receipt by Abram F. Myers of Allied States of a wire from Yamins, in Miami Beach. Yamins explained the Capitol is under lease to a company of which he owns 50 per cent of the stock, the balance owned by William Purcell, who has management control.

A change in policy from pictures only to Saturday vaudeville was instituted by Purcell while Yamins was out of the city, and immediately upon learning of the change he wired Purcell that he would take the house over for non-payment of rent unless the acts were discontinued, which was done immediately. Yamins called the Schaefer statement "just another despicable poison gas attack to act as a smoke screen to conceal the vicious effects of block booking."

The constitutionality of the four block booking bills pending in Congress was challenged by Charles C. Pettijohn, in a brief filed with the sub-committee at the close of today's session. "Producers and distributors are engaged in an entirely private business and in the absence of any purpose to create or maintain a monopoly have the right to select their own customers and dispose of their film in wholesale lots of two or more at prices which in their judgment are adequate and also to enter into contracts for the future delivery of such film in advance of either production or delivery," he contended. "This right is denied by all four of these bills."

He argued further that the film industry is not a public utility and is not "affected with such a public interest as to justify Federal regulation and control." He pointed out that there are certain well defined limits to the power of Congress to regulate interstate commerce, among which is the Bill of Rights. He termed the denial of the inherent right of producers and distributors to market their films wholesale by future contracts a violation of the fifth amendment.

"The film industry cannot be legislated under the control or regulation of any Federal agency and subjected to Governmental price fixing," he said.

The hearings will be brought to a close tomorrow, with the time to be divided between Pettijohn and Myers for final argument.

Warners to Offer 5-Year Music Pact

(Continued from page 1)

based on the local quarter-hour program rate of each station, instead of the national rate, as heretofore. The change will result in appreciable reductions in the music fee paid by many of the 250 Warner-licensed broadcasting stations. The Warner policy of charging broadcasters on a "per piece" basis, that is on actual use of the music, rather than a bulk rate, had to be abandoned, Starr said, because of the bulk rate agreements signed by the large networks with Ascap. Warner music would be subjected to discrimination if the per piece policy was adopted in the face of these agreements, Starr said.

"Our own five-year contract," he added, "is evidence of our determination to remain outside Ascap."

The new contract was submitted to radio stations throughout the country yesterday. Warners have not yet announced a policy for the licensing of theatres to perform their music.

Miggins New Europe Head for 20th-Fox

(Continued from page 1)

appointment to take effect immediately. This is a new post.

Announcement of the shift was made in a joint statement from W. J. Hutchinson, foreign department head, who is now in Paris, and Truman H. Talley, head of Movietone News, in New York.

Miggins is succeeded by Russell Muth, manager since 1931 of Movietone News in central Europe. Robert Hartmann, makeup editor of Fox Tonende Wochenschau and other newsreels produced in Berlin, succeeds Muth as central European head.

Miggins has been with the company since the old Fort Lee days and has had both production and executive experience here and abroad.

ITOA Asks Brandt To Remain at Head

(Continued from page 1)

be a candidate for the post again. The board's recommendation will be presented to the I.T.O.A. membership at the next meeting April 1.

I.T.O.A. representatives will meet with circuit officials today to discuss the juvenile admission bill and other theatre legislation pending in the state Legislature. Attending the meeting will be Louis Weber, Skouras; C. C. Moskowitz, Loew's; Henry Brown, Isle Theatres; Brandt, Fleischman and John Manheimer of the I.T.O.A.

Purely Personal

DOLORES DEL RIO and her husband, CEDRIC GIBBONS, arrived from Hollywood yesterday and are slated to sail on the *Aquitania* today. Miss DEL RIO will play opposite DOUG FAIRBANKS, JR., in "To You, My Life."

•

At the Astor town pump were these, among others:

EDDIE SAUNDERS, BILL RODGERS, TOM CONNORS, FRED QUIMBY, completely recovered from the flu now; CLAYTON BOND, JOE UNGER, I. J. HOFFMAN, CHARLIE EINFELD, HARRY BRANDT, BILL ORR, EDDIE ALPERSON and EDDIE PESKAY.

•

J. J. MCCARTHY left New York Hospital yesterday where he had been recuperating from a recent attack of the flu, and expects to return to his office early next week.

•

JACK OAKIE and his bride, VENITA VARDEN, will arrive this morning on the Twentieth Century en route to Miami for a honeymoon.

•

NAT HOLT, divisional manager for RKO in Cleveland, was in town yesterday conferring with NATE J. BLUMBERG.

•

LOUIS ASTOR and JOE MCCONVILLE of Columbia have just left for a Miami vacation and HAL HODE has just returned.

•

JACK SULLIVAN, film buyer of Fox West Coast, will not reach New York until the first week in April.

•

JOAN MARSH is in town. "Dancing Feet," her latest, will open Friday at the Roxy.

•

WALLACE SULLIVAN, has closed with M-G-M for his story, "Libeled Lady."

•

The N. L. NATHANSONS at the opening of "Idiot's Delight."

•

NICHOLAS M. SCHENCK returns from Miami today.

•

BETTE DAVIS arrived from the coast yesterday.

•

JOE SCHENCK at El Morocco.

"U" to Have Dionne Film

HOLLYWOOD, March 25.—Charles R. Rogers plans a film based on the problems of the parents of the Dionne quintuplets and to be called "Where Are My Children?" He has signed an agreement for the cooperation of the Dionnes.

The statement does not indicate whether any of the Dionnes will appear in the film.

Ascap to Meet Tonight

The annual membership meeting of the American Society of Composers, Authors & Publishers will be held at the Ritz Hotel tonight. The meeting is preceded by the annual dinner for members of the organization.

Mountan Quits Hirliman

Dave Mountan has resigned as New York representative of George A. Hirliman Enterprises.

Writers Again Aim Fire at Producers

(Continued from page 1)

son declared the proposed bill would deprive writers of some of the benefits won under the existing law. He blamed studio executives for questionable films, complaining that highly paid playwrights were treated like office boys and the advice of experienced dramatists was ignored, leading to low moral standards on the screen.

The committee was told that while the writers have reached a satisfactory working agreement with legitimate producers about the revision of scripts, conditions in Hollywood are very unsatisfactory. The merger of the production and exhibition rights proposed by the Duffy Bill, said Lawson, would disorganize the theatre industry by permitting the release of films before legitimate runs had concluded.

He also criticized the limitation on infringement penalties in the case of newsreels, declaring the provision ambiguous. Hearings during the remainder of the week will be devoted to music and magazine publishers. Next week the committee will hear other interests and plans to permit the film industry to present its case during the final week of the hearings.

Buy Chaplin, Anyway

CHICAGO, March 25. — Essaness bought "Modern Times" today with extra clearance for a week which was granted despite the reports that they or independents would not buy the film after an extra week was granted to B. & K.

Herron to Be at Ampa

Major Frederick L. Herron, head of the Hays office foreign department, will be one of the guests at the Ampa meeting tonight. He will greet members of the Ass'n of Foreign Correspondents.

Wall Street

Most Continue Decline on Board

	High	Low	Close	Net Change
Columbia, vtc	35½	35	35½	.....
Consolidated	6¼	6¼	6¼	— ⅛
Eastman	161⅞	161	161½	+ ¼
Loew's, Inc.	47¼	46¾	47	— ⅛
Loew's, Inc., pfd.	107	107	107	+ ⅛
Paramount	9¾	9⅜	9⅜	— ¼
Paramount 1 pfd.	73	72½	73	—1
Paramount 2 pfd.	10¼	10⅛	10⅛	.....
Pathe Film	9⅞	9⅜	9⅜	— ⅜
RKO	8	7¾	7⅞	— ⅛
20th Century-Fox.	28¾	28½	28½	.....
20th Century, pfd.	36¾	36⅜	36¾	— ⅛
Universal, pfd	90	90	90	+1
Warner Bros.	12⅜	12	12	— ¼

Sonotone Lone Curb Gain

	High	Low	Close	Net Change
Sonotone	2⅞	2¾	2⅞	+ ⅛
Technicolor	29	28⅜	28¾	.....
Trans-Lux	4	4	4	.....

RKO Bonds Drop 3⅛ Points

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	28¾	28¾	28¾	— ¼
General Theatre Equip. 6s '40 ctf	29⅛	28⅞	29	.....
Keith B. F. 6s '46	95⅛	94⅞	94⅞	— ⅛
Paramount B'way 3s '55	57	57	57	— ½
Paramount Pict. 6s '55	91	90¾	91	.....
RKO 6s '41 pp.	72⅜	72⅜	72⅜	—3⅛
Warner Bros. 6s '39 wd	96½	96	96	— ⅛

(Quotations at close of March 25)

Irving Thalberg

said...

"Mr. Deeds Goes to Town is the greatest picture Capra ever made! Will be more popular than It Happened One Night!"

Thank you Mr. Thalberg

First of the superlative comments made by distinguished members of a notable audience after the Hollywood preview of the new Capra production.

COLUMBIA PICTURES

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Personalities End Argument Over Booking

Pettijohn, Myers Sum Up; Exchanges Hot

By CLARENCE LINZ

WASHINGTON, March 26.—A final barrage of aspersions against witnesses who have appeared both for and against the bill, today marked the conclusion of three weeks of hearings on block booking legislation before the Pettengill sub-committee of the House Committee on Interstate and Foreign Commerce.

Summing up for the opponents, C. C. Pettijohn, general counsel for the Hays organization, called attention to Allied States' Tiffany contract which he said was the "block bookingest, blind sellingest" contract ever offered exhibitors, adding that "the contract was called Tiffany, but the pictures were Woolworth."

Answering for the exhibitor proponents, Abram F. Myers, general counsel for Allied, declared that the Tiffany contract was devised shortly after talking pictures were introduced and when it was hard and expensive

(*Continued on page 7*)

Eight K. C. Men Ask To Enter Film Suit

KANSAS CITY, March 26. — Eight exhibitors here are asking to intervene in a suit filed Feb. 25 against Fox Midwest and major distributors by independents seeking to break up the zoning system on a restraint of trade charge in Federal court. Judge Otis will return to the city on Friday, the date of a hearing on the application for an injunction.

The intervening application is signed by operators of the Belmont, Ashland,

(*Continued on page 4*)

File Action Against Warner Music Firms

An action charging conspiracy and gross waste of the corporation's assets was filed in N. Y. Supreme Court yesterday by Morris Sharaf and Emelia Sharaf, minority stockholders, of Boston, against Warner Bros. Pictures, Inc., and the Music Publishers Holding Corp., the latter being the parent corporation of the various Warner music subsidiaries. Named as co-defendants were Harms, Inc., T. B. Harms Co., M. Witmark & Sons, Remick Music Corp., New World Mu-

(*Continued on page 4*)

No Quorum, Delay Para. Board Meet

The regular meeting of the board of Paramount Pictures was postponed yesterday for lack of a quorum. The meeting will be held some time within the next two weeks.

Postponement of the meeting was caused by the absence from the city of a number of directors and attendance of others at funeral services for Gerald Brooks, a member of the board and executive committee, who died Tuesday. The deferred meeting will not change the plans of John E. Otterson, president, and Adolph Zukor, chairman of the board, for leaving for the coast today, it was said. The board can meet and act without either the chairman or president in attendance.

As a result of the postponement,

(*Continued on page 7*)

Potomac Territory Begins Rebuilding

WASHINGTON, March 26.—Floods and high water over much of the local exchange territory have subsided, with the several cities and towns digging themselves out.

Cumberland, Md., was the most seriously affected city. The Embassy and the Liberty there will have to be completely reequipped with the possible exception of projection apparatus. Water reached a height of 12 feet in the Liberty. The Maryland, a "second story" house, was slightly

(*Continued on page 10*)

Court Orders Sale Of Three Theatres

The Astor, Bijou and Morosco theatre sites, adjoining each other at Broadway and 45th St., will be placed on the block late in April as a result of the signing of an order of foreclosure and sale yesterday by Justice Phillip J. McCook in N. Y. Supreme Court.

The foreclosure action was brought by City Investing Corp., holder of a second mortgage of $1,250,000 on the properties. A first mortgage of $1,000,000 is held by the Metropolitan Life Insurance Co. The defendants in

(*Continued on page 4*)

K. C. Drops Plan to Eliminate Giveaway

KANSAS CITY, March 26. — Cash and premium giveaways will continue here, at least for a while. Independents have virtually abandoned their attempt to eliminate the games by 100 per cent agreement. Believing there is no chance of obtaining a complete

(*Continued on page 10*)

Form Florida Studio; 20 Features Listed

HOLLYWOOD, March 26.—M. H. Hoffman, Jr., has formed Pan American Studios, Inc., at Brandon Park, Miami, Florida. Governor David Scholz aided in launching the organization which is backed by Florida capital, Hoffman said.

The studio is now under construction, with one stage almost completed and seven more scheduled to be erected. Hoffman leaves for Florida tonight to assume the presidency of the new organization. Production is slated to start in June and will consist of twenty features.

M. H. Hoffman, Sr., who will leave New York for Hollywood tomorrow, is not associated in the new enterprise in other than an advisory ca-

(*Continued on page 10*)

Laemmle Due Next Week on "U" Sale

Carl Laemmle will arrive from California on Monday to assist with final details involved in the transfer of his controlling interest in Universal to the Standard Capital-Charles R. Rogers interests.

The formal transfer will take place next Thursday at which time the purchasers will turn over to Laemmle $4,000,000 in cash, representing the balance of the $5,500,000 purchase price. Laemmle left Sacramento yesterday after attending the opening there of "Sutter's Gold."

Foreign News Group Talks to Ampa Men

Ampa members received an earful of information and advice about foreign publicity yesterday that surprised some of them. For one thing they were told that cocktail parties for stars were "charming, enjoyable affairs," but that they didn't accomplish much in getting the stars' names into type overseas.

Men connected with the Ass'n of Foreign Press Correspondents were the guests of honor, and A. Bernard Moloney of Reuters, Ltd., was their spokesman.

Among other things, Moloney said

(*Continued on page 7*)

Providence Houses Shy Off Giveaways

PROVIDENCE, March 26.—Showmen here point with pride to the fact that, so far, they have avoided the general hysteria over giveaways and free games used in many cities as box-office lures. None of the downtown

(*Continued on page 7*)

Launch Move For British Quota Change

Present Law Runs Out In Two Years

By BRUCE ALLAN

LONDON, March 26.—Pointing the way toward the setting up of new trade conditions which may have a profound bearing on the operations of American companies in Great Britain, the British Board of Trade today named a committee to check into the Films Act and to develop a program to follow expiration of the current quota law in 1938.

The committee, of which Lord Moyne, Minister of Agriculture from 1925 to 1929, is chairman, will "consider the position of British films having in mind the approaching expiration of the Cinematograph Films Act of 1927 and inquire whether any and, if so, what measures are still required in the public interest to promote production, renting and exhibition such films."

Lord Moyne's running mates include A. C. Cameron, a governor of the

(*Continued on page 10*)

Writer Group Again Refuse Arbitration

New proposals for arbitration of sections of the Dramatists' Guild's new minimum basic agreement which are objected to by producing managers were refused yesterday for the second time by the guild. The new suggestion to arbitrate the clauses objected to came from the League of N. Y. Theatres, a producing managers' organization, which had stated earlier that if its arbitration proposal was refused its members would employ their own

(*Continued on page 4*)

Fox Will Be Called In A. T. & T. Quiz

WASHINGTON, March 26.—William Fox will be called as a witness when the Federal Communications Commission resumes its investigation of A. T. & T. activities. Testimony, heretofore, has shown that Fox was loaned $15,000,000 by A. T. & T. subsidiaries, with which he purchased a controlling interest in Loew's, later disposed of by court order.

Fox had been in attendance at the commission's hearings here up to the time of their adjournment on Wednesday.

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Ascap Members Get Officers' Reports

Annual reports of officers of Ascap were submitted to the annual membership meeting and dinner of the society at the Ritz Hotel last night. The business session was a routine one as the society's annual membership meeting is not called upon to transact business. Gene Buck presided. E. C. Mills, Ascap general manager, was detained in Washington by the Duffy Bill hearings in progress before the House Patents Committee.

Leslie Adams Dies

Leslie Adams, actor, died yesterday at New York Hospital following a brief illness. He collapsed a week ago during rehearsal of a new play in which he was to play the lead. Adams, who was 49 years old, is survived by his widow, the former Gwendolyn Williams, and two sons, Charles and Robert Adams.

W. T. Robinson Dead

BELMONT, N. C., March 26.—William T. Robinson, 62, retired theatre owner, died at his home here after a prolonged illness. He owned and operated the first theatre in Belmont, retiring some time ago because of ill health.

Hallstrom, Jr., Passes

SALT LAKE CITY, March 26.—Carl I. Hallstrom, Jr., who was stage manager of the Orpheum Theatre here, died yesterday of pneumonia following a brief illness.

Insiders' Outlook

By RED KANN

Hollywood, March 26

THE office is spacious in keeping with the accepted Hollywood manner. Off to the left and running on generously to the administration building wall are a sunken bathtub, a steam room, quarters for a masseur and a complete kitchen equipment, all done in tile, once white but now that slightly yellowish which comes from improper application of soapsuds and brush. Built by Mack Sennett before he fell on less lucrative days, then annexed along with the rest of the studio layout by Mascot, this is now the production headquarters of Nat Levine and Republic Pictures. . . .

▼

Levine is busy. So busy in fact that nobody, except a visitor like us, is escorted into those uninhabited regions. Perhaps the attempt at conveying to what peak industry on the Republic lot reaches was the idea beyond Jack Fier's idea in showing us around. A matter of contrasts scheme. At any rate, here was the inactive layout to emphasize Levine's active days and nights on the job. The approach to that job may be right. Then again it may be all wet. The facts in the case, however, are that he often reaches his desk as early as seven-thirty in the morning, to remain at it until far into the evening, six days a week. The seventh finds him trying out a round of golf in the afternoon and the remainder of the rest day devoted to poring over scripts. . . .

▼

Levine is a babe in swaddling clothes if you are to compare him with the high and mighty estate which other and far better established producers here have attained. That, however, does not bother Levine. If he does not know first hand the jibes which are thrust at Republic, he must have heard of them in passing. That also does not bother him. On occasion, they kid here about the measure of Levine's drive. There is the gag about the renaming of his studio from Republic to the S.S.S, meaning sunrise, sunset and Sundays. Also the wit was around recently who, after the Academy awards dinner, cracked, "Levine ought to get a statuette for the plant maintaining the longest hours." This space has no idea how Republic's production head feels about the pokes, but it does know that he might well feel complimented. . . .

▼

Whether he will lick his problem is in the laps of the gods. At least, Levine knows what confronts him. He knows that with him and his operations where a limited budget makes pennies look like dollars the opportunity for shenanigans is virtually not at all; that in his market, limited in point of first runs, pictures have to be turned out for a price which is nothing like the price prevailing in other Hollywood parts and that any encroachment in the carefully worked financial program is simply no good. It's simple. The outgo and the intake won't end up within hailing distance of each other. . . .

▼

What Levine is heading for has precedent in this business. It's another Columbia. Once C.B.C., meaning Cohn, Brandt and Cohn, Columbia had a time of it back in the days before it nationalized its exchange system, before it had gotten into its real stride, before anybody much was paying attention to, or was interested in, what the company was doing or trying to do. But the chance came with maturity in production and the hardest sort of endeavor. What has happened before, can and may happen again. Stranger things go on in this business. . . .

▼

In his desire, therefore, to lead toward better product, Levine is planning to trim his main line program next season from thirty-two to twenty-six features, all assortments, all types. In the action field which Republic importantly caters to, the total will run twenty-four in three series of eight as compared with sixteen currently. Serials, which do an international gross of surprising proportions, will bulk four in order to round out Republic's conception of what its complete program ought to be. . . .

▼

In this day and age when the studios are so sharply conscious of alphabets and when A, B and C pictures are reckoned in all calculations, Republic is hitting it off between $2,500,000 and $3,500,000 in domestic gross annually. Levine makes no pretense at competition with the old-line studios; he couldn't very well. His efforts rather are concentrated on an output of very moderately priced attractions for the rank and file of the nation's theatres. As a producer of B pictures with an occasional A popping through, Republic, it is merely fact to report, is capturing greater and greater attention in the essentially double feature market prevailing today. Later, who knows? . . .

Connolly Theorizes On "Green Pastures"

"Green Pastures" as a stage play was the product of a Marc Connolly theory. It became a legend of the American stage, and in Sweden producing and seeing it developed almost into a national pastime.

As a film, it will be an enlarged development of the same theory, and what it will become is already a big question mark in the minds of both producers and distributors.

Connolly's theory, as he explained it yesterday, is that showmanship consists of enchanting an audience through purely emotional reactions so that it goes away pleasantly satisfied.

"An executive's scream is not showmanship," he says. "Neither is plastering a poster on a billboard, or surrounding a picture with opulent production values."

In putting "Green Pastures" on the stage, he says, he tried to give the colored actors the feeling they were producing it themselves. He made it theirs. The scenery was so crude it seemed to have been made by the players. This technique was carried into the film. Soft lighting prevails, he points out. William Keighley co-directed with him and Hal Mohr was behind the camera.

From an exhibitor's viewpoint the picture will be a curiosity, Connolly admits. It is one of the first to use an entire colored cast. In costuming, settings, acting—all details—it sticks to the formula of simplicity.

Unlike any previous colored picture, he believes, it has practically no advance sales resistance, because the stage play made two tours of the south, played in bankrupt cotton towns, and finally in the larger cities.

"The colored race adopted it as its own," he says, "and the whites everywhere accepted it enthusiastically."

He believes the work has been enhanced by the enlarged production facilities of films, and that it will be accepted in non-English speaking countries where people are familiar with the Old Testament without any attempt at translation into other languages.

Grants an Examination

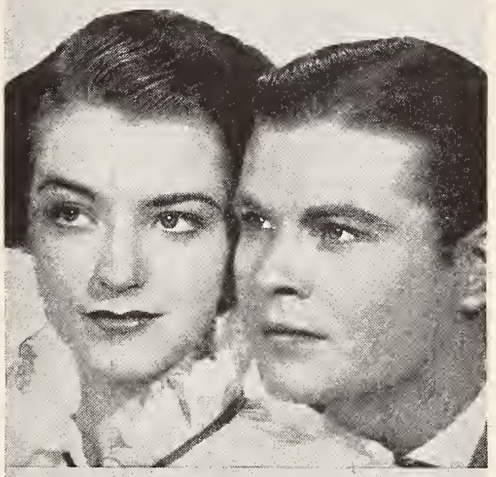
Justice Aaron J. Levy in N. Y. Supreme Court yesterday granted a motion for an examination before trial to G. Hill in connection with his suit for $15,000 against Universal. Hill charges Universal is withholding three manuscripts which he submitted in May, 1934, and that since June, 1934, the company has refused to return them. The titles of the manuscripts in dispute are: "Finnigan's Ball," "Irish Visitors" and "Peggy O'Neil."

Astaire, RKO at Peace

HOLLYWOOD, March 26.—Fred Astaire and RKO today reached an agreement on the actor's current contract. The studio picked up the option. The disagreement arose when Astaire balked at a provision calling for three pictures next year.

JANE'S IN HER GLORY IN THIS FAMOUS STORY!

The "meanie" of "Bright Eyes" . . . the spicy little mischief-maker of "Ginger" and "Paddy O'Day" . . . becomes Cupid's little helper and turns the home town topsy-turvy!





Booth Tarkington's
hilarious masterpiece
of small-town romance!

GENTLE JULIA

with

JANE WITHERS
TOM BROWN
MARSHA HUNT
JACKIE SEARL

Executive Producer Sol M. Wurtzel
Directed by John Blystone
Screen play by Lamar Trotti
A FOX PICTURE



20th CENTURY FOX
THE KEYSTONE
OF YOUR FUTURE

Court Orders Sale Of Three Theatres

(Continued from page 1)

the action are Walter Reade, Cora Harris, the 217 West 45th Street Corp. and the Astor, Bijou, Morosco Realty Corp.

On March 18, Gustave Hartman, referee, appointed by the court to take testimony in the foreclosure proceedings, reported that City Investing was entitled to $1,230,112 on its second mortgage, subject to the prior lien held by Metropolitan Life. The referee recommended that the properties be sold at auction and added that an appraisal indicated that a sale should bring a sufficient amount to satisfy both mortgages.

S. S. Krellberg, lessor of the Bijou and Astor, said that the leases on the three theatres would not be disturbed by the sale of the properties at auction. The Shubert Estate is the lessor of the Morosco.

It has been widely reported on Broadway that the three theatres would be demolished to make way for a new theatre and store building, similar to the one nearing completion on the old Criterion site, opposite. However, City Investing, which was qualified by the referee as a bidder for the properties when the auction is held and, through its $1,230,000 lien, occupies an advantageous bidding position, said through an official that no definite plans can be made until after the sale.

Stubbins Quits Republic

Los Angeles, March 26.—Howard W. Stubbins today resigned as manager of the Republic Exchange, bringing to an end ten years with the company, including the old Monogram firm. Floyd St. Johns of San Francisco is filling the post temporarily. A permanent successor is now being considered.

It is understood that Stubbins' resignation has no connection with J. J. Milstein's joining the company.

More Double Bills Coming in Lincoln

Lincoln, Neb., March 26. — More double featuring is promised here April 1. Lincoln Theatres Corp., a J. H. Cooper Enterprise controlling six houses, will drop the Colonial, and the product normally used to feed it will be shoved into the Liberty which will go dual on a split week basis.

The Orpheum will dual on first halves until vaudeville goes out, when it will have dual splits.

It is understood the L. L. Dent Westland circuit is going to take over the Colonial to use as a lever for more product, thereby bringing the local string up to three.

Eight K. C. Men Ask To Enter Film Suit

(Continued from page 1)

Bijou, Oak Park, Bagdad, Westport, Aladdin and Liberty.

Distributors contend that if the injunction were granted they might be required to release all pictures simultaneously to 60 theatres and that there are not enough prints to do this. They also assert that bidding for pictures at the opening of each season constitutes fair and open competition.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Sutter's Gold"

(Universal)

Sacramento, March 26.—Told against a background of historical fact, the entertainment element in this picture is in the blending of drama, comedy, romance and tragedy. Colorfully produced, the show moves to the tune of a thrill, action and adventure. The production technique, directing attention to the dramatic value of the incidentals and the subordinate players, sets the feature apart from formula historical biographies as Edward Arnold plays the lead.

It tells John Sutter's story. In New York he meets Lee Tracy, and the pair, lured by tales of riches, start west. As comedy dominates, they cover half the world before reaching their destination, founding a vast farming empire in which Arnold and Tracy are kings. Romance enters as Binnie Barnes turns Arnold's thoughts to love. With this love the picture changes from a comedy to drama. Gold is discovered.

Greedy for wealth, workers desert the fields. Arnold and Tracy quarrel and part. Miss Barnes deserts him when Arnold's lucky star begins to dim. His wife and family come to him. Tracy also returns, his wealth spent, to protect the land and holdings. Fortune fades, Sutter's wife dies, his son is killed and his daughter gets married. Carrying the case to the highest court Arnold, made the victim of a hoax, dies in Tracy's arms.

Two factors stand out in "Sutter's Gold" as exploitation material—the vivid episode of American history involved and the fine character portrayal of Arnold, whose "Diamond Jim Brady" put him up front rank among screen players in one picture.

Sutter was a man with a dream of empire—a Napoleon in a wilderness, whose Waterloo, strangely was the discovery of gold. The unbridled greed of men gone mad in the presence of unlimited wealth turned civilization upside down. It's powerful material but the continuity falters. James Cruze has pieced his episodes together instead of making them blend into a moulded whole. The romance falters. It has its gripping moments, but it leaves the beholder with confused impressions.

Production Code Seal No. 2,007. Running time, 90 minutes. "G."

Looking 'Em Over

"Comin' Round the Mountain"

(Republic)

Falling into the classification of routine western material, this has Gene Autry, who seems equally adept with horse and voice, and an exciting moment or two in a race, western style, to make it satisfactory entertainment as the second half of a double bill program. Its best playing position is probably the week-end, when the youngsters will be looking for action.

The film rather lacks the usual quota of gun fighting, but makes up for that to a large extent in the lively display of horseflesh in wild and other moments. Ann Rutherford supplies the feminine portion of the romantic phase of the film.

Autry, a pony express rider, is attacked and a letter containing money which would save Miss Rutherford's ranch is stolen. Autry saves and makes friends with a wild horse being attacked by wolves and makes his way out of the desert. Obtaining a leave of absence, Autry tracks the gang behind the robbery, the leader of which is trying to sell horses to the pony express in competition with Miss Rutherford. Autry stages the race, the winner to get the contract. There is excitement and a fast finish in the conclusion which finds him winning both race and a bride.

Reviewed without production code seal. Running time, 58 minutes. "G."

"Everybody's Ol' Man," now current at the Center, was previewed by wire from Hollywood on March 9.

"The Milky Way," which is being shown at the Paramount, was reviewed on Jan. 27 by wire from Hollywood.

"Dancing Feet," previewed ot the Roxy last night, was reviewed by wire from Hollywood on Jan. 16.

"Moonlight Murder," opening tonight at the Rialto, was previewed by wire from Hollywood on March 17.

File Action Against Warner Music Firms

(Continued from page 1)

sic Corp., Shubert Music Publishing Corp., Victoria Publishing Co., directors of Warner Bros., Edwin Morris, Max Dreyfus and Herman Starr and the estate of Moe Mark.

The complaint set forth that Warners paid $1,000,000 in cash and $9,000,000 in Warner stock for controlling interests in the seven music publishing companies named as defendants. It was asserted that this amount was grossly excessive and unwarranted and a gross and culpably negligent waste of corporate assets. It was pointed out that all seven music publishers were members of Ascap and that Ascap made five-year contracts with National Broadcasting Co. and the Columbia Broadcasting System in June, 1935.

The complaint charges that the withdrawal of the Warner music companies from Ascap resulted in severe financial losses, and that an attempt is being made to set the groundwork for a rival organization to Ascap. An accounting injunction and the naming of a receiver are asked.

A statement from Herman Starr declared that the company welcomes the opportunity to prove in court its contentions that the profits derived by Warners from the use of music by radio were "ridiculously small" and "disproportionate to the profits radio was making out of the use of Warner music."

E. R. Burroughs Sues 'Lion Man' Producers

Hollywood, March 25.—Edgar Rice Burroughs, author of the Tarzan stories, has started action through his attorney, A. L. Armstrong, to enjoin Alexander Brothers Cinema Finance Co. and First Division from using the title "Lion Man." The complaint further seeks to restrain them from using the Burroughs name as author of the picture.

In addition to the producers mentioned, the action also names as defendants Far West Exchanges, B. N. Judell and Adams Film Exchange, Dallas distributors.

Writer Group Again Refuses Arbitration

(Continued from page 1)

contract for their relations with playwrights.

The guild revealed yesterday that seven producers had signed the new minimum basic agreement since it went into effect March 1 and that production rights to a number of new plays already have been negotiated under the new agreement and have been approved by the guild's council.

The new agreement will be explained to non-voting members of the guild at a meeting at the Biltmore today, following which the guild's council will meet. No action in regard to modification of the agreement will come before either meeting, it was stated at guild headquarters yesterday.

Victor Moore on Coast

Hollywood, March 26.—Victor Moore has arrived here to start work with Fred Astaire and Ginger Rogers in "Never Gonna Dance."

THREE GREAT STARS *together* AT THEIR GREATEST



United in danger, laughter and love... in a glorious and courageous venture that decided the fate of three nations!

A message to Garcia

A message to Exhibitors!

20th Century-Fox is again happy to offer you an outstanding money entertainment. Its triple-starred cast alone assures its box-office future. Add to that its title, an inspiring by-word in every home and school . . . its theme of unselfish heroism, high adventure, undying love . . . its robust, uproarious hilarity. All this woven together with the unerring show sense that makes 20th Century-Fox the industry's envy!





Wallace BEERY • *Barbara* STANWYCK

John BOLES *in*

"A MESSAGE TO GARCIA"

with

ALAN HALE • HERBERT MUNDIN • MONA BARRIE

a DARRYL F. ZANUCK 20th Century Production

Presented by Joseph M. Schenck

Suggested by Elbert Hubbard's immortal essay and the book by Lieut. Andrew S. Rowan

Associate Producer Raymond Griffith

Directed by George Marshall

Screen play by W. P. Lipscomb and Gene Fowler

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Personalities End Argument Over Booking

(*Continued from page* 1)

to secure such films. Independent theatres, he said, were given pictures on an agreement where the price would be determined at a percentage of the exhibition value. "That franchise, and the RKO franchise," he said, "did more than anything else to bring the price of films down at the time and gave the exhibitors a break."

During the course of his summation, Myers read an affidavit from William H. Canning, manager for Nathan Yamins of Fall River, Mass., to the effect that he was refused Fox product unless he took the entire output, but was offered Shirley Temple at the price paid for all Fox product during the preceding year. Myers also discussed the Paramount advertising used in newspapers throughout the country a few months ago and explained that it was placed with a Fall River paper on the representation that it was designed to coerce Yamins to take Paramount. He rejected it and ordered the money returned.

Pettijohn called the attention of the committee to the testimony of George J. Schaefer on the same subject and asked that Myers submit the documents to the Dep't of Justice.

Answering Myers' statement of the distributors' claims that block booking was a necessity, and the simultaneous admissions that not all exhibitors buy blocks, Chairman Pettengill declared, "I have never attended a hearing on any subject where there were so many contradictions."

Myers Mentions Extensions

Myers explained that Yamins had taken Mae West's first picture for seven days instead of the four days of the original contract, the result of a distributor practice of ignoring contracts and forcing extended playing time for some of their films. He also asserted that Will Hays' promise that an exhibitor could cancel any picture condemned in his community on moral grounds has never been kept.

H. M. Richey, of Detroit, following Myers, also assailed the testimony of distributor witnesses and charged that "fear of reprisals" kept many independent exhibitors from appearing as witnesses and influenced others to oppose the bill.

Richey launched a bitter attack against Dr. Daly, who had appeared as representative of the Catholic Bishops' Motion Picture Committee, and Martin Quigley, publisher of Motion Picture Daily. He read a telegram from Arthur D. McGuire, president of the Detroit Council of Catholic Organizations, in which Dr. Daly's testimony was referred to as a "canned" statement, "no doubt influenced by his advisor," Quigley, whom he called Daly's "Man Friday" and the "producers' Catholic contact man" who was "trying to serve two masters" and who "takes the producers' money for advertising dirty films and at the same time is trying to kill the bill."

The attack on Quigley immediately aroused the resentment of Pettijohn, who declared:

"Quigley is one of the finest men I have ever known either in the motion picture industry or without," and asked the committee's permission to file a detailed answer to the charges.

The exchange of personalities which has constantly marked the hearing was deprecated by Chairman Pettengill, who expressed as "regrettable" the constant impugning of the motives and integrity of witnesses.

The schedule of the demands to be served upon the distributors at the meeting planned by the M.P.T.O.A. was filed with the committee by Ed Kuykendall, president, showing that the principal subjects will be a reasonable and unconditional minimum rejection privilege in all contracts for 10 or more pictures; removal of the conditions and restrictions in the 10 per cent clause now in use; an increase in cancellations from 10 to 20 per cent; establishment of local joint boards on grievance committees; elimination of unreasonable clearance and zoning plans; elimination of overbuying; elimination of competition between theatres in the way of premiums, lotteries, double features and cut admissions; control of non-theatrical exhibitions of professional entertainment pictures; clarification of the standard contract; elimination of the score charge; elimination of playdate designations by distributors, and elimination of the forcing of shorts.

The hearings were closed with a final plea for the enactment of the bill by Mrs. Mary T. Bannerman, of the M. P. Research Council, who asserted that the sole object of the bill is the establishment of community freedom in selection by abolishing block booking and blind selling, and charged that present practices are "undermining the constitutional principle of self government."

Foreign News Group Talks to Ampa Men

(*Continued from page* 1)

that cable and press material sent out by his associates reaches every country in the world, including such out-of-the-way places as Afghanistan, Tibet, Arabia and Liberia. Press agents, he said, should remember the differences in time around the world, and when they have important stories should tell the association they are coming.

He also said biographical material should be kept up to date, news should be furnished on stars, their private lives, their goings and comings, technical developments in the industry, and company news as well as pictures. Only about one per cent of the material furnished is usable, he said.

Interviews were important to the correspondents, he said. He also volunteered to furnish Ampa members with the names and telephone numbers of all the correspondents as well as their headquarters.

Providence Houses Shy Off Giveaways

(*Continued from page* 1)

theatres offers anything but regular film programs and only a few houses in the hinterland go in for "grocery store nights" and similar come-on tactics.

There is no definite agreement among exhibitors, but the idea never has seemed to catch on here. The fans seem satisfied with double-feature bills.

Purely Personal

Captain George McL. Baynes, recently resigned as head of Eastern Service Studio, expects to leave today or tomorrow for a two-week vacation in Florida. On his return he will decide on his future plans, which will find him on his own, and probably not in production.

•

Patsy Lee Parsons, five-year-old star of last Saturday's Israel Orphan Asylum Show at the Garden, has been placed under contract to Lou Irwin, and will take an RKO screen test today under Lou Brown's direction.

•

W. A. Bach, president of Audio Prod., sails today on the *Aquitania*. While abroad he will negotiate with several British and European companies for the production of industrial films.

Quip of the Day

Kenneth Durant addressing the Ampa luncheon:

"Material sent to Moscow is translated into 46 languages, the first being English."

Surprised voice from one of the tables:

"Gosh! All them guys must have Phi Beta Kappa keys."

Leah Ray, songstress now appearing with Phil Harris' orchestra at the Netherlands-Plaza in Cincinnati, has been signed by Twentieth Century-Fox through the Lou Irwin office.

•

Abe Montague, Rube Jackter, Lou Weinberg, Si Fabian, Freddie Myers, Johnnie O'Connor and Max Fellerman among those lunching yesterday at Lindy's.

•

Nat Levine arrives by plane today from the coast for a brief production conference with W. Ray Johnston, Republic president, on next season's product.

•

Jack Harrower is slowly recovering from an operation at the Yonkers General Hospital, but is unable to receive visitors as yet.

•

Andre Roosevelt, producer of "Goona Goona," sails tonight for Central America on the *Santa Clara*.

•

Molly Picon and her husband, Jacob Kalich, sail today on the *Champlain*.

•

Pete Mayer hits port from an extended cruise in warm waters on Monday.

•

Lupe Velez among the recent arrivals from Hollywood by the air route.

•

S. Barret McCormick has returned from Hollywood.

•

C. C. Pettijohn returns from Washington today.

•

Nola Luxford is in town from Hollywood.

No Quorum, Delay Para. Board Meet

(*Continued from page* 1)

however, Paramount's option to repurchase from Karl Hoblitzelle and A. H. Blank their 50 per cent stock interest in Texas Consolidated Theatres and the A. H. Blank Circuit, repectively, are extended from the expiration dates, April 1 and 4, to such time as the board meeting is held. There are no indications at this time that the Paramount board will not concur in the management's recommendation not to exercise the options.

No action is required by the Paramount Pictures board on the three-year producer contract recently made with Frank Lloyd. This contract has been approved by the board of Paramount Prod., Inc., the producing subsidiary, and requires no further action by the company.

Otterson and Zukor will leave for Hollywood today, if they keep to the schedule planned earlier, and will confer with William LeBaron on current production problems and plans for next season. They expect to be away about two weeks.

Cine Roma Opens

"Re Burlone," Italian feature, opened at the Cine Roma, formerly the New Yorker, nee the old Warner, last night. The initial performance was for the benefit of the Neurological Institute of New York.

Theatres Quarantined

Covington, Ky., March 26.—A threat of spinal meningitis has resulted here in the closing of all schools, churches and theatres. Unless the situation grows worse openings are expected within a few days.

Wall Street

Eastman Gains, Others Off Slightly

	High	Low	Close	Net Change
Columbia, vtc ..	35½	35⅛	35⅛	— ⅜
Columbia, pfd....	44⅞	44½	44⅞	— ⅝
Consolidated Film	6⅜	6	6⅛	— ⅛
Consolidated, pfd..	18¼	18	18	.....
Eastman	164½	163	164½	+3
Loew's, Inc.	47¼	47	47	.....
Loew's, Inc., pfd.	106¾	106¾	106¾	— ¼
Paramount	9½	9⅜	9⅜	.....
Paramount 1 pfd.	73	72¾	73	.....
Paramount 2 pfd.	10⅛	10⅛	10⅛	.....
Pathe Film	10¼	9⅜	10⅛	+ ¾
RKO	8	7¾	7⅞	+ ⅛
20th Century-Fox.	28¼	28¼	28¼	— ¼
20th Century, pfd.	36½	36	36	— ¾
Universal, pfd ...	90	87	87	—3
Warner Bros.	12⅛	11¾	11¾	— ¼

Fractional Gains on Curb

	High	Low	Close	Net Change
Sentry Safety ...	¾	¾	¾	— ⅛
Sonotone	3	2⅞	3	+ ⅛
Technicolor	29¾	29¼	29¼	+ ¼
Trans-Lux	4⅛	4	4	.....

Bonds Decline Slightly

	High	Low	Close	Net Change
General Theatre Equip 6s '40....	28⅝	28	28½	— ¼
General Theatre Equip. 6s '40, ctf	29⅜	28¾	28¾	— ¼
Loew's 6s '41 ww deb rights	10213/32	10213/32	10213/32	—1/32
Paramount B'way 3s '55	57⅛	57	57	.....
Paramount Pict. 6s '55	91⅛	91	91	.....
RKO 6s '41 pp....	72½	72	72	— ⅜
Warner Bros. 6s '39 wd	96⅝	95¾	96	— ⅜

(Quotations at close of March 26)

NEW YORK DIS

Yesterday Radio City Music
GOLD" opening with a dou

SACRAMENTO DI

Wednesday thousands paraded
celebrated "SUTTER'S GOLD"

'FRISCO DISCO

Yesterday motion picture history
opening gilded the Golden Gate's O

BOSTON DISC

Today the Hub's Memorial Theatre will
from every street and suburb to do

"SUTTER

IS PURE GOLD FOR EVERY TOWN A
STEP OUT AND INTO THE GOLD

COVERS "GOLD"!

Hall smashed over "SUTTER'S
ole-strength ad campaign!

SCOVERS "GOLD"!

schools closed and whole city
premiere at Alhambra Theatre!

VERS "GOLD"!

was made when "SUTTER'S GOLD"
heum Theatre from cellar to roof!

OVERS "GOLD"!

litter resplendently as thousands flock
honor to "SUTTER'S GOLD"! For....

S GOLD"

ID THEATRE THAT PLAYS IT! SO
TIELDS AGAIN WITH UNIVERSAL!

Launch Move For British Quota Change

(*Continued from page* 1)

British Film Institute and secretary of the British Broadcasting Corp's. council for school broadcasting; J. Stanley Holmes, member of Parliament from Harwich; J. J. Mallon, the warden of Toynbee Hall, university settlement in the East End of London; the Hon. Eleanor M. Plumer, member of the advisory committee of the Board of Trade, and Lieut. Col. Sir Arnold Wilson, member of Parliament for Hitchin.

There is a strong official and educative flavor in the personnel. Holmes is a chartered accountant, a director of several companies and the only business man on the committee. Eleanor Plumer and Wilson presumably aided in drafting the confidential report on the Act prepared by the advisory committee of the Board of Trade. This report is still unpublished, but their participation in its preparation may have led to their designations on the committee which will now consider a future course.

The quota became effective on distributors with the year ending March 31, 1929, when seven and one-half per cent of their product had to be English-made. The percentage bracket rose successively until last year when it reached its maximum 20 per cent figure to remain fixed there until the law ends with the year ending March 31, 1938.

The quota on exhibitors began at five per cent for the year ending Sept. 30, 1929, and rises to a similar high bracket of 20 per cent for the year ending Sept. 30, 1936. There it stays for the next two years, terminating with the year ending Sept. 30, 1938.

The Council of the Cinematograph Exhibitors' Ass'n has passed a resolution protesting against the registration for quota of two Indian films, "Vasant Bengali" and "A Wager in Love," handled by First National and Warners respectively. It decided to report to the Board of Trade and also to circularize members advising them not to book the films. A demand for the withdrawal of the films was also made to the distributors. The two films in question are silents and the descriptions "a museum piece" and "of no practical use" are applied to both in *Kinematograph Weekly* reviews.

Producers Change Stand

LONDON, March 18 (*By Mail*)—The Film Producers' Group of the Federation of British Industries, which includes practically every British production company, has unanimously decided not to carry any further its suggestion of discussions with the Cinematograph Exhibitors' Ass'n., aiming at the formulation of an agreed policy on quota reform.

An official statement ascribes the decision to the fact that the Government recently announced the appointment of a departmental committee to inquire into the problem. Each section of the trade will have an opportunity to present its special case to this committee.

Previously the Board of Trade had asked the industry to try to arrive at an agreed policy and in some quarters it was thought possible that producers and exhibitors might get together at the expense of distributors, the theatre men conceding the "minimum cost" clause wanted by producers in return for the latter's support for a reduction in the exhibition quota only, leaving the distributors' quota untouched.

With a judicial hearing now assured to all opinions, it seems that three policies will be strongly urged, producers asking a minimum cost of £10,000 for British films, exhibitors urging that the exhibition quota shall be reduced, and distributors pleading for a modification of the footage quota in the direction of a system of cost quotas under which it will be permissible to spend the British production budget on one or two good films instead of on a number of quickies.

Potomac Territory Begins Rebuilding

(*Continued from page* 1)

damaged, but has reopened. The Garden was hit hard and is still closed, while the Strand is expected to open Saturday.

At Martinsburg, W. Va., theatres lost two days due to the failure of power plants. Harrisonburg, Va., lost one day through lack of power. The Virginia was the only Warner house in the area to lose time.

Horlacher Delivery Service reported that all theatres which were able to operate had their film on schedule, although many changes in truck routes were necessitated by the flood.

Many Reopen in Pittsburgh

PITTSBURGH, March 26.—Theatres throughout this district, except in the downtown area, were operating again late this afternoon. The power company gave the word to go after the houses had been shut down in order to conserve electrical power.

The Warner, Casino and Davis are still awaiting word to go, but the power problem still remains acute. The downtown section in which these houses are located was roped off entirely yesterday when a gas main sprang a leak. Because of the danger of an explosion, pedestrians may be barred from the section for several days.

The Stanley, Penn and Alvin are making rapid strides in the direction of normalcy, but the task may take several weeks. At the present time the only entertainment in town is the stage production, "Three Men on a Horse" at the Nixon, a house which has its own emergency power plant and has thus been enabled to operate right through the flood period. Business at the Nixon is about 50 per cent of capacity.

Ohio Houses Run Benefits

MANSFIELD, O., March 26.—Warners' Ohio, as well as other circuit houses in this district, are staging special 11 P.M. shows at 50 cents admission, the proceeds from which are being turned over to the Red Cross for flood relief. Tickets are being sold by various local groups, and all employes are contributing their services.

Cincy Refugees Are Aided

CINCINNATI, March 26.—The American Legion is sponsoring two matinee performances at the Madison, neighborhood house, for the benefit of the Red Cross. Patrons are asked to bring discarded clothing to be given the Red Cross for distribution. Charles Weigel and the theatre staff are donating their services.

Mass. Benefits Planned

BOSTON, March 26.—As many theatres in this area remained closed as a result of the flood, other houses were planning flood benefits. The local M. P. T. O. is sponsoring midnight shows Saturday at the de luxe Metropolitan and RKO Boston for flood relief. Richard Rubin, operator of the State in Saugus, is giving all of today's receipts to the Red Cross.

The Warner in Lawrence and the Capitol in Springfield are still closed, as are the Calvin and Plaza in Northampton, and several other houses.

Star Floats Away

Dover-Foxcroft, Me., March 26.—The Star Theatre, which used to be here, is somewhere down the Piscataquis River, and the proprietor can't figure out how to get it back, because when the river isn't in flood it won't accommodate a tug.

K. C. Drops Plan to Eliminate Giveaway

(*Continued from page* 1)

agreement, many have signed new premium contracts.

Fox Midwest, favorable to elimination, has reintroduced Bank Night in all local houses except the first run Uptown and Plaza, which will resume later. The promotion is on a one-night-a-week basis. According to Emanuel Rolsky, president of the I. T. O., two independents made elimination impossible, Ruben Finkelstein of the Belmont and Jay Means of the Oak Park and Bagdad.

Kansas Takes Action

KANSAS CITY, March 26.—In a friendly action to determine whether or not Bank Night is a lottery under the Kansas laws, Attorney General Clarence D. Beck filed *quo warranto* proceedings in the Kansas Supreme Court to oust the Fox Kansas Theatre Company and enjoin it from doing business in the state. The complaint holds that the company has forfeited its charter by operating the promotion.

The Fox circuit wishes to reach a decision in the matter since it plans to extend the use of Bank Night in Kansas.

Burroughs Sets Six

HOLLYWOOD, March 26. — Having completed its first, "The Drag Net," Burroughs-Tarzan has set five more releases. They are: "Three Wise Monks," "The White Glove," "Murder at the Carnival," "S.O.S Coast Guard" and "Girl with the Red Feather."

W. B. Wesley Shifted

W. B. Wesley has been transferred from the G.B. Oklahoma City exchange back to the Dallas branch. W. J. (Dutch) Gammer is now in charge of the former territory.

Form Florida Studio; 20 Features Listed

(*Continued from page* 1)

pacity. He is a former president of Liberty Pictures, Inc.

Governor Dave Scholz, commenting on the new development, expressed the hope the project would lead the way for other producers to transfer operations from the coast to Florida, and added that the plan has always been very close to his heart. Negotiations with Hoffman, he said, had been in progress for some time.

V. E. Coster Moved Here in W. E. Shift

V. B. Coster, former manager for Western Electric in Argentina, has been named to a supervisory post in Erpi's Latin American department in the home office. He will arrive Thursday on the *Western World*.

W. S. Tower, Jr., will sail Friday for Mexico to replace William DeMello as manager of the W. E. office in Mexico. After a short vacation in the United States, DeMello will replace F. P. Young as manager in Brazil, and Young will return to this country.

Pathe Weighs Producing

New season production activities involving both Pathe and First Division were discussed informally at a meeting of the Pathe board yesterday. Tentative discussions, it was said, leave open the possibility of Pathe resuming production under its own name next season and until a decision has been reached new production plans for First Division are being held in abeyance.

Empire Charges Dropped

Impeachment charges against Benjamin S. Greenstein, vice-president of Empire M. P. Operators' Union, and Jack Millet, business agent, have been dismissed following a hearing. The ruling was that they were "baseless and had been brought by disgruntled members."

The union is now negotiating a new contract with Springer & Cocalis.

New House Planned

SALT LAKE CITY, March 26.—William Littlejohn and Mrs. Littlejohn are planning a new theatre for Elko, Nevada. A site has been purchased adjacent to the Elks Home.

Changes to Pioneer

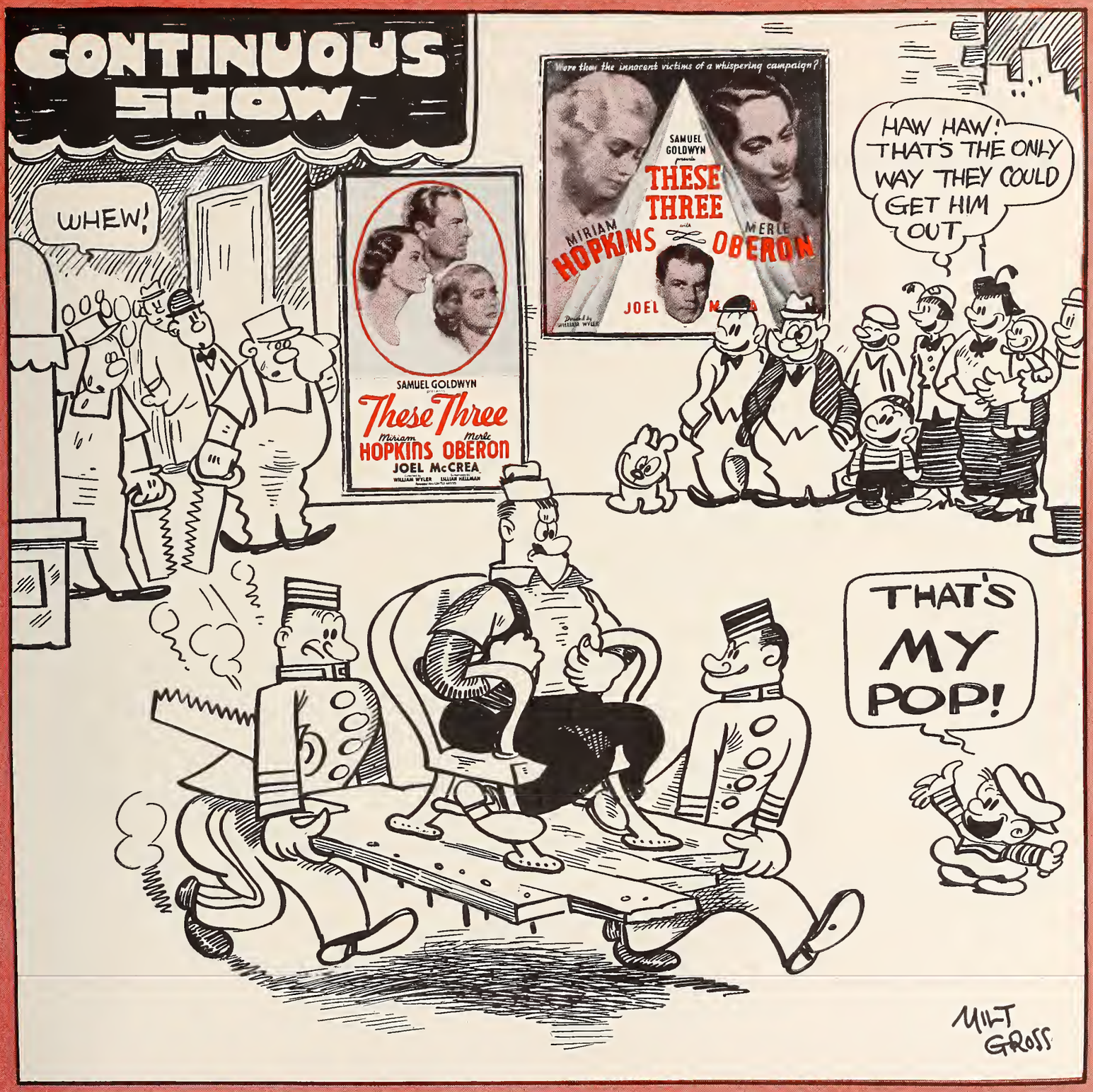
MINNEAPOLIS, March 26.—Finkelstein Theatres, Inc., have changed their name to the Pioneer Theatre Corp. L. D. Field is president and Daniel E. Field, vice-president.

Seek a Picketing Stay

PORTLAND, Me., March 26.—Keith's, a Frederick E. Lieberman house, is seeking an injunction in the Supreme Judicial Court to stop picketing by the operators' and stagehands' unions.

Moray Reaches Frisco

SAN FRANCISCO, March 26.—Norman H. Moray, in charge of Vitaphone shorts and trailers, is here for conferences with exhibitors, branch manager and salesmen. He will spend five days at the Warner studios.



P.S. *Even though this picture is so good that your patrons will stay for 2 or 3 performances — you'll still make money... because* "THESE THREE" *is doing "builder-upper" business all over the country!*

Released thru
UNITED ARTISTS

"Secretary" High in Two Boston Spots

Boston, March 26.—"Wife vs. Secretary" came out on top with high grosses in two spots in spite of competition from other strong pictures. Playing day and date at Loew's Orpheum and State, it took $17,000, up by $4,000, at the former, and $18,000, over normal by $6,000, at the latter.

At the Metropolitan "Desire," with a stage show headed by Louis Armstrong and his orchestra, ran up to $29,000, which was $7,000 over the normal line. "Klondike Annie" and "Laughing Irish Eyes," day and date at the Fenway and Paramount, took $6,000 at the former and $11,000 at the latter. "Farmer in the Dell" was $2,000 to the good on a gross of $19,000 at the RKO Boston, and "Follow the Fleet" held up to $9,500 in its fourth week at Keith's Memorial.

Total first run business was $109,500. Average is $87,500.

Estimated takings for the week ending March 20:

"KLONDIKE ANNIE" (Para.)
(Second Run)
"LAUGHING IRISH EYES" (Republic)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $6,000. (Average, $4,500)

"FOLLOW THE FLEET" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days, 4th week. **Gross:** $9,500. (Average, $12,000)

"WIFE vs. SECRETARY" (M-G-M)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $17,000. (Average, $13,000)

"WIFE vs. SECRETARY" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $18,000. (Average, $12,000)

"DESIRE" (Para.)
METROPOLITAN — (4,332), 35c-65c, 7 days. Stage: Louis Armstrong and his Orchestra which also doubled for free dancing in Platinum Salon. **Gross:** $29,000. (Average, $22,000)

"KLONDIKE ANNIE" (Para.)
(Second Run)
"LAUGHING IRISH EYES" (Republic)
PARAMOUNT — (1,793), 25c-50c, 7 days. **Gross:** $11,000. (Average, $7,000)

"FARMER IN THE DELL" (Radio)
RKO BOSTON—(3,246), 35c-65c, 7 days. Stage: Ralph Bellamy, "Let's Go" Revue, Edward Rosenwald and Orchestra. **Gross:** $19,000. (Average, $17,000)

G. B. to Handle Shorts

G. B. is planning to distribute a number of educational films in this country through its non-theatrical department, according to Arthur A. Lee, vice-president. William Berry is in charge. They are one-reelers treating physical education, natural history, language, geography and other subjects.

Out Hollywood Way

Hollywood, March 26.—The Pat O'Briens, the Otto Krugers, the Jack Haleys, the Robert Youngs, the W. S. Van Dykes and the Ben Bards among those at the party given by Jerry Giesler and C. F. Hudson for Jack Oakie and his bride, Venita Varden . . . Claire Dodd to leave for Europe shortly . . . Mary Boland temporarily on the sick list . . . Mrs. Anthony Veiller the mother of a seven-pound girl.

Fred Schuessler on the job as Paramount casting director, with no changes from the setup of Fred Datig, recently resigned . . . Harry Sherman sets April 24 as release date on the fifth "Hopalong Cassidy," "Three on the Trail" . . . Major studio sound heads at a demonstration of the Shearer two-way horn system and the M-G-M automatic start system.

Spanky McFarland's five-year contract with Hal Roach approved by Los Angeles Superior Court . . . Inez Wallace of the *Cleveland Plain Dealer* here doing special stories . . . Universal completes filming of "Unconscious" . . . James Whale at work editing 300,000 feet of "Show Boat" negative down to 10,000 feet, approximate release length, for Universal.

✚

Castings—Frances Farmer to feminine lead opposite Bing Crosby in Paramount's "Rhythm of the Range" . . . Gordon Elliott replaces Nick Foran in "The Case of the Velvet Claws," Warners . . . Humphrey Bogart and Robert Armstrong added to "Public Enemy's Wife," same studio . . . Robert Warwick and Mary Gordon in Radio's "Mary of Scotland" . . . Edward Everett Horton and Lawrence Grant in "Lost Horizon," Columbia . . . Fritz Lieber in "The Glory Parade," Republic . . . Robert Young and Lewis Stone in "Three Wise Guys," M-G-M . . . Big Boy Williams, Jack LaRue and Lloyd Hughes in "Second Choice," Cameo . . . June Brewster and Tom Ricketts added to Walter Wanger's "The Case Against Mrs. Ames" . . . Noah Beery, Jr., added to "What Price Parole."

"Breakfast" Gets $2,600, Oklahoma

Oklahoma City, March 26.—"Love Before Breakfast" was the only attraction to get over normal in a week of windy weather and low temperatures. It grossed $2,600, up by $600, at the Capitol.

"Preview Murder Mystery," with the help of a stage show, grossed $2,100 in four days at the Liberty. Normal for a week is $3,000.

Total first run business was $11,800. Average is $14,000.

Estimated takings for the week ending March 21:

"STORY OF LOUIS PASTEUR" (W. B.)
CRITERION — (1,700), 10c-20c-36c-55c, 7 days. **Gross:** $4,500. (Average, $5,000)

"SPLENDOR" (U. A.)
MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $2,000. (Average, $4,000)

"LOVE BEFORE BREAKFAST" (Univ.)
CAPITOL — (1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,600. (Average, $2,000)

"PREVIEW MURDER MYSTERY"
(Para.)
LIBERTY—(1,500), 10c-20c-26c-41c, 4 days. **Gross:** $2,100. Stage: Hardeen (Houdini's Brother) and Princess Yvonne. (Average for week, $3,000)

PADDY O'DAY (20th-Fox)
LIBERTY—(1,500), 10c-20c-26c-36c, 3 days. **Gross:** $600. (Average for week, $3,000)

"Wife" Providence Best with $17,000

Providence, March 26.—Despite torrential rains and floods in the suburban territory Loew's State caught a big $17,000 with "Wife vs. Secretary," which is $5,000 over the usual take.

The Strand bettered par by $300 with "Give Us This Night" and "Don't Gamble With Love," which garnered $6,800. Fay's took in $7,100 with a revue and "Don't Get Personal," bettering the average take by $100.

Total first run business was $40,400. Average is $39,500.

Estimated takings for the week ending March 19:

"GIVE US THIS NIGHT" (Para.)
"DON'T GAMBLE WITH LOVE" (Col.)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $6,800. (Average, $6,500)

"DON'T GET PERSONAL" (Univ.)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "Band Box Revue." **Gross:** $7,100. (Average, $7,000)

"SONG AND DANCE MAN" (20th-Fox)
"CHARLIE CHAN AT THE CIRCUS"
(20th-Fox)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"WIFE VS. SECRETARY" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $17,000. (Average, $12,000)

"FOLLOW THE FLEET" (Radio)
RKO ALBEE—(2,300), 15c-40c, 5 days. **Gross:** $2,500. (Average, $7,000)

Another Tax Bill in Md.

Annapolis, March 26. — The House Ways and Means Committee here tonight offered another tax bill calling for a two per cent levy on admissions to all amusements. Proponents of the bill claim that it will raise $400,000 annually.

Technicolor, Para. Sign

Hollywood, March 26.—Paramount has closed a deal with Technicolor for the making of four features next year. The first will probably be a sea story under the guidance of Frank Lloyd.

BEAUTIFUL HOME IN LARCHMONT



For sale, owner-built home in Larchmont, N. Y. Tapestry brick over hollow tile; slate roof; ten rooms; three baths; leaded glass windows and doors; hand carved lintel; satin oak finish; fireplace; tiled porch; two-car garage; copper screened throughout; convenient to station and schools; restricted neighborhood. This home will appeal to the lover of the beautiful. Must be seen to be appreciated. Address Box 500, Motion Picture Daily, Rockefeller Center, New York.

"Pine" Takes $11,200, Big In St. Louis

St. Louis, March 26.—"The Trail of the Lonesome Pine" was an outstanding hit at the Shubert-Rialto with a take of $11,200. This was above par by $4,700. It was held over.

"Love Before Breakfast" and "Three Stooges," with Ed Lowry and his stage show, at the Ambassador had the best gross of the week, $13,450, as against a par of $10,000.

"The Country Doctor" and "Tango" in their second week at the Fox grossed $11,500, while "Wife vs. Secretary" also in a second week at Loew's did $11,000.

Principal opposition was a stage show at the American. The weather was favorable.

Total first run business was $57,900. Average is $49,300.

Estimated takings for the week ending March 19:

"LOVE BEFORE BREAKFAST" (Univ.)
"THE THREE STOOGES" (Univ.)
AMBASSADOR — (3,018), 25c-35c-40c, 7 days. Stage: Ed Lowry and St. Louis amateur revue. **Gross:** $13,450. (Average, $10,000)

"THE COUNTRY DOCTOR" (20th-Fox)
"TANGO" (Inv.)
FOX—(5,038), 25c-35c-55c, 7 days, 2nd week. **Gross:** $11,500. (Average, $12,000)

"LADY IN SCARLET" (Chesterfield)
GRAND OPERA HOUSE—(2,200), 15c-25c-35c, 7 days. Stage: Vaudeville. **Gross:** $3,100. (Average, $3,300)

"WIVE VS. SECRETARY" (M-G-M)
LOEW'S—(3,162), 25c-35c-55c, 7 days, 2nd week. **Gross:** $11,000. (Average, $9,000)

"GIVE US THIS NIGHT" (Para.)
"BOULDER DAM" (W.B.)
ORPHEUM—(1,950), 25c-35c-55c, 7 days. **Gross:** $7,900. (Average, $8,500)

"TRAIL OF THE LONESOME PINE"
SHUBERT-RIALTO — (1,723), 25c-35c-55c, 7 days. **Gross:** $11,200. (Average, $6,500)

Snow Hits Grosses In Buffalo Houses

Buffalo, March 26.—Paralyzed by a week of record-breaking storms, box offices here reached a new low for the winter. Streets and highways were impassable after Tuesday, with even street car service stopped for a day and a half. The only house to come up to average was the Lafayette, with a dual, "Grand Exit" and "Clairvoyant," just making it with a $6,000 draw.

Snow removal was hampered by lack of funds and equipment. City authorities urged motorists to stop driving to aid in clearing the wet, hard-packed drifts.

Total first run business was $39,600. Average is $42,000.

Estimated takings for the week ending March 21:

"LITTLE LORD FAUNTLEROY" (U.A.)
BUFFALO—(3,000), 35c-50c, 7 days. **Gross:** $10,800. (Average, $12,000)

"IT HAD TO HAPPEN" (20th-Fox)
HIPPODROME—(2,500), 30c-50c, 7 days. **Gross:** $6,500. (Average, $7,300)

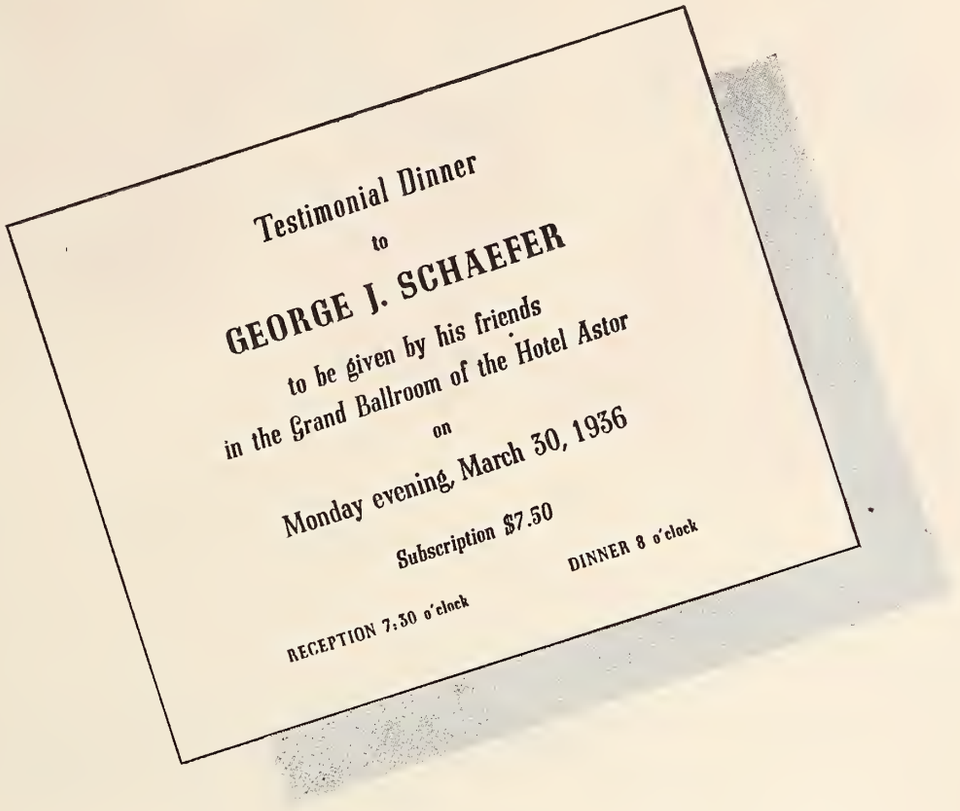
"MODERN TIMES" (U.A.)
GREAT LAKES—(3,000), 25c-40c, 7 days, 2nd week. **Gross:** $7,200. (Average, $7,300)

"BROADWAY HOSTESS" (W.B.-F.N.)
"WE'RE ONLY HUMAN" (Radio)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,600. (Average, $5,800)

"GRAND EXIT" (Col.)
"CLAIRVOYANT" (Univ.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $6,000. (Average, $6,000)

"LAUGHING IRISH EYES" (Republic)
GAYETY—(1,600), 15c-25c-35c, 7 days. Stage: "Emerald Isle Follies," with Henry Burbig. **Gross:** $3,300. (Average, $3,600)

Everybody in the industry will be there!



Here's a testimonial dinner that will be different from any you've ever attended! No long-winded speeches...no formal attire...just a unanimous tribute to one of the industry's leaders with the accent on Fun, Frivolity and Gayety! Join your friends for a STAG evening that promises to be an event that will be long remembered! Here are just a few of the prominent figures of stage, screen and radio who have graciously consented to be present and keep things moving at high speed:

•

ED SULLIVAN
MILTON BERLE
BERT LAHR
BENNY RUBIN

FRANK PARKER
PHIL REGAN
WILLIE and
EUGENE HOWARD

RACHEL CARLAY
GRACIE BARRIE
JAY FLIPPEN
ROGER PRYOR

ROSE KING TOBY WING
and the RADIO CITY MUSIC HALL GLEE CLUB

IF YOU HAVEN'T ALREADY MADE ARRANGEMENTS

Tickets may be obtained from Austin C. Keough of Paramount, Harry D. Buckley of United Artists, Joe Vogel of Loew's, George Skouras, Willard S. McKay of Universal, Charles Pettijohn of the Hays Office, Edward McEvoy of RKO, Edward Kuykendal, Joe Bernhard, Andrew Smith and Gradwell Sears all of Warner Bros., Abe Montague of Columbia, William Rogers of MGM, and Moe Streimer of United Artists.

JESSE LASKY

said:

"Great entertainment! . . . Capra's new picture . . . Mr. Deeds Goes to Town . . . will be more popular than It Happened One Night!"

Thank you Mr. Lasky

Columbia Pictures Corp.

A new "best of the year" arrives . . . heralded by a storm of superlatives from the great of Hollywood!

National release date April 12th
Opening Radio City Music Hall, April 16th

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 39. NO. 74 NEW YORK, SATURDAY, MARCH 28, 1936 TEN CENTS

ITOA Starts Monopoly Suit In N. Y. Court

Action Involves Payment On Short Subjects

Major distributors yesterday were charged with violation of the New York state anti-trust and monopoly laws in the alleged forcing of shorts with features in an action which opens the long promised warfare by the I.T.O.A. on this sales practice.

The charges are made in an answer filed by Ridgewood Amusement Co., a Harry Brandt company operating the Star, Brooklyn, to an action brought by RKO Distributing Corp. for a claim of $61 on a short subject contract. The action was instituted by the distributor in Municipal Court. In its answer Ridgewood alleges that it was required to take the short subjects in order to obtain the distributor's features and further alleges that this sales practice is also followed by Warners, Fox, M-G-M, Paramount, Universal and Columbia in violation of the Donnelly Act, the New York state anti-trust and monopoly statute.

Weisman, Quinn, Allen & Spett, counsel for Ridgewood, said that an action naming all major distributors would be filed in Federal court here in the near future alleging the violation of the Federal anti-trust laws.

Fox-Midwest Case Under Advisement

KANSAS CITY, March 27.—Judge Merrill E. Otis, in Federal District Court tonight, took under advisement the independents' application for a temporary injunction against Fox-Midwest and major distributors on charges of conspiracy after the submission of affidavits by both sides and oral arguments by W. G. Boatright, for the plaintiffs; Sam Sawyer, for Fox-Midwest, and Edward C. Rafferty for the distributors.

Judge Otis denied the application

(*Continued on page 4*)

Bowes Refused Stay On Use of His Name

SALEM, March 27.—Judge Howard Williams today refused to issue a restraining order against E. M. Loew to prevent his Lynn houses from billing an amateur unit with Bowes' name.

Unfair competition with an authorized unit playing M. & P. houses is charged by Bowes.

Union Groups Will Operate Mexico Houses

To Take Over Those Hurt By Bad Management

By JAMES LOCKHART

MEXICO CITY, March 27.—In order to keep many houses open in several sections of the country, where bad management has ruined business, the first national convention of representatives of 36 industry employes' unions here has decided to establish cooperative societies of employes to run the theatres. The necessary financing will be obtained through small prorata assessments on wages. Theatres thus operated will specialize in films with labor and proletarian themes.

It is hinted that Government aid is anticipated, since the plan is expected to stimulate the industry in the country. The convention also voted to

(*Continued on page 4*)

About 600 Expected At Schaefer Dinner

Plans are being made to accommodate more than 600 bon vivants at the testimonial dinner to George J. Schaefer, vice-president and sales manager of United Artists, at the Astor, Monday.

Ranking executives of all large producing and distributing companies, theatre men, industry attorneys, field sales executives and others have made reservations. Warners have invited all of the company's eastern division and branch managers into town for the occasion. Many United Artists' field executives will also come here Monday, together with numerous other out-of-town sales and theatre officials.

Boston Fires Spur Safety Rule Study

BOSTON, March 27.—The three recent booth fires in Greater Boston, at the Olympia in Somerville, Elite in Walpole and Mattapan in Mattapan are understood to be spurring Department of Public Safety officials to fresh efforts in making a survey of motion picture safety regulations for Massachusetts. The regulations have not been changed to any extent for the past 16 years.

George Parsons, chief of inspectors, is in charge of the investigation. Rules against the adoption of the 2,000 foot reel are understood to have been offered for consideration by union members.

Petition Hits Duals

Lincoln, Neb., March 27.—Petitions for discontinuance of double features are being circulated in North Platte, Neb., this week. Several hundred have signed.

M-G-M Boycott Is Ended in Barcelona

BARCELONA, March 27.—Exhibitors here yesterday terminated their boycott against M-G-M, which had been carried on for several weeks because of objection to Jacques Edelstein, local M-G-M manager. The exhibitor group had demanded the ousting of Einstein, which was flatly refused by M-G-M. Members of Mutua, the local organization of foreign distributors, stood squarely behind M-G-M.

Attempts to arbitrate the differences between exhibitors and distributor, which had spread from a personal objection to Edelstein to a demand for contract revision, accomplished nothing, resulting in a deadlock after several sessions.

Allied Unit Approves Metro Pact Request

MINNEAPOLIS, March 27.—Northwest Allied has approved M-G-M's request for the cancellation of 10 films on the 1935-36 program with a provision for the purchase of eight additional pictures to fill the gap, according to *Greater Amusements*. The organization previously had refrained from giving members advice on the contract rider pending suggestions from national Allied, which is telling members to use their own judgment.

S. G. Lebedoff, vice-president, said the majority of the exhibitors in the twin cities already have signed the rider. He declared, "The eight pictures offered should be as good or better than the ones which the company will not make and the withdraw-

(*Continued on page 4*)

Forty More Warner Music Suits Filed

Forty more infringement suits against radio stations, restaurants, night clubs and hotels have been filed by Warner music subsidiaries, Harms, Inc., M. Witmark & Sons, Remick Music Corp., T. B. Harms Co., and New World Music Corp.

Suits filed in U. S. District Court here are against WMCA, WODA, WBIG, WOBB, WIBA, KGU, WIXBS, WSMB, WGST, WOWO, KTFI, KPO, KOA, KTAR, WDAY, KFYR, KSOO and WCHS.

Hotels, restaurants and night clubs

(*Continued on page 4*)

Laemmle Not To Take New Post at "U"

Decides to Quit Company And Take Long Rest

Carl Laemmle has declined a proffered post on the new board of Universal and will sever all connection with the company with the transfer of control on April 2 to the Standard Capital-Charles R. Rogers interests, it was learned yesterday.

The decision means Laemmle's complete withdrawal from the company which he founded more than 20 years ago and from the industry with which he has been identified for 30 years.

Laemmle's decision not to serve on the board following the transfer of control is understood to be motivated by his desire to take a lengthy rest and vacation, free of all obligations. He will arrive here on Monday and spend several weeks in New York, following which he plans to leave on an extended European trip.

The new Universal heads received Laemmle's decision with disappointment. J. Cheever Cowdin, president of Standard Capital, has been desirous from the outset of continuing Laemmle's association with the company, it is said, and caused a provision for Laemmle's selection as chairman of the board to be included in the option which his company obtained, to be effective in the event the option was exercised. When Laemmle de-

(*Continued on page 4*)

Hope Williams Sails To Her London Post

Hope Williams (Mrs. J. D. Williams), who has been appointed special London representative of Quigley Publications—*Motion Picture Herald*, MOTION PICTURE DAILY and *Motion Picture Almanac*—sailed last night on the *Aquitania* to take up her duties in the London Bureau.

Mrs. Williams will be associated in London with Bruce Allan, London representative.

Hines Elected Head Of Projector Firm

Earl G. Hines has been elected president and a director of the International Projector Corp. He succeeds the late Samuel R. Burns.

Herbert Griffen has been named a director and has been elected to a vice-presidency. At an earlier meeting Walter Green was elected to the board.

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(Registered U. S. Patent Office)

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M-G-M Club Frolics Atop the Astor Roof

The Astor Roof resounded last night to the festivities conducted by the Pep Club of M-G-M. Jay C. Flippen, assisted by Harry Rose and Ed Sullivan, masters of ceremonies, had no difficulty in keeping the party going full blast.

Prominent figures of the stage and screen helped along the entertainment. Among this group were Lois Revel, Harry Hershfield, Jackie Cooper, Josephine Huston, Jackie Coogan, Betty Grable and Jack Benny.

Among the M-G-M luminaries who participated were Al Lichtman, Bill Scully, Dave Levy, Jack Bowen, Gene Picker and Si Seadler.

At three o'clock this morning the joy was still unconfined.

New Operator Bill In

ALBANY, March 27.—New regulations covering projectionists are provided in a bill introduced in the Assembly by Bernard Austin.

The bill would make it illegal for anyone other than a licensed projectionist to thread up a machine for operation and also would bar theatre owners from requiring projectionists to do any other form of work.

Bateman Joins Republic

LOS ANGELES, March 27.—Francis Bateman, of the M-G-M sales department, today became Republic branch manager here, replacing Howard Stubbins, recently resigned. Bateman will move in April 6.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"I Married a Doctor"

(*Warners*)

HOLLYWOOD, March 27.—This version of the Sinclair Lewis novel, "Main Street," seems somewhat out-of-date, although the uniform excellence of the cast performances will result in a strong bid for popular favor.

The story tells of a city girl who marries a small town physician and struggles thereafter to raise the cultural standards of her adopted home to city levels. This theme has lost much of its significance since more important problems, including the depression, have descended on the scene of which Lewis wrote.

The Casey Robinson screen play wisely attempts to compromise with the original theme on which the main dramatic incidents are based, but the story still centers on the bigotry and clannishness of the small town country club set which, by present standards, seem somewhat trivial.

The disadvantage of an outmoded theme is more than offset, however, by the excellent acting of Pat O'Brien as the doctor, Josephine Hutchinson as his wife and Ross Alexander as a young artist. These skillful portrayals can be counted upon to arouse sufficient sympathetic interest to assure favorable audience reaction. Supporting performances by Guy Kibbee, Louise Fazenda, Ray Mayer, Olin Howland and Willard Robertson are splendid characterizations. Even the small bits are well cast.

The direction of Archie Mayo is up to his usual standard. Harry Joe Brown produced. With proper exploitation, the picture should show good returns.

Production Code Seal No. 2,024. Running time, 87 minutes. "G."

"Song of the Trail"

(*Ambassador-Conn*)

HOLLYWOOD, March 27.—Though constructed on a routine action formula, this picture offers a cast headed by Kermit Maynard and Evelyn Brent and the name of James Oliver Curwood as author of the original story to attract followers of hard-riding drama.

The plot is concerned with the efforts of Maynard to save an old miner who has signed a quit claim to his property in favor of gamblers. Proving the poker game in which the mine was lost was not conducted in strict accordance with Hoyle, Maynard recovers the deed and saves the girl as six shooters bark and hoofs beat.

Fuzzy Knight, cast as Maynard's mounted stooge, lends able comedy relief, which breaks up the chases. Russell Hopton has done a good job on the direction and Arthur Reed's photography shows to good effect on several beautiful outdoor settings. The supporting cast includes Antoinette Lees, George Hayes and Lee Shumway who contribute competent performances. Didheart Conn contributed one pleasing musical number which is well handled by a male chorus. George Sayre and Harry Barrington wrote the screen play.

Previewed without production code seal. Running time, 67 minutes. "G."

Overseas Preview

"Once in a Million"

(*Associated British Pictures*)

LONDON, March 25.—Buddy Rogers, bandless and back in comedy; a good farce plot; low comedy successfully purveyed by Haver and Lee and, less successfully, by W. H. Berry; Mary Brian and Iris Hoey in the woman roles that matter. A bright and amusing effort.

Rogers is a bank clerk sent on Saturday to pay a million in notes into the bank. His taxi collides with another, carrying a pretty girl, and that delays matters so that the bank doors shut in his face. Taking refuge in a hotel, his deposit of the notes earns him a status, and royal suite, appropriate to a millionaire. The girl, also, is sailing under false colors as a Countess, to push the dress goods of her employer. Comic detectives, a gold digger and mother and a Continental adventurer play their part in a hectic week-end, concluding with the discovery that the bank has gone smash. Buddy gets a directorship for saving the money, and the girl.

There are plenty of laughs in it for general audiences. Running time, 75 minutes. "G."

ALLAN

Purely Personal

JOHN E. OTTERSON left for the coast last night for production conferences at the studio. ADOLPH ZUKOR left earlier in order to stop off in Arizona to visit his daughter, MILDRED ZUKOR LOEW, and grandson. ZUKOR will continue on to the coast from there.

•

FREDDY MACK, Roxy maestro, is organizing a new stage presentation to be known as "Young Ideas" which will soon make its debut.

•

GILBERT W. GABRIEL'S best seller, "I, James Lewis," has been purchased by Paramount.

Quip of the Day

Arthur Mayer to Bill Rodgers: "The Capitol may play the Metro holdovers, but it's the Rialto which runs the Metro hangovers."

"Moonlight Murder" opened at Mayer's theatre yesterday morning.

MRS. ARTHUR S. ABELES sails today on the *American Legion* for South America.

•

BOB GILLHAM returned yesterday from a two-week vacation in Florida.

•

M. H. HOFFMAN will remain in town for another 10 days.

•

GRACE MOORE sails today on the *Conte Di Savoia.*

•

. . . Chicago

FELIX MENDELSOHN is recuperating from a recent illness by making a West Indies cruise.

BARNEY BALABAN is at Waikiki.

JOHN BOLES is the latest honorary member of the CAPA.

WALTER BROWN is back from a business trip to Des Moines and Omaha.

SIDNEY STERN of General Films just landed a fat commercial picture contract. Shooting starts next week.

JAMES WINN is back from a sales meeting at the New York office.

JAMES COSTON is in New York on plans for a new theatre here.

DICK SACHEL is back from Omaha where he did some screen repairing for several large theatres.

JOE ABRAMSON and ANN ORPHAN are the latest additions to HENRI ELMAN'S Capitol Film Exchange

ALICE ROTH is now with G. B.

•

. . . Los Angeles

ALLEN J. O'KEEFE, EDWARD COOKE, WILLIAM J. HEINEMAN, J. R. GRAINGER, EDMUND GRAINGER, WILLIAM KOENIG, CHARLES ROGERS, CARL LAEMMLE, FRED MEYER and EDWARD ARNOLD at the "Sutter's Gold" opening in Sacramento.

R. W. CARMICHAEL of M-G-M handling the ads for the April 17 dance of the Film Exchange Club.

ROBERT O'DONNELL, HARRY HUFFMAN and J. VON HERBERG, circuit men, here for the preview of Columbia's "Mr. Deeds Goes to Town."

MILTON HOSSFELD to be feted by his friends at the Hollywood Athletic Club following his promotion by Fox West Coast.

"Doctor" $12,000 Montreal Grosser

MONTREAL, March 27.—"The Country Doctor" at the Palace was the hit of the week with a take of $12,000, but even with that figure the picture was not held over.

An Irish program at Loew's, to help celebrate March 17 and headed by "Laughing Irish Eyes," was good for $11,000, also above par. "First a Girl" topped the doublet at the Capitol for $9,000 while the second week of "The Story of Louis Pasteur" at the Princess brought in $6,000.

The breakup of winter brought bad traffic conditions and, outside of the St. Patrick's Day enthusiasm, it was an off week for the theatres. Night clubs and dances for the 17th provided the chief opposition.

Total first run business was $44,000. Average is $46,500.

Estimated takings for the week ending March 21:

"FIRST A GIRL" (British)
"ANOTHER FACE" (Radio)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $9,000. (Average, $9,500)

"FORGOTTEN MEN" (British)
HIS MAJESTY'S—(1,700), 35c-50c, 7 days, 2nd week. **Gross:** $3,000. (First week: $5,000. (Average, $5,000)

"BLACK FURY" (F.N.)
IMPERIAL — (1,914), 15c-20c-25c-34c, 7 days. Added revival: "6-Day Bike Rider." **Gross:** $3,000. (Average, $3,500)

"LAUGHING IRISH EYES" (Republic)
LOEW'S — (3,115), 30c-34c-40c-50c-60c, 7 days. Stage: "Continental Carnival." **Gross:** $11,000. (Average, $10,500)

"THE COUNTRY DOCTOR" (20th-Fox)
PALACE — (2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $12,000. (Average, $11,000)

"STORY OF LOUIS PASTEUR" (F.N.)
"THE RETURN OF JIMMY VALENTINE" (Republic)
PRINCESS—(2,272), 25c-30c-35c-50c-65c, 7 days, 2nd week. **Gross:** $6,000. First week: $8,000. (Average, $7,000)

Levy Opens "Festival"

Borough President Samuel D. Levy assisted yesterday in the opening of the Loew "Spring Festival" celebrated in some 70 houses of the circuit in Greater New York.

Among others who gathered for the occasion with Charles C. Moskowitz, Loew vice-president, were: Roger Pryor, Toby Wing, Patricia Bowman, Bob Hope, Dolores Read, Gertrude Niesen, Arthur Tracy, Phil Regan, Bert Gordon, James Murray, Pedro Montanez, Helen Compton and her girl orchestra. Jay C. Flippen was m.c. The party was broadcast over WHN.

Travel Service Started

For the convenience of members required to travel, the Cinema Club has established a personal travel service and has put it in charge of an experienced secretary. The service will include the purchase and delivery of tickets.

Burlington Tries Films

LINCOLN, Neb., March 27. — Burlington trains are giving films a trial in their dining cars and hope the public will go for the idea. All through trains will be equipped for sound.

Ventnor House Burned

ATLANTIC CITY, March 27. — The Ventnor, neighborhood house, was badly damaged by fire this morning with a loss estimated at $125,000. It is estimated that it will take three months to rebuild it.

Looking 'Em Over

"Re Burlone"

(*Mazzavini-Brandt*)

Broadway's own Italian film house, once the Warner, now the Cine Roma, opens its doors with a production from Capitani, Italian producer, which seems to have pleased the Italian-understanding audience, but which was hardly of a character to bring rounds of applause from one lacking a knowledge of the language, despite the occasional use of superimposed dialogue titles. The title translates as "Daughter of the Revolution."

It is, in effect, a picture which must have a market limited to those theatres which are able to draw upon a patronage conversant with the language of the film. Outside of a few sumptuous sets and several large groups of extras, it does not reach a complete justification of the program line: "First Italian Million-Dollar Film."

The story, of romance and intrigue in an Italian kingdom of 1840 or thereabouts, has its moments, is for the most part a light-hearted treatment of the theme of struggle for a united Italy, and is, one may gather from audience reaction, studded with amusing moments. Unfortunately, however, for one not understanding the language, the comedy is of the dialogue variety for the most part. The performances are good on the whole, with Armando Falconi as the king, in a Wallace Beery manner, and Luisa Ferida as the young revolutionary, outstanding.

The girl falls in love with an army captain with whom she rides on a test run of a new train. She is invited by the inspecting king to visit the palace. But when she learns the king has signed the death warrant of her father, she joins a revolutionary group and gains employment at the palace. There follow intrigue and complication as the captain's best friend is found to be plotting against the king. The two are imprisoned and their sweethearts effect their escape. The four flee the country, as the king visions his eventual downfall and a united Italy. Enrico Guazoni directed.

Reviewed without production code seal. Running time, 98 minutes. "G."

"Panic on the Air"

(*Columbia*)

A lively and active yarn of murder and romance and mystery, with a news and sports commentator of the radio taking a major part in all three phases of the story, this picture should be found entertaining for those who like active material even though it is not pretentious.

Lew Ayres makes a satisfactorily energetic amateur sleuth and professional commentator and is adequately supported by Florence Rice, as the girl who becomes involved in the mystery and is befriended and pursued by Ayres. The action is supplied with gusto via a horse race or two described by Ayres and the swift-moving activity of the police as they swoop down on the gang trapped by the cleverness of Ayres while the police are baffled.

Ayres is in danger of losing his contract and sponsor for his radio program because he is slipping with respect to the uncovering of exclusive stories. Suddenly he comes upon a mysterious five dollar bill, with a series of code numbers, and is thereupon tossed into the center of what proves to be murder, with a background of a kidnapping, hidden ransom and a girl who is seeking the money and who proves to be Miss Rice. With the police hounding him for information and the sponsor after him to stir up the program, Ayres traps the gang and wins the girl.

Production Code Seal No. 1,967. Running time, 60 minutes. "G."

Roxy Back Taxes Paid

Past due taxes and penalties, together with current taxes, have been paid to the city by the Roxy Theatres Corp., Howard S. Cullmann, trustee, informed Federal Judge Francis G. Caffey this week. A check for $45,664.85 was sent to the comptroller's office on that date covering all the remaining arrears for 1932.

W.E. Gets Chilean Deal

Western Electric has just closed a contract to install sound equipment in a 10,000-seat theatre and auditorium called Teatro Circo in Santiago, Chile. Ernesto Echeverris, the exhibitor, is now in New York.

To Be Authors' Guests

Susan Glaspell, novelist and playwright, and George Gershwin, will be guests of honor tomorrow at the second of the season's teas conducted by the Authors' League of America at Tony Sarg's Studio, 54 West 9th St., for the fund to aid needy dramatists and authors.

Sharafs from Roxbury

ROXBURY, Mass., March 27.—Morris and Amelia Sharaf, Warner stockholders, who have filed suit against the company charging waste of company funds, live at 47 Hutchings St. Sharaf is president of M. Sharaf, dress manufacturers.

"Pine" Pulls $30,000 Take At Boston Met

BOSTON, March 27.—Floods in nearby New England spots and heavy rains here failed to dampen the enthusiasm of crowds trying to get into the Metropolitan to see "The Trail of the Lonesome Pine." The $30,000 gross passed normal by $8,000.

A dual, "Modern Times" and "Give Us This Night," day and dated at the Fenway and the Paramount, took $7,000, up by $2,500, at the former, and $12,000, up by $3,000, at the latter.

"Love on a Bet," helped by the "Folies Comique" on the stage, garnered $29,000 at the RKO Boston. This was $12,000 to the good, and the stage show was held over as a result.

Total first run business was $109,000. Average is $87,500.

Estimated takings for the week ending March 27:

"MODERN TIMES" (U. A.)
"GIVE US THIS NIGHT" (Para.)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $7,000. (Average, $4,500)

"LOVE BEFORE BREAKFAST" (Univ.)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $9,500. (Average, $12,000)

"WIFE VS. SECRETARY" (M-G-M)
LOEW'S ORPHEUM—(2,970), 25c-55c, 2nd week. 7 days. **Gross:** $11,000. (Average, $13,000)

"WIFE VS. SECRETARY" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 2nd week, 7 days. **Gross:** $10,500. (Average, $12,000)

"TRAIL OF THE LONESOME PINE" (Para.)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: Paul Lukas. **Gross:** $30,000. (Average, $22,000)

"MODERN TIMES" (U.A.)
"GIVE US THIS NIGHT" (Para.)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $12,000. (Average, $7,000)

"LOVE ON A BET" (Radio)
RKO BOSTON—(3,246), 35c-65c, 7 days. Stage: "Folies Comique." **Gross:** $29,000. (Average, $17,000)

Plan Nebraska Circuit

LINCOLN, March 27.—A new circuit is in the offing for Grand Island and vicinity. Its backers are William N. Youngclaus, veteran independent, and Lloyd Thompson, son of Senator W. H. Thompson. It will be capitalized for $199,000. Youngclaus also has the State, Central City; Shelton, Shelton, and Empress, Grand Island.

McGuire Pact Renewed

HOLLYWOOD, March 27. — William Anthony McGuire has been given a new long-term M-G-M contract as producer-director-writer. The renewal is recognition for his work on "The Great Ziegfeld."

Gensler Re-signed

HOLLYWOOD, March 27.—Paramount today signed Lewis Gensler to a new five-year producer contract. The first feature under the new arrangement will be "The Duchess" with George Raft.

Henry Lee Back on Job

BRIDGEPORT, March 27.—Henry Lee, press agent at the Majestic, is back at work following an illness.

Hall Gets "Fauntleroy"

"Little Lord Fauntleroy" will go into the Music Hall April 2.

Union Groups Will Operate Mexico Houses

(Continued from page 1)

boycott all pictures containing fascist or communist propaganda and to urge the Government to develop an institute which will further the distribution abroad of Mexican-produced films.

For the first time in a long while the Mexican industry has been free of labor troubles, but employers have declined to make any predictions relative to how long the situation will last.

* * *

The local censor board has been told by civic authorities to be less stringent in its action on films. The rebuff came as a result of numerous complaints from Federal officials and the public that the censors make wholesale deletions in interesting films and ban many worthwhile productions.

The National University of Mexico is making scientific medical and surgical films for the first time in this country, for use in the education of medical students. The films are made in a large local charity hospital.

* * *

Its first film, "Vamonos Con Pancho Villa" ("Let's Go with Pancho Villa), completed at the high cost (for Mexico) of $79,000, Cinematografica Latino Americano, S. A., most ambitious of the newer domestic producers, has started its second, "Su Gran Aventura" ("His Grand Adventure") with a cast of 1,200.

* * *

Exhibition in this city has taken a jump upward with the opening of two de luxe houses, the Alameda and the Hipodromo, both featuring high grade American product. The Alameda, which cost $975,000, is said to be one of the most beautiful houses on the continent. It seats 3,600, while the Hipodromo capicity is 2,500. Three other class neighborhood houses are under construction, and are expected to be ready in the fall.

Allied Unit Approves Metro Pact Request

(Continued from page 1)

al of 'The Great Ziegfeld' is in accordance with the company's rights under the roadshow clause of the contract."

Prospects of a floor battle are stirring interest in the organization's convention set for April 20 here, with more than 300 expected. J. B. Clinton is expected to be replaced as president following the election of Ben Berger to the board of governors representing the Duluth district, Clinton's territory. As the president is selected from the board, this is seen as automatically making Clinton ineligible.

Jailed in Game Swindle

CHICAGO, March 27.—Ladislaus Babka and three others were in jail here today, arrested for swindling theatre patrons with a Bank Night scheme, which involved hasty printing of winning numbers with a portable printing press.

Fox-Midwest Case Under Advisement

(Continued from page 1)

of eight distributors to intervene, basing his denial on the grounds that they had insufficient interest in the action; however, he allowed their attorney, Leland Hazard, to enter the case as *amicus curiae,* with 30 minutes to argue on a temporary injunction which Hazard used to remotion for intervention. This also was taken under advisement.

The oral arguments in the case hinged on the question of whether or not the defendants act in concert to set up a zoning plan. Boatright asserted that the defendants made no denial of the charge in affidavits. He put Elmer C. Rhoden on the stand to show that Fox was supplied M-G-M pictures without contract.

Boatright pointed out that the plaintiffs, despite their need of pictures, have had to play some from past seasons and buy from minor producers. He asked that the present arrangement be dissolved and that the independents be given the right to buy pictures in a free market for day and date showing.

Rafferty, pleading for the distributors, denied concerted action, adding that the independents set up their 1934-1935 schedule but didn't confer on the present season with the result that the distributors had an open market for the first time in years.

Sawyer, for Fox-Midwest, referred to Rhoden's offer last Fall to re-negotiate all contracts if the independents thought he had been unfair. He declared that the petition based solely on the allegation of conspiracy doesn't mention "when," "where," or "by whom."

Forty More Warner Music Suits Filed

(Continued from page 1)

involved are: Hotel Pierre, La Rue Restaurant, Hotel Roosevelt, Famous Door, Jimmy Kelly's, Leon and Eddie's, Stork Club, Versailles, Royal Hawaiian Club, San Francisco, Statler Hotel, Detroit; Oriole Terrace, Detroit; Trianon, Cleveland; Ambassador Cafe, New York; Statler Hotel, Cleveland; Statler Hotel, St. Louis, and Morrison Hotel, Chicago.

Laemmle Not Taking New Universal Post

(Continued from page 1)

clined the board chairmanship recently some hope of persuading him to serve as a board member remained. This has now been abandoned, it was said. Laemmle's intimate knowledge of the company and his long experience in the industry were counted upon by the new owners for counsel and advice in an official capacity after the change of control.

Takes Over Iowa House

MAPLETON, Iowa, March 27.—The Mapleton Amusement Co., formed by Abe Friedman, has taken over the Princess here from Opal Brown, who lost the lease in a court action and plans to open a new house here.

Somebody Else

Oklahoma City, March 27.—Frank Cassota, assistant manager of the Criterion, went to work the other morning and was chided—to put it mildly—by his superior.

Later in the day he was pretty generally kidded.

It developed that Frank Cassota had been arrested for crossing a stop line on a downtown street, but that he was one of the other local Cassotas.

"Doctor" 2d Week Lead in Cleveland

CLEVELAND, March 27.—"The Country Doctor," in its second week downtown, took in $4,750 at the Allen where $3,000 is par.

"Wife vs. Secretary," also in its second week downtown, grossed $6,000 at Loew's Stillman as against a $4,000 average.

"The Story of Louis Pasteur" topped the Warners' Hippodrome $8,000 average by $3,500 with a total of $11,500 for the week.

"The Lone Wolf," as the RKO Palace screen attraction, with Cab Calloway and His Cotton Club Orchestra on the stage, upped the usual $15,000 take to $17,500.

"The Prisoner of Shark Island" grossed more than half of the Loew State average of $12,000 over the week-end.

Outside competition was practically nil.

Total first run business was $51,750. Average is $42,000.

Estimated takings for the week ending March 20:

"THE COUNTRY DOCTOR" (20th-Fox)
ALLEN—(3,300), 30c-35c-42c, 7 days, 2nd week. **Gross:** $4,750. (Average, $3,000)

"PRISONER OF SHARK ISLAND" (20th-Fox)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $12,000. (Average, $12,000)

"WIFE vs. SECRETARY" (M-G-M)
LOEW'S STILLMAN—(1,900), 30c-35c-42c, 7 days, 2nd week. **Gross:** $6,000. (Average, $4,000)

"THE LONE WOLF RETURNS" (Col.)
RKO PALACE—(3,100), 30c-42c, 7 days. Stage: Cab Calloway and His Cotton Club Orchestra. Gross: $17,500. (Average, 15,000)

"STORY OF LOUIS PASTEUR" (W. B.)
WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $11,500. (Average, $8,000)

Directors' Guild Wins In Showdown on Coast

HOLLYWOOD, March 27.—The Screen Directors' Guild demonstrated its power here today when William K. Howard continued production on "The Princess Comes Across" following yesterday's flareup and the subsequent walkout by executives.

Today the studio heads acceded to Howard's demands for less interference. It was learned from Guild headquarters that the entire organization stood ready to back Howard if the studio executives failed to recognize his requests.

Lynch to Coast 'Change

LOS ANGELES, March 27.—Clayton Lynch, M-G-M branch manager at St. Louis for the past 12 years, was today appointed manager of the M-G-M exchange here. He succeeds J. J. Milstein.

"Pasteur" Is Only Draw in Seattle Chill

SEATTLE, March 27.—Cold weather was a blow to all grosses except at the Fifth Avenue where "The Story of Louis Pasteur" garnered $7,400, over the normal mark by $400. It was held over.

The only other house to reach par was the Liberty which had a combination of "Don't Gamble with Love" and "Sunset of Power." The take was $4,100.

Total first run business was $31,450. Average is $33,500.

Estimated takings for the week ending March 21:

"FOLLOW THE FLEET" (Radio)
BLUE MOUSE—(950), 25c-40c-55c, 7 days, 3rd week, extended run from Orpheum. **Gross:** $3,350. (Average, $4,000)

"STORY OF LOUIS PASTEUR" (F.N.)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $7,400. (Average, $7,000)

"DON'T GAMBLE WITH LOVE" (Col.)
"SUNSET OF POWER" (Univ.)
LIBERTY—(1,800), 10c-15c-25c-35c, 7 days. **Gross:** $4,100. (Average, $4,000)

"THE COUNTRY DOCTOR" (20th-Fox)
MUSIC BOX—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Fifth Avenue. **Gross:** $3,600. (Average, $4,000)

"NEXT TIME WE LOVE" (Univ.)
"THE GHOST GOES WEST" (U. A.)
ORPHEUM—(2,450), 25c-30c-40c, 7 days. **Gross:** $5,850. (Average, $6,000)

"SILLIE BILLIES" (Radio)
"ANOTHER FACE" (Radio)
PARAMOUNT—(3,050), 25c-30c-35c, 7 days. **Gross:** $4,200. (Average, $5,000)

"RETURN OF JIMMY VALENTINE" (Republic)
REX—(1,500), 15c-25c-35c, 7 days. Vaudeville and stage band. **Gross:** $2,950. (Average, $3,500)

Expect Garbo to Sail

GOTHENBURG, March 27.—Greta Garbo is expected to sail tomorrow for the United States on the *Gripsholm.*

Wall Street

Board Shows Six Advances

	High	Low	Close	Net Change
Columbia, vtc	35½	35	35¾	+ ⅛
Consolidated	6	6	6	— ⅛
Consolidated, pfd.	17¾	17¾	17¾	— ¼
Eastman	164¾	163½	164	— ½
Eastman, pfd	165	165	165	.....
Loew's, Inc. (2a)	48	47	47⅛	+ ⅛
Loew's, pfd	106⅝	106½	106½	+ ¼
Paramount	9⅝	9⅜	9½	+ ⅛
Paramount 1 pfd.	73	72	72	—1
Paramount 2 pfd.	10¼	10	10	— ⅛
Pathe Film	10⅞	10⅜	10⅝	+ ⅛
RKO	7⅞	7½	7½	— ⅜
20th Century-Fox.	28	27½	27½	— ¾
20th Century, pfd.	36⅜	35⅝	36	.....
Universal, pfd.	88	88	88	+1
Warner Bros.	12⅛	11⅝	11⅞	+ ⅛

Little Fluctuation on Curb

	High	Low	Close	Net Change
Sonotone	3	2⅞	3	.....
Technicolor	29⅛	28⅝	29	— ¼
Trans-Lux	4⅛	4	4	.....

Price Recessions on Bonds

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	28¼	27¾	27¾	— ¾
General Theatre Equip. 6s '40, ctf	28½	27¾	28	— ¾
Loew's 6s '41 deb rights	10213/32	10213/32	10213/32	.....
Paramount Pict. 6s '55	91	89¾	89¾	—1¼
Warner Bros. 6s '39 wd	96	95½	96	.....

(Quotations at close of Mar. 27)

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Alert, Intelligent and Faithful Service to the Industry In All Branches

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APPEAL GIVEN ON ST. LOUIS RULING

No Additional Studio Shifts, Otterson Says

Details Being Set for New List, He States

ALBUQUERQUE, March 29. — No further important studio changes are contemplated and production details are being set for next season's lineup, asserted John E. Otterson, Paramount president, here today en route to the coast.

"I think everyone will be pleased to know this," he added.

"William LeBaron will have full charge of production on the coast," Otterson declared. "I am going out to look over stories arranged for production during the coming season."

Otterson's only comment on the Winfield Sheehan deal was that it was "definitely off, but that discussions might possibly be renewed later."

No additional producers are to be lined up, the list now being complete. No new chairman for the editorial board would be named to succeed Jeff Lazarus, he said, as that was a problem for studio executives to handle.

Ohio Houses Urged To Secure Licenses

COLUMBUS, March 29.—The Ohio I.T.O. is urging all exhibitor-members to take out theatre licenses if they have not already done so. The new tax law provides that every theatre must have an operating license in order to participate in the returns of three per cent tax on grosses. The license deadline is April 1, with a $100 daily penalty thereafter for failure to procure a license.

The unit also suggests that members cooperate to the fullest possible extent with the Red Cross, by giving benefit performances and running slides appealing for funds for that organization.

Senator Seeks Vote On Jersey Censoring

TRENTON, March 29.—Senator Horace G. Prall, Hunterdon County Republican, declared yesterday that he will seek a vote by the Miscellaneous Business Committee tomorrow on his film censorship bill.

The censorship measure was introduced Feb. 29, but no action has been taken upon it because the Miscellaneous Business Committee chairman, Senator Clifford R. Powell, Burling-

(Continued on page 10)

Ex-Colonels Now

Frankfort, Ky., March 29.—There are 17,000 former colonels, admirals, adjutants, etc., scattered about the country today as a result of a ruling by Attorney General B. M. Vincent of Kentucky. Hundreds of them—some say thousands, but film men are careless with figures—are in the picture business.

According to the Attorney General, a commission in Kentucky expires when the Governor who grants it goes out of office. Ruby Laffoon has been a private citizen for some time, and his successor, Albert B. Chandler, hasn't developed into much of a colonel-commissioner.

Para. Options Upon Circuits Are Extended

A 90-day extension of Paramount's options to repurchase the 50 per cent stock interests in the A. H. Blank and Karl Hoblitzelle circuits has been agreed to by the theatre operators, it was stated on Saturday.

The current options expire April 1 and April 4, respectively. New extensions were made necessary by the postponement last week of the regular meeting of the Paramount board, which was scheduled to act on the options. Indications now are that the new three-month extensions will be ratified today at a meeting of the Paramount executive committee.

Negotiations for a new five-year

(Continued on page 5)

Warner Flood Loss Mostly in Grosses

The greatest damage to Warner theatres in the flooded areas of New England and Pennsylvania was represented by loss of income, rather than actual physical damage, declared Joseph Bernhard, general manager of the circuit, following a survey of properties in the flood sections.

Considerable repair work will be necessary in the Johnstown and Pittsburgh theatres, Bernhard reported, but it is mostly the replacement of furnishings and redecoration. There was only slight damage to property and machinery. The income loss, however, is expected to be more than made up in the next several months through increased employment on flood repair work in the affected sections, he said.

The Warner and Davis in Pitts-

(Continued on page 10)

Editors Rush Big List of Features

HOLLYWOOD, March 29.—Predicting a flood of pictures at an early date, studio editors worked feverishly on 59 features last week.

This was the principal center of company activity with actual camera work doing a nosedive. Only 33 features and one short were being filmed, against 41 features and two shorts for the week preceding.

The production high spot of the

(Continued on page 10)

Distributors to Take Dismissal Order To High Court

ST. LOUIS, March 29.—Federal Judge Charles B. Davis has allowed Warners, Paramount and RKO to appeal direct to the U. S. Supreme Court from the ruling of Federal Judge Joseph West Molyneaux of Minneapolis here on Jan. 29, which permitted the Government to drop without prejudice its civil anti-trust case against the companies named.

The defendants' attorneys have filed an assignment of errors which charged that Judge Molyneaux erred when he allowed the motion to dismiss and erred again at the opening of the civil case in that he failed to hold the issues involved as having been previously decided, in view of the not guilty verdict in the earlier case Nov. 11.

The appeal was opposed by Harry C. Blanton, U. S. attorney for this district, on the ground that since the civil case had not been decided on its merits, the ruling could not be appealed.

The appeal here is seen as probably delaying the trial of the new civil case brought against the three companies and various individuals by the Government, which is now pending in New York Federal court.

Planes Will Speed Prints in England

By BRUCE ALLAN

LONDON, March 22.—A timetable has been prepared under which, it is claimed, every important city in the U. K. can be supplied with prints four hours after they leave the London printing works. A large number of planes are available and wires will advise each exhibitor exactly when a film will arrive.

G. B. will take over a building at

(Continued on page 10)

Trustee Objects to Skouras Firm Claim

ST. LOUIS, March 29.—Nelson Cunliff, trustee for Skouras Enterprises, Inc., has filed with John A. Hope, referee in bankruptcy, objections to claims totalling $3,387,093 against the company by the bondholders' protective committee. The referee ordered attorneys for the committee to file an answer to the objections on April 11.

Cunliff contended the bondholders'

(Continued on page 6)

Reservations Top 700 Mark On George Schaefer Dinner

Reservations for the testimonial dinner to George J. Schaefer to be held at the Astor tonight flooded the ticket committee over the weekend. The volume of reservations and sales boosted attendance estimates to more than 700, with tickets remaining on sale throughout today.

The ticket list indicates that practically every company executive of importance in the east will attend. A partial list of those who have made reservations includes Austin Keough, Louis Phillips, Arthur Israel, Norman Collyer and Ed Cuddy of Paramount; A. H. Blank, N. L. Nathanson, M. J. Mullen, Abe Pinansky, George Trendle and George Walsh of Famous Theatres Corp.; W. G. Van Schmus, Leon Leonidoff, Russell Markert, Gus Eysell and Russell Downey of the Music Hall. Sidney R. Kent will head a delegation of Twentieth Century-Fox executives.

United Artists will be represented by Harry D. Buckley, Paul Lazarus, Harry Gold, Haskell Masters, Charles Stern, Monroe Greenthal and others. From the company's New York ex-

(Continued on page 10)

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"These Three" Shows Strength at Rivoli

"These Three" with a gross of $42,000 for its first week at the Rivoli displayed outstanding strength among the first line Broadway houses last week. With the picture now in its second week, the gross makes a third stanza look like a certainty.

"Klondike Annie" and a stage show headed by Fred Waring and orchestra held up well in a second and final week at the Paramount. The gross was $33,000. The Roxy also fared well with the second and final week of "Love Before Breakfast" and a stage show featuring Pinky Tomlin. The gross for the week was $25,500.

Jobless Town Hits House

PLAINFIELD, Conn., March 29.—The Lily, owned by Henry Fontaine, is still closed, with no prospect of operating for the present. With the failure of employes and the governor to influence the Lawton Mills to resume operations, the town is almost entirely unemployed and may be deserted. A canned goods benefit was run by the Moosup nearby for the benefit of the unemployed.

MPPDA in Annual Meet

The annual meeting of the board of the M. P. P. D. A. will be held at the Hays office today. Annual reports of Will H. Hays, president, and department heads will be submitted. Four or five new directors will also be elected to the board.

Insiders' Outlook

By RED KANN

Hollywood, March 29.

ON the elusive, yet laudable, ambition of making more intelligent product for the dear American public, these several tidbits, picked more or less at random from the fan mail of a Hollywood player, may be interesting, sad as they are:

Dear Miss ———

I having seen you in a picture by the name of ——— and have come to find out that you have answered a question that I could never had answered myself because I have never known who was my favorite actres but now I find out that it is you and nobody but you, because you see I do not care for women actresses that is I never did until I seen you upon the screen because you remind me so much about somebody that I really know (I hope this will not hurt your feelings). Every actor I ever wrote too, always wanted money for their pictures, I hope ——— is different and will send me her picture free of charge, and even if she dont I guarantee I wont miss any pictures with you in it. So here's to ——— who by my prediction will be a big S-T-A-R according to the cards which I am now reading for your Future use they say that you should refrain from liquor and cigarettes and after that you will be tops, that is you will a Lucky Star This is my first fan letter to a movie actress I hope you wont be laughing at me as all the women in my life do. I only know that you will only throw this letter into the waste basket like all the other mail you get but I cant help that you are now and always will be my Favorite Movie Actress.

From Yours Truly,

———

▼

And another:

Dear Miss ———

Miss ——— I saw you play in ——— You are beautiful Miss ——— Will you please send me your photograph Miss ——— I sure like you and Miss Jean Rogers Miss ——— Has this been the first time you ever played in a cerial Miss ———

From

———

▼ ▼

Suggested technique for reaching any studio executive, the higher the better:

Caller: "I wanna talk to Mr. Big Shot."

Outer Secretary: "Who are you?"

Caller: "I'm Mr. Zilch. I wanna talk to Mr. Big Shot."

Outer Secretary: "Just a minute. I'll connect you with his secretary."

Inner Secretary: "Does Mr. Big Shot know you? What do you do and what is it you want?"

Caller: "I'm Mr. Zilch. Tell Mr. Big Shot I have a hot tip on the sixth race at Tanforan."

The next voice, quickly, is that of Mr. Big Shot. . . .

▼ ▼

From Film Row which is in Los Angeles, a suburb of Hollywood, comes a roundabout outline of what Charlie Skouras wants in his trailers from now on:

1.—They must come wrapped in cellophane.

2.—They must be in Technicolor for black and white features.

3.—They must not cost any more.

The next day George Dembow left town. . . .

▼

And this is Skouras' analysis of a visiting sales manager:

"He's asking more to get the same price." . . .

▼ ▼

To those in Hollywood who think all theatres are coining fortunes, there is the story which somehow or other managed to slip through the canyons of the Wisconsin theatre which grossed 30 cents in a night performance during the blizzard peak.

Now if the picture was one of those thirty-five percenters, behold the poor distributor. . . .

▼ ▼

Reflective note: As to the present reactions of the two top Radio studio executives who flatly rejected a feature starring the Dionne quints on the ground it didn't have a chance. . . .

Oberon Out of "Allah"

HOLLYWOOD, March 29.—Marlene Dietrich and Charles Boyer have been signed by David O. Selznick for the lead roles in "Garden of Allah," Technicolor feature. Merle Oberon, scheduled for the film, will play the lead in "Dark Victory" only. She requested the switch because her arrangements with Alexander Korda permit her time for only one feature here. "Garden of Allah" starts April 11 and "Dark Victory" a week later.

Hold McCullough Rites

BROOKLINE, Mass., March 29.—Funeral services were held here yesterday at St. Aidan's Church for Paul McCullough, comedian, who died of self-inflicted wounds.

Joins First Division

BUFFALO, March 29.—Charles E. Goodwin, Universal salesman for nine years, and with Educational, has joined the First Division exchange here as a salesman.

Bank Night Scores In Waterbury, Conn.

WATERBURY, March 29.—Bank Night received a favorable decision when City Prosecutor Mitchell Myer announced it would not be considered as violating the state lottery law. Reconsideration followed Frederick Van Doren's operation of Bank Night at the Hamilton last week in defiance of the citywide ban.

Adolph Johnson, Bank Night agent for Connecticut, stated that Mrs. Lena Sirica has substituted Bank Night for Prosperity Night at the Lido, and that Warner's Capitol and State will also use the plan, although no date had been set.

The Greenwich test case has as yet not been decided, but the Pickwick continues Bank Night without intervention from officials.

Dramatists to Vote Upon a 60-40 Split

A general membership meeting of the Dramatists' Guild will vote on a proposal to substitute a 60-40 split of royalties between playwright and producer for the present sliding scale on royalties, at the Biltmore, April 8. The proposal apportions the larger amount of all royalties to the playwright in place of the 50-50 split of royalties up to $35,000 and a graduated scale in favor of the author above that amount as incorporated in the new minimum basic agreement adopted by the guild on March 1.

Producing managers who have already signed the March 1 agreement will have their choice of either that or the new 60-40 arrangement if the latter is approved by the membership on April 8, a guild official stated.

Screen Writers' Guild Hits Duffy Bill Wire

HOLLYWOOD, March 29.—A wire signed by 65 screen writers repudiating the statement credited to John Howard Lawson, spokesman for the Screen Writers' Guild before the House Patents Committee hearing on the Duffy Bill in Washington, resulted in a near split in the Guild's ranks here and necessitated the calling of a special meeting of the board which lasted until early yesterday.

Ernest Pascal stated at the meeting that many signers of the wire to the House committee were not Guild members and that several who are members tried to rescind their signatures. He said that every writer, no matter what his field, is against the Duffy Bill and he added that the Guild board would be asked to send a wire to the House committee worded to that effect.

New Orleans Starts Daylight Time Move

NEW ORLEANS, March 29.—Another movement for adoption of daylight saving time has been started here by the executive committee of the Ass'n. of Commerce. The committee has recommended that the association petition the Commission Council to pass an enabling ordinance.

The movement gained momentum last year, but the Commission Council found that under the political conditions prevailing at that time it had no authority to act.


A hero's IMMORTAL COURAGE...
A rogue's HILARIOUS TRICKERY...
A woman's UNSHAKABLE LOYALTY...
portrayed by three great stars at their greatest
... make this an entertainment solid with the
ingredients that make the crowds pay and pay!

THE Hollywood REPORTER

20TH-FOX 'MESSAGE TO GARCIA' GRAND THRILLER, B. O. WOW

Notable Portrayal By Wallace Beery

"A MESSAGE TO GARCIA"
(20th Century-Fox)

Producer .....Darryl F Zanuck
Associate Producer....Raymond Griffith
Direction .. ..George Marshall
Story Lieut Andrew S. Rowan and Elbert Hubbard.
Screen Play W P. Lipscomb and Gene Fowler
Photography .....Rudolph Mate
Assistant Director....Booth McCracken
Cast Wallace Beery, Barbara Stanwyck, John Boles, Alan Hale, Herbert Mundin, Mona Barrie, Enrique Acosta, Juan Torena, Martin Garralaga, Blanca Vischer, Jose Luis Tortosa, Lucio Villegas, Frederick Vogeding, Pat Moriarity, Octavio Giraud.

The message of this robustious adventure picture, with its story straight out of revered American history, its triple stellar draw and its consummate production values, is one of profits and more profits at the little glass cage Darryl Zanuck has struck 12 for exhibitors again

For this is as high-tension a discharge of entertainment voltage as anyone could desire It brings vividly to life the heroic Spanish-American war story immortalized by Elbert Hubbard and known to almost every American It packs a swift succession of hairbreadth escapes that makes the Perils of Pauline and all her successors seem child's play on the front lawn And it brings to the screen a serio-comic character portrayal destined for the cinema hall of fame

Sergeant Dory, the renegade ex-marine who helped Lieutenant Rowan get through the Spanish lines and into the interior of Cuba as played by Wallace Beery, emerges as engaging and heroic a scalawag as any modern Falstaff Not since Beery's Villa has he had such a chance or enacted so superbly well-rounded and engaging a portrait

John Boles plays the undaunted Lieutant Rowan, bearer of the message to Garcia, and his too, is an impeccable portrayal, vigorous and dynamic Barbara Stanwyck is the high-bred and courageous Cuban girl of history who in the screen version not only aids the lieutenant but accompanies him on most of the perilous trip Miss Stanwyck is not an exotic Latin but she gives a forthright and unaffected performance that combines appealing beauty and convincing heroism

Events move rapidly from the very beginning and the pace never slackens Following a brief prologue in which President McKinley gives Rowan the message the lieutenant is found as a Canadian stoker on a British tug off the Cuban coast But Spanish spies have wind of him and the villainous Captain Krug has been hired to capture him at all costs Krug intercepts the boat and in the first of many chases Rowan swims ashore under a blanket of bullets

In a low Cuban bodega he is picked up by the disreputable but resourceful Dory For a price the mercenary ex-sergeant offers to get him through the lines to the ranch of the Cuban Maderos and he is forced to accept the doubtful aid. From this point onward the comical rogue dominates the story, pitting his wits against the relentless Krug.

They see Maderos shot down by Krug's men just before his lovely daughter (Barbara Stanwyck) arrives. In those circumstances they meet and the girl resolves to help the Cuban cause by seeing Rowan through. Soon the three alone are working their way through the pathless and miasmic tropical swamps, constantly harassed by the ever-following Krug.

Beery unwittingly leads Boles to the stronghold of Krug He himself is captured by the Cubans and persuades General Garcia into a ride to the rescue of the tortured Boles and, as it happens, of the wounded girl It is a gory and spectacular finish

This is a grand job of picture-making throughout and there are a host of credits earned The skillfully devised script by W P Lipscomb and Gene Fowler is carefully built on Lieutenant Rowan's own published account and a vast amount of research for picture purposes is evidenced Tact has been used to avoid wounding Spanish sensibilities as witness the employment of the foreigner Krug for everything beyond the Spanish code of honor in war

The direction of George Marshall is unsparingly vigorous in its development of never-slackening pace and menace and of pungent and telling detail at every turn, however swiftly taken The photography of Rudolph Mate, with its multitudinous problems of night lightings in uncanny places, is impressively atmospheric and he is splendidly aided by the art contributions of William Darling, Rudolph Sternad and Thomas Little

Of the extensive and admirable support Alan Hale stands out as the merciless Krug Herbert Mundin supplies a touch of comedy as a cockney tinware peddler lost, with his stock-in-trade, for weeks in the jungle This is a bit hard to take but is dramatically justified at the end The numerous Spanish parts are taken by members of the studio's gifted Spanish stock company, with handsome, young Juan Torena notable as the girl's soldier brother and Enrique Acosta as General Garcia There are also meritorious bits by Mona Barrie, Blanca Vischer, Martin Garralaga and Jose Luis Tortosa



Wallace BEERY • Barbara STANWYCK
John BOLES in
"A MESSAGE TO GARCIA"
with ALAN HALE • HERBERT MUNDIN • MONA BARRIE
a DARRYL F. ZANUCK 20th Century Production
Presented by Joseph M. Schenck
Suggested by Elbert Hubbard's immortal essay and the book by Lieut. Andrew S. Rowan
Associate Producer Raymond Griffith
Directed by George Marshall
Screen play by W. P. Lipscomb and Gene Fowler

20th CENTURY FOX
THE KEYSTONE OF YOUR FUTURE

gain...20th Century-Fox

Short Subjects

"Broken Earth"

(*Edward Spitz*)

HOLLYWOOD, March 29.—This is a distinguished one-reeler written and directed by Roman Freulich and starring Clarence Muse, Hollywood's ace negro actor. Negro spirituals, sung by the Freita Shaw Ethiopian Chorus, supply musical background and lend emphasis to the mood. The simple plot shows Muse toiling on a windy upland behind his plow, worried because his little son lies sick in the cabin. Believing the child dead, Muse prays. The child stirs. Muse gives thanks for what he believes is a miracle. Simple touching delivery of lines, nice camera work and the lilt of negro voices are chief attractions.

Should go in houses specializing in unusual and artistic films. Previewed without production code seal. Running time, nine minutes. "G."

"Little Jack Little and Orchestra"

(*Vitaphone*)

Jack Little leads his band on a battleship and the surroundings suggest numbers. On shore he visits a night club with his boys and persuades Mildred Fenton to sing. She informs him that the orchestra is out at the moment. He and his musicians take over and she sings various popular numbers from Warner features. During her song Miss Fenton flirts with a Marine and they go off. Little, however, after the fashion of sailors, picks up another girl in no time. Some of the famous Little piano playing is presented as he does "Somebody Stole My Gal."

"Playing for Fun"

(*Mentone-Universal*)

Novel and amusing. It uses the current craze "Monopoly," and as each player gets to a new station after shaking the dice the directions on the "Monopoly" board are carried out in pictorial form. White and Burns, dancers; Peter Higgins, singer; the Varsity Eight; O'Donnell and Blair, comedians; Armida, singer, and the Robbins Family are introduced. Production Code Seal, 0897. Running time, 15 2/3 mins. "G."

Ascap Sues Night Club

ST. LOUIS, March 29.—Ascap, Irving Berlin, Inc., and Shapiro, Bernstein & Co. have filed suit for alleged infringement of copyright on two popular songs against Irwil Carl, night club owner. The plaintiffs ask $500.

New Films for Danubia

In addition to "Az Uj Földesur," Danubia has acquired two more new releases, "Baratsagos Arcot Kerek" (Keep Smiling), released March 8, and "Legy Jo Mindhalalig" (Be Good Until Death), scheduled for the early part of May.

Set Saunders Party

NEW HAVEN, March 29.—Lawrence Tibbett and Grace Moore will be present at a cocktail party April 16 for Matt Saunders, winner of the February Quigley award.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Sky Parade"

(*Paramount*)

HOLLYWOOD, March 29.—Aided by the exploitation it has received over the air, this should do nicely as juvenile entertainment. The story is simply told and punctuated by news headlines to cover the transitions in aviation from the Armistice to the present.

William Gargan, Kent Taylor and Robert Fiske, army buddies, follow commercial air careers after returning from France. When Fiske is killed attempting a transatlantic flight, Gargan and Taylor with the help of Katherine DeMille raise Jimmie Allen, his orphaned son. The fliers, later, as heads of an airline, perfect an automatic pilot which Grant Withers, also a buddy—turned crooked, tries to steal. Jimmie is left stranded in the flying plane and during the ensuing melee lands safely, through the wirelessed instructions of Gargan, which provides a smash finish for the youngsters.

Otto Lovering directed, inserting comedy between the drama which is well played by Sid Saylor. The screen play is by Byron Morgan, Brian Marlowe and Wilfred Moore. Harold Hurley produced.

The picture should do best aiming for juveniles.

Production Code Seal No. 1890. Running time, 67 minutes. "G."

"Desire," on Dual, $6,400, New Haven

NEW HAVEN, March 29.—"Desire," on a dual bill with "Eagle's Brood," was top draw here last week. It went $1,600 over the normal take at the Paramount to $6,400.

"Colleen" and "Boulder Dam," also a dual, at the Roger Sherman, grossed $5,500, over the line by $800. "Wife vs. Secretary," in its second week at the College, was good for $2,900, over a first week normal by $100. "Little Lord Fauntleroy" and "Voice of Bugle Ann" took a par $7,000 at the Poli.

A benefit vaudeville show and a concert by Charles Kullman were opposition.

Total first run business was $21,800. Average is $19,300.

Estimated takings for the week ending March 27:

"WIFE VS. SECRETARY" (M-G-M)
COLLEGE—(1,499), 35c-50c, 7 days, 2nd week. **Gross:** $2,900. (Average, $2,800)

"DESIRE" (Para.)
"THE EAGLE'S BROOD" (Para.)
PARAMOUNT—(2,400), 35c-50c, 9 days. **Gross:** $6,400. (Average, $4,800)

"LITTLE LORD FAUNTLEROY" (U.A.)
"VOICE OF BUGLE ANN" (M-G-M)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $7,000. (Average, $7,000)

"COLLEEN" (W.B.)
"BOULDER DAM" (W.B.)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $5,500. (Average, $4,700)

"Wife," on a Dual, Milwaukee's Leader

MILWAUKEE, March 29.—"Wife vs. Secretary" and "F-Man" on a dual bill at Fox's Wisconsin were good for $9,800, high in what proved to be a fair week at downtown spots. This was $1,800 above par.

"The Trail of the Lonesome Pine" and "Her Master's Voice" grossed $6,800 at Fox's Palace for second high honors, followed closely by "Colleen" and "Two in the Dark" with a $6,300 take at the Warner. The weather was mild and fair.

Total first run business was $27,700. Average is $23,000.

Estimated takings:

Week Ending March 25:

"COLLEEN" (W.B.)
"TWO IN THE DARK" (Radio)
WARNER—(2,400), 25c-40c, 8 days. **Gross:** $6,300. (Average, $5,000)

Week Ending March 26:

"TRAIL OF THE LONESOME PINE" (Para.)
"HER MASTER'S VOICE" (Para.)
PALACE—(2,800), 25c-40c, 7 days. **Gross:** $6,800. (Average, $5,000)

"ONE-WAY TICKET" (Col.)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: Royal Swedish Bell Ringers, Libonati Trio, Carr Bros. and Betty, Jack Guilford, the Human Ford. **Gross:** $4,800. (Average, $5,000)

"WIFE VS. SECRETARY" (M-G-M)
"F-MAN" (Para.)
WISCONSIN—(3,200), 25c-40c, 8 days. **Gross:** $9,800. (Average, $8,000)

Paramount Options On Circuits Extended

(*Continued from page 1*)

operating deal with N. L. Nathanson for Famous Players Canadian circuit are reported progressing satisfactorily. The new agreement would permit Nathanson to acquire an appreciable minority stock interest in the Canadian company. His current contract as operating head of the company expires June 1.

Reorganization of Paramount's Olympia Theatres circuit, last of the company's large theatre organizations in bankruptcy, is not expected now until mid-summer, it was stated at Paramount.

Expect Decision on Mo. Special Session

JEFFERSON CITY, Mo., March 29.—Gov. Guy B. Park is expected to decide shortly whether he will call a special session of the legislature to consider additional appropriations for unemployment relief. State funds will be exhausted on April 1. The money is said to be available, but legislative appropriation is necessary.

It is expected the majority of the legislators will oppose any new taxation. There has been some talk of a three per cent sales tax and a 10 per cent admission tax on amusements, but both suggestions are certain to meet with vigorous opposition.

Purely Personal

EDMUND LOWE is due back from England tomorrow on the *Ile de France*. He recently finished work in G. B.'s "Doomed Cargo."

●

RICHARD C. PATTERSON, JR., who has resigned as executive vice-president of NBC, is shaping new plans. Word on them shortly.

●

JEFFREY BERNERD, who has been in Hollywood for the past month, is eastward bound and will arrive tomorrow.

●

ROGER PRYOR—he appears in films—headlines the stage show at Loew's State this week.

Quip of the Day

Production problem having to do with one of the smaller companies:

The unit has four pictures finished and five vice-presidents.

Problem:

Make another picture or drop one vice-president.

DAN D. HALPIN, general sales manager of Acousticon Prod., left by air Saturday for the coast. He will be gone two weeks.

●

THOMAS A. KILFOIL, First Division purchasing agent, was home nursing a cold last week.

●

AL FRIEDLANDER, First Division vice-president, is due today from a trip to exchanges.

●

FAY WRAY is heading west. Toward the Gold Coast.

●

BILL JAFFE, still on the coast, returns in about 10 days.

●

J. R. McDONOUGH in town from the coast.

●

DENNIS KING due from London shortly now.

Wall Street

Columbia Pfd. Gains 1⅝ on Board

	High	Low	Close	Net Change
Columbia vtc.....	35¼	35	35¼	.....
Columbia pfd.....	46½	46½	46½	+1⅝
Consolidated Film.	6	6	6	.....
Consolidated pfd..	17¾	17¾	17¾	.....
Eastman Kodak...	163¾	163	163¾	— ¼
Loew's Inc.....	47⅜	47	47	— ⅛
Paramount	9⅝	9⅜	9⅝	+ ⅛
Paramount 1 pfd..	72½	72	72	.....
Paramount 2 pfd..	10⅛	10	10	.....
Pathe Film.....	11½	10⅞	11⅜	+ ¾
RKO	7¾	7⅝	7⅜	+ ⅛
20th Century-Fox.	27¼	27	27	— ½
20th Century pfd..	35½	35½	35½	— ½
Warner Bros.....	12	11¾	12	+ ⅛

Little Curb Activity

	High	Low	Close	Net Change
Sentry Safety.....	¾	¾	¾	.....
Sonotone	3	2⅞	3	.....
Technicolor	29	29	29	.....
Trans Lux.....	3⅞	3⅞	3⅞	— ⅛

Bonds Off Slightly

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf.	27¾	27¾	27¾	— ¼
Paramount Pictures 6s '55.....	89¾	89⅝	89⅝	— ⅛
Warner Bros. 6s '39 wd.....	95¾	95½	95½	— ½

(Quotations at close of March 27.)

"Preview" Is High Despite Denver Storm

DENVER, March 29.—In spite of the heaviest snow of the winter three films were in the big profit classification downtown. "Preview Murder Mystery," with a Major Bowes' unit on the stage, grossed $8,000, over par by $3,500.

"Colleen," with a stage band at the Denver, reached $9,500, up by $2,500, and "Wife vs. Secretary" was $3,000 to the good on a gross of $9,000 at the Orpheum.

"Colleen" was moved to the Broadway and "Wife vs. Secretary" was held over at the Orpheum. "Little Lord Fauntleroy" took a big $5,000 at the Aladdin and was held over.

Total first run business was $40,500. Average is $27,750.

Estimated takings for the week ending March 25:

"LITTLE LORD FAUNTLEROY" (U.A.)
ALADDIN—(1,500), 25c-40c-50c, 7 days. **Gross:** $5,000. (Average, $2,750)
"THE COUNTRY DOCTOR" (20th-Fox)
BROADWAY—(1,500), 25c-40c, 7 days. **Gross:** $2,500. (Average, $1,500)
"HITCH HIKE LADY" (Republic)
CENTER—(1,500), 20c-25c-35c. 7 days. Stage show. **Gross:** $3,000. (Average, $3,000)
"PREVIEW MURDER MYSTERY" (Para.)
DENHAM—(1,500), 25c-35c-40c, 7 days. Stage: Major Bowes' Amateurs. **Gross:** $8,000. (Average, $4,500)
"COLLEEN" (W.B.)
DENVER—(2,500), 25c-35c-50c, 7 days. Stage band. **Gross:** $9,500. (Average, $7,000)
"WIFE VS. SECRETARY" (MGM)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $9,000. (Average, $6,000)
"NEXT TIME WE LOVE" (Univ.)
"DANGEROUS WATERS" (Univ.)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,000)

Trustee Objects to Skouras Firm Claim

(*Continued from page* 1)

committee had no authority to file the claims, since 25 per cent of the holders of outstanding bonds had not requested such action. The hearing on the claims of Warners and others for amounts totaling $111,605 against the company has been continued.

Mintz Gets Fox Music

HOLLYWOOD, March 29.—Sam Fox, music publisher, has signed a contract with the Charles Mintz Studio to use songs from his catalogue in the "Scrappy," "Color Rhapsody" and other cartoons which Mintz makes for Columbia. The contract is for one year.

Two Companies Formed

ALBANY, March 29. — Two new companies formed here are: Play Profit Sharing Co. by Robert Sterling, Henry E. Alexander and Julius Weisberg, and Phillips H. Lord, Inc., by Harold J. Jones, Lloyd G. Wilson and Sue Mead.

Joins Premium Firm

BOSTON, March 29.—Frank Grady, veteran New England film man, has been named manager of the Detroit office of the Metro Premium Co.

Out Hollywood Way

HOLLYWOOD, March 29. — RAOUL WALSH, directing "Big Brown Eyes" for WALTER WANGER, determined to practice his rope-twirling until he can jump in and out. . . . ROBERT A. KISSACK, JR., of the University of Minnesota, looking over Hollywood. . . . JOCK LAWRENCE, Goldwyn publicity chief, week-ended at Palm Springs. . . . ELEANOR BARNES, drama editor of *Illustrated Daily News*, also editor of *Screen Book*.

LOUISE BENNETT, WGN, Chicago air entertainer, signed to a term contract by Paramount. . . . SAM BRISKIN contracts JOAN DAVIS, former Paramount player, for a long term to Radio, making the eighteenth added to the Radio stock list since BRISKIN took over. . . . Warners buy GEORGE BRICKER'S "Shrinking Violet," original about professional hockey. . . . Paramount purchases "I, James Lewis," by GILBERT W. GABRIEL. . . . FRANK R. ADAMS' "Without the Net" and OWEN FRANCIS' "William, the Second, Comes Home" bought by NAT LEVINE for Republic.

Paramount extends ELEANOR WHITNEY'S contract. . . . Warners lift six-month option on DICK PURCELL. . . . PETER MILNE back after 12 weeks of motoring through the west. . . . EDWARD RHINE, who started as a messenger boy on the Radio lot, promoted to a casting department post. . . . RALPH MORGAN planning to appear in "Thanks for Three Years" on the New York stage in the fall.

✚

Casting—LOUIS HAYWARD in M-G-M's "Suicide Club." . . . SIMONE SIMON in lead of 20th-Fox's "Girl's Dormitory." . . . DAVID NIVEN loaned by Goldwyn to Warners for "The Charge of the Light Brigade." . . . BUSTER CRABBE in lead of "Raiders of the Spanish Peak," Paramount. . . . J. P. HUNTLEY, JR., SPRING BYINGTON and J. CARROLL NAISH added to Warners' "The Charge of the Light Brigade." . . . DICK FORAN in "Public Enemy's Wife," LULU MCCONNELL in "Stage Struck," same studio. . . . Paramount assigns JOHN HALLIDAY and ROSCOE KARNS to "Three Cheers for Love," ROBERT GLECKER and MATT MCHUGH to "Forgotten Faces" and GRACE GOODALL and GERTRUDE SUTTON to "Poppy."

OWEN DAVIS, JR., gets lead in Radio's "His Majesty Bunker Bean." . . . RAYMOND HATTON added to "Undersea Kingdom," Republic. . . RUSSELL HICKS and JOHN HYAMS in "The Glory Parade," same studio. . . . ALBERTO VALENTINO added to "Fatal Lady," for WALTER WANGER.

✚

Writers—ROBERT LEE JOHNSON on script of "Twenty Fathoms Below" with WELLYN TOTMAN at Republic. . . . OSCAR HAMMERSTEIN II doing original musical, "Swing Your Lady," for Paramount, with RALPH RAINGER writing the music. . . . GERALD BEAUMONT writing original at Warners for SYBIL JASON. . . . JERRY CHODOROV back at Republic on script of "Sitting on the Moon," with ALEXANDER LEFTWITCH.

Egypt Is Production Leader in Near East

WASHINGTON, March 29. — Egypt ranks first in production among the countries of the Near East according to a comparison of the number of films produced or scheduled for production during the period 1931-'36, reports Acting Commercial Attache Leys A. France, in Cairo, to the U. S. Department of Commerce.

During the period, a total of 33 features were produced by the 17 producing companies in the five available studios of Egypt. Four other films are in work, and will be finished by June. Employment in the industry in Egypt totals about 2,000. Comparing the Egyptian production to that of other Near Eastern countries, Palestine and Syria have not yet produced any films, while Turkey has produced four and Greece five.

William Shea Assigned

HOLLYWOOD, March 29. — William Shea, former cutter at Paramount, who was recently made a director, will direct "Good for Nothing" as his first assignment. Frances Farmer, and Henrietta Crosman will be in the cast. No starting date has been set.

To Decide Hall Policy

KANSAS CITY, March 29. — J. J. Shubert will attend the formal opening of this city's new $4,000,000 municipal auditorium April 5, and decide then on the staging of a summer season of light opera and musical comedy.

Increase Authority Of Peruvian Censor

WASHINGTON, March 29.—The Peruvian censor has been given additional authority over films as a result of official investigations of newsreel material on domestic events and the importation by foreign distributors of films called unsuitable for women and children, it is stated in a report to the U. S. Department of Commerce from Commercial Attache Julian Greenup, in Lima.

The censor is permitted to exempt ordinary domestic news films from the payment of visa fees. Distributors of films which have been banned will receive from the Callao customs office a refund of 50 per cent of the import duties paid.

Take Coffeyville House

KANSAS CITY, March 29.—Moran & Isely, Oklahoma and Southwestern Missouri circuit operators, have leased the Columbia at Coffeyville, Kan., formerly operated by J. C. Perry. The new lessors will take possession April 1. Under the corporation name of Southwestern Theatres, Inc., Moran & Isely operate about a dozen houses in Oklahoma, and the Mozart and Mulligan at Springfield.

Whitlock to Richmond

RICHMOND, March 29.—Brock Whitlock has come here from Washington as assistant manager of Loew's. He succeeds Irving Martin, who has been transferred to Baltimore.

"Pasteur" and Band $23,600 Detroit Smash

DETROIT, March 29.—"The Story of Louis Pasteur" was a sensation at the Fox. It ran $8,600 over average for a gross of $23,600, with Ben Bernie's band on the stage.

"Petticoat Fever" pulled $25,500 at the Michigan. This was up by $5,400. "The Country Doctor," in its third week at the Adams, was good for $4,900.

Total first run business was $74,200. Average is $65,000.

Estimated takings for the week ending March 26:

"THE COUNTRY DOCTOR" (20th-Fox)
ADAMS—(1,770), 10c-40c, 7 days, third week. **Gross:** $4,900. (Average, $5,000)
"STORY OF LOUIS PASTEUR" (W.B.)
FOX—(5,100), 15c-65c, 7 days. Stage: Ben Bernie's band. **Gross:** $23,600. (Average, $15,000)
"PETTICOAT FEVER" (M-G-M)
MICHIGAN—(4,100), 15c-65c, 7 days. Stage: Vaudeville. **Gross:** $25,400. (Average, $20,000)
"TOUGH GUY" (M-G-M)
"BOHEMIAN GIRL" (M-G-M)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $3,600. (Average, $5,000)
"ROSE MARIE" (M-G-M)
UNITED ARTISTS—(2,070), 15c-55c. 7 days, 2nd week. **Gross:** $9,200. (Average, $10,000)
"KLONDIKE ANNIE" (Para.)
RKO DOWNTOWN—(2,950). 15c-55c, 7 days, 2nd week. **Gross:** $8,500. (Average, $10,000)

White Buys Ohio House

CINCINNATI, March 29. — Maurice White, president Cohill Theatres, Inc., organized several months ago to lease and operate the Hollywood, in College Hill, a suburb, has purchased the theatre and building outright at a reported price of $150,000.

The property, on which the lease had four years to run, includes two stores, two apartments and several offices, in addition to the theatre. Abe Libson and Ben L. Hiedingsfeld are associated with White.

The same interests have just acquired a large corner site in the same suburb on which they expect to erect a business block to contain a de luxe theatre.

Delay Winchester House

WINCHESTER, Mass., March 29. — The town will have no theatre while the present selectmen hold office. The town voted last April, 2,475 to 1,717, "that the voters of the town recommend to the selectmen that they issue a permit for a motion picture theatre in the town, to be open on weekdays only."

The licensing board is the Board of Selectmen. In a report to the next town meeting, the selectmen ordered that the matter be referred to the incoming board. Lack of a suitable location by a substantial applicant is given as the reason for the refusal to take action.

May Cut Pensacola Films

PENSACOLA, March 29.—Films here may be reduced to a three-day a week schedule if the pending city amusement tax is passed, according to a wire read to the City Council from the Saenger interests, which have two houses in this vicinity.

NEW YORK HAS GONE *Republic*

CENTER Theatre

April 3rd
"The HOUSE of a THOUSAND CANDLES"

★

ROXY Theatre

March 27th "DANCING FEET"
April 3rd "LAUGHING IRISH EYES"

★

GLOBE Theatre

Extended Run
"The LEATHERNECKS Have LANDED"

★

FOX BROOKLYN

April 3rd
"The LEATHERNECKS Have LANDED"

April 10th
"DANCING FEET"

April 17th
"LAUGHING IRISH EYES"

★

RKO CIRCUIT

"The LEAVENWORTH CASE"
"DANCING FEET"

★

LOEW CIRCUIT

"The RETURN of JIMMY VALENTINE"

★

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and **REPUBLIC IS ONLY NINE MONTHS OLD!**



"LITTLE LORD FAUNTLEROY" WINS COVETED EASTER WEEK PLAYING TIME AT RADIO CITY MUSIC HALL!

David O. Selznick's initial production for United Artists, hailed critics as "greater than his 'David Copperfield,'" has been selected great deliberation . . . to play the most important season in pictu at the world's largest theatre!



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SELZNICK INTERNATIONAL presents

LITTLE LORD FAUNTLEROY

starring

FREDDIE BARTHOLOMEW
DOLORES COSTELLO BARRYMORE

with

C. AUBREY SMITH • GUY KIBBEE • MICKEY ROONEY • HENRY STEPHENSON

Produced by DAVID O SELZNICK • Directed by JOHN CROMWELL

NOW IN ITS 4th RECORD WEEK AT THE ALDINE THEATRE, PHILADELPHIA . . .

this production has already established itself as one of the outstanding box-office attractions of the year!

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Reservations Top 700 Mark On George Schaefer Dinner

(Continued from page 1)

change, Moe Streimer, Ed Mullen, Meyer Lieberman, David Burkan, Arthur Weinberger, Nat Beier, Lawrence L. Brown, Samuel Rifkin and Leon A. Herman will attend.

From Universal, R. H. Cochrane, J. Cheever Cowdin, P. D. Cochrane, Willard McKay, Charles B. Paine, F. J. McCarthy, N. L. Manheim, Myer Schine and Adolph Schimel. From RKO, Ned E. Depinet, Jules Levy and Nate J. Blumberg will head a delegation at tables reserved by that company. From Warners, A. W. Smith, Jr., Gradwell Sears, Clayton Bond, Frank Phelps, Stuart McDonald, Joseph Bernhard, Mort Blumenstock, Willard Patterson, Abel Vigard and Ed Hinchy. In addition, officials of this company's Philadelphia, Newark and New Haven exchanges will attend.

Al Lichtman, Joe Vogel, W. F. Rodgers, Howard Dietz, W. R. Ferguson, E. M. Saunders, Tom Conners, Si Seadler, Jay Gove, C. K. Stern, Fred Quimby, W. A. Scully, R. Cummings, B. A. Levy, J. Boan, H. Postman and H. Millen will attend from M-G-M. Nate Spingold, Rube Jackter, Fred McConnell, Max Weisfeldt, Louis Weinberg, Max Seligman, Morris Grad, Leonard Picker and Harry Takiff will represent Columbia. Local theatre men who have made reservations include Si Fabian, B. S. Moss, M. A. Schlesinger, George Skouras, Louis Frisch, Sam Rinzler and Sam Springer.

The trade press will be represented by Martin Quigley, Jack Alicoate, Arthur Eddy, Lou Guimond, Tom Hamlin, Pete Harrison and Red Kann. The industry legal contingent will be headed by C. C. Pettijohn, Louis Nizer, Ed Raftery and Nathan Burkan.

Table reservations have also been made by Ross Federal Service, National Screen Service, Powers Photo Engraving, Graybar Electric, Erpi, Eastman Kodak, Morgan Lithograph, Gordon Press and Du-Art Film Laboratories.

"Pasteur" Top Chicago Draw For 2nd Week

CHICAGO, March 29.—"The Story of Louis Pasteur," with school showings every morning and with heavy night trade, held up for a big second week, the take going to $8,900, over a first week normal by $4,400. The picture was held for a third week.

"These Three" pulled a fine $20,500, up by $3,500, at the United Artists, and "Modern Times" was strong at $6,800 at the Garrick. "Woman Trap," with Benny Rubin's revue on the stage, was somewhat better than fair on a gross of $15,400 at the Oriental.

Total first run business was $115,700. Average is $113,000.

Estimated takings:

Week Ending March 24:

"TRAIL OF THE LONESOME PINE" (Para.)
ROOSEVELT — (1,591), 30c-40c-60c, 7 days, 3rd week. **Gross:** $8,000. (Average, $11,000)

Week Ending March 26:

"FOLLOW THE FLEET" (Radio)
PALACE—(2,509), 25c-35c-50c, 7 days, 3rd week. **Gross:** $13,500. (Average, $15,000)

"KLONDIKE ANNIE" (Para.)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Jan Barber and band. **Gross:** $28,800. (Average, $32,000)

"WOMAN TRAP" (Para.)
ORIENTAL—(3,490), 25c-40c, 7 days. Stage: Benny Rubin's Hollywood revue. **Gross:** $15,400. (Average, $15,000)

"MODERN TIMES" (U.A.)
GARRICK—(900), 30c-40c-60c, 7 days. **Gross:** $6,800. (Average, $5,500)

Week Ending March 27:

"STORY OF LOUIS PASTEUR" (W.B.)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $8,900. (Average, $4,500)

"THESE THREE" (U.A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $20,500. (Average, $17,000)

"IF YOU COULD ONLY COOK" (Col.)
STATE-LAKE — (2,776), 20c-30c-35c, 7 days. Stage: Frank and Milt Britton and revue. **Gross:** $13,800. (Average, $13,000)

Warner Flood Loss Mostly in Grosses

(Continued from page 1)

burg open tonight, and the Stanley and Penn are expected to open April 1.

Still Closed in Hartford

HARTFORD, March 29.—The Poli, Palace, Allyn and Crown were still without lights yesterday. Warners' State, over 3,000 of its seats flooded, is still closed, and the WPA group sought other quarters. Conditions were such that, although subsequents had the city to themselves for several days, they still were unable to do normal business.

Benefit in New Haven

NEW HAVEN, March 29.—A midnight benefit show, consisting of 14 acts of vaudeville, will be staged for flood sufferers at the Poli on April 1, with the cooperation of the managements of the Roger Sherman and Paramount. Harry F. Shaw, Poli division manager, and a member of Governor Curley's Boston committee on flood relief, will be master of ceremonies. Other benefits in the area are planned for the Poli, Waterbury, on Tuesday, and the Poli, in cooperation with the Allyn, in Hartford, on April 12. In Shelton, clothing matinees are planned, and the Palace, Rockville, held a benefit matinee today.

Flood Relief Show in N. O.

NEW ORLEANS, March 29.—First run managers here will stage a big midnight Red Cross benefit for flood sufferers at the Orpheum on April 4. Musicians, stage hands, ticket sellers and executives are offering their services.

Baltimore Helps Cause

BALTIMORE, March 29.—Morris A. Mechanic of the New staged a successful benefit for flood relief with approximately 1,000 paying 50 cents each to see a show featuring stage and radio performers.

Planes Will Speed Prints in England

(Continued from page 1)

Heston Airport and its organization will be complete before the Football Cup Final on April 25, so that over 100 cities will have the film of that event the same evening.

* * *

The North Western branch of the Cinematograph Exhibitors' Ass'n., is to approach the licensing magistrates of Birkenhead requesting the addition of a condition to licenses that no free gifts are given to patrons. Recently a Birkenhead theatre offered an automobile as a prize. Schemes of this type are forbidden in the neighboring city of Liverpool.

* * *

A public petition has been organized in support of the application of Odeon Theatres, Ltd., for a license for a new theatre at Rhyl. The application had been opposed on the ground of "redundancy," but the existing three theatres, in one ownership, were criticized as a "monopoly," which would be intensified if an application by their owners for a further license were granted and the Odeon license refused.

Senator Seeks Vote On Jersey Censoring

(Continued from page 1)

ton Republican, has been ill. Powell returned last week and will attend the session tomorrow night.

Prall admitted considerable opposition has developed since the bill was introduced. However, he said many church, civic and educational bodies were for it. Under the terms of the bill a three-member board appointed by the Governor would approve all films and charge $2 for each 1,200 feet examined.

Editors Rush Big List of Features

(Continued from page 1)

week was the starting of the Columbia's "Lost Horizon" under the direction of Frank Capra.

M-G-M and Warners led the field, both having eight features before the cameras.

Columbia had two features shooting, four in preparation and scheduled to get under way in two weeks, and six in the cutting rooms. M-G-M had eight, one and 12; Paramount, five, two and seven; Republic, three, three and five; Radio, one, two and four; Roach, one, zero and one; Twentieth Century-Fox, four, four and four; Universal, zero, one and four; Warners, eight, one and 10; independents, one, four and six.

In the short subject division Columbia had none in work, three preparing and three editing. M-G-M had zero, four and four; Radio, one, one and one; Roach, zero, zero and one; independents, zero, three and zero.

Seek Tobias Open Sunday

TOBIAS, Neb., March 29.—Two hundred voters have petitioned to have the Sunday show proposition on the April 7 primary ballot.

"These Three" Heavy Draw in 2 Coast Spots

Los Angeles, March 29.—"These Three" went into the big money in a hurry in two spots—the Hillstreet and Pantages. At the former the $9,800 take was $1,800 to the good, and at the latter the $10,900 gross was $7,600 over par, a total of $20,700 for the two houses.

"Trail of the Lonesome Pine" was also a big profit-maker at the Paramount. With the aid of a stage show that included Al Lyons and his orchestra, the film ran up to $25,350. Normal for the house is $18,000. "Fang and Claw" was somewhat better than fair with $2,250 at the Filmarte, but elsewhere business was off.

Total first run business was $96,550. Average is $88,150.

Estimated takings for the week ending March 25:

"WIFE VS. SECRETARY" (M-G-M)
CHINESE—(2,500), 30c-55c, 7 days. **Gross:** $11,000. (Average, $12,500)
"FANG AND CLAW" (Radio)
FILMARTE—(800), 30c-40c, 7 days. **Gross:** $2,250. (Average, $2,000)
"VOICE OF BUGLE ANN" (M-G-M)
4 STAR—(900), 30c-55c, 7 days, 3rd week. **Gross:** $1,700. (Average, $3,250)
"THREE WOMEN" (Amkino)
GRAND INTERNAT'L—(750), 35c-40c, 7 days, 2nd week. **Gross:** $1,950. (Average, $1,200)
"THESE THREE" (U. A.)
HILLSTREET—(2,700), 25c-40c, 7 days. **Gross:** $9,800. (Average, $8,000)
"WIFE VS. SECRETARY" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $13,000. (Average, $14,000)
"THESE THREE" (U. A.)
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $10,900. (Average, $3,200)
"TRAIL OF THE LONESOME PINE" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Al Lyons and his orchestra, F. & M. revue, Jess Willard & Bill Hurley. **Gross:** $25,350. (Average, $18,000)
"ROAD GANG" (F. N.)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-40c, 7 days. **Gross:** $9,600. (Average, $14,000)
"ROAD GANG" (F. N.)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. **Gross:** $11,000. (Average, $12,000)

Bondholders Insist On Madison Sellout

Madison, Wis., March 29.—More than 150 bondholders of the Beecroft Building Co., owner of the Orpheum, Strand and Parkway here, have declared themselves for absolute foreclosure of the properties and have indicated they will vote against the reorganization plan recently approved by Federal Judge Patrick T. Stone.

It was asserted that the theatres are going behind each year and that no theatre in the United States has been successfully reorganized. It was further charged that no reorganization plan is designed to protect the bondholders but merely the debtor.

To Retain "Broadway"

Gus Edwards will use the name Gus Edwards' Broadway Sho-Window on the theatre at Broadway and 53rd St., where he will present his vaudeville show, now in production, as a result of a request from John E. Grattke, managing director of the Broadway Ass'n., that he retain the word Broadway in the name of the house.

"Colleen" $9,600 Providence Leader

Providence, March 29.—Musicals continue to make bids for top patronage here and last week "Colleen" clicked into the big money at the Majestic where it pulled $9,600. The usual take is $7,000. No other house in town reached par, poor business being due to heavy rains and several sporting attractions.

"Love Before Breakfast" and "The Leathernecks Have Landed" were $1,000 under the usual $7,000 gross at the RKO Albee and "Manhunt" and a stage revue also was $1,000 below the $7,000 par at Fay's. "The Prisoner of Shark Island" fell below the usual $12,000 gross at Loew's State where it pulled $10,800. The Strand, with "Woman Trap" and "Bar 20 Rides Again," did $4,000 for four days, the films supplanting a three-day run of "Laughing Irish Eyes" and "The Preview Murder Case."

Total first run business was $36,400. Average is $39,500.

Estimated takings for the week ending March 26:

"LOVE BEFORE BREAKFAST" (Univ.)
"THE LEATHERNECKS HAVE LANDED" (Republic)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $6,000. (Average, $7,000)
"COLLEEN" (W.B.)
"BOULDER DAM" (W.B.)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $9,600. (Average, $7,000)
"WOMAN TRAP" (Para.)
"BAR 20 RIDES AGAIN" (Para.)
STRAND—(2,300), 15c-40c, 4 days. **Gross:** $4,000. (Average, $6,500)
"MANHUNT" (W.B.)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "Oriental Nights Revue." **Gross:** $6,000. (Average, $7,000)
"PRISONER OF SHARK ISLAND" (20th-Fox)
"VOICE OF BUGLE ANN" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $10,800. (Average, $12,000)

Denver Totals Show Conditions Improve

Denver, March 29.—Local film men see an indication of better times in several sets of figures published during the past week. Post office receipts are up $15,000 ahead of February, 1935, and are above any year since 1929. Postal savings show a gain of nearly $750,000 over last year.

Bank clearings for the first two months of this year were $212,821,405, as compared with $177,941,889 in the same period last year. Building activity locally is ahead of other sections of the country, having increased more than 100 per cent in permits over the first two months last year. Totaling $996,496 this year, they were only $485,414 in 1935.

Nick Grinde Assigned

Hollywood, March 29.—Nick Grinde, director who recently signed a term contract with Warners, will direct "Public Enemy's Wife," as his first assignment.

Paul Graetz, German comedian, who also signed a term contract recently, will play in "There's Millions in It," as his first American picture. Graetz has appeared in several Warner pictures made abroad.

Form Laboratory Firm

Dover, March 29.—Hollywood Film Industries, Inc., has been formed here to establish a laboratory, listing a capital of $250,000. The incorporators are M. L. Rogers, L. A. Irwin and M. A. Townsend.



"Pine" Kansas City's Winner For 2nd Week

KANSAS CITY, March 29.—"The Trail of the Lonesome Pine" continued to be a landmark in its second week. It took $12,500 at the Newman, over average by $5,500, and was held again.

"Love on a Bet," strengthened with Earl Carroll's Vanities on the stage, upped average by $3,500, taking $12,500.

Loew's Midland garnered $10,500 with "The Prisoner of Shark Island." The Tower with $6,000 went under average by $1,000 with a stage show and "The Widow from Monte Carlo."

The Fox Uptown held "Show Them No Mercy" an extra two days because of the strong showing made on a straight 25-cent policy. The picture took $3,700 in nine days.

Total first run business was $45,200. Average is $38,400.

Estimated takings:

Week Ending March 19:

"LOVE ON A BET" (Radio)
MAINSTREET — (3,100), 25c-35c-50c, 7 days. Stage: Earl Carroll's Vanities, including Billy House, Buster West, Lucille Page, Cirillo Brothers, Al Sexton, Charles Carrer, Gladys Crane, John Haynes, Starr Harriet, Emerson Frome, and Mickey Alvarez. **Gross:** $12,500. (Average, combination bills, $9,000)

"PRISONER OF SHARK ISLAND" (20th-Fox)
MIDLAND — (4,000), 25c-40c, 7 days. **Gross:** $10,500. (Average, $11,500)

"WIDOW FROM MONTE CARLO" (W.B.)
TOWER—(2,200), 25c-35c, 7 days. Stage: Medley & Duprey; Reilly, Thrower & La Dayne, Whitey Roberts, and Milan Quartet. **Gross:** $6,000. (Average, $7,000)

Week Ending March 20:

"SHOW THEM NO MERCY" (20th-Fox)
UPTOWN—(2,000), 25c, 9 days. **Gross:** $3,700. (Average, under 25c-40c policy, $3,500)

Week Ending March 21:

"TRAIL OF THE LONESOME PINE" (Para.)
NEWMAN—(1,900), 25c-40c, 7 days, 2nd week. **Gross:** $12,500. (Average, $7,000)

Meyer Stern Injured

OMAHA, March 29.—Meyer Stern, manager of Capitol Pictures exchange, who was recently ribbed by fellow members by being made chairman of the "mythical" complaint committee because of his alleged aptitude for criticism, slipped and fell on his doorstep when returning from an evening at the club and suffered rather severe lacerations and bruises about the head.

Pitts Heads Company

FREDERICKSBURG, Va., March 29.—Benjamin T. Pitts is head of the Amarett Building Corp., chartered recently. Other officers are: vice-president, J. J. Garner, and secretary and treasurer, Roger Clarke.

G. B. Appoints Lind

SALT LAKE CITY, March 29.—Carl Lind has been named G. B. branch manager here, replacing F. Shepherd, who in turn replaces C. F. Rose. Rose has been transferred to Los Angeles.

Set 279 Jolson Dates

Warners have booked a total of 279 Eastern dates for Al Jolson's "The Singing Kid."

"Doctor" Portland Winner at $9,000

PORTLAND, March 29.—"The Country Doctor" cracked a year's record at the Orpheum by running up to a total of $9,000, more than double normal.

In its second week at the Paramount "Prisoner of Shark Island" garnered $6,000, over par by $1,000, with "Love on a Bet" as the other half of a dual bill.

A last minute change on "Follow the Fleet" moved it for its third week to the Mayfair, where it secured $4,000, over the usual by $1,000.

"Modern Times" came up to expectations at United Artists, securing $8,000 in its first week, or over the house average by $3,000.

Estimated takings for the week ending March 22:

"NEXT TIME WE LOVE" (Univ.)
"THE INVISIBLE RAY" (Univ.)
BROADWAY—(1,912), 30c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"HANDS ACROSS THE TABLE" (Para.)
"BARBARY COAST" (U. A.)
BLUE MOUSE—(1,700), 20c-25c, 7 days, (2nd run). **Gross:** $1,700. (Average, $1,700)

"FOLLOW THE FLEET" (Radio)
MAYFAIR—(1,700), 30c-35c-40c, 7 days, (3rd week). **Gross:** $4,000. (Average, $3,000)

"COUNTRY DOCTOR" (20th-Fox)
ORPHEUM—(1,700), 30c-35c-40c, 7 days. **Gross:** $9,000. (Average, $5,000)

"PRISONER OF SHARK ISLAND" (20th-Fox)
"LOVE ON A BET" (Radio)
PARAMOUNT—(3,008), 30c-35c-40c, 7 days, (2nd week). **Gross:** $6,000. (Average, $5,000)

"MODERN TIMES" (U. A.)
UNITED ARTISTS—(945), 30c-35c-40c, 7 days. **Gross:** $8,000. (Average, $5,000)

"Doctor," $4,000, Top Lincoln Take

LINCOLN, Neb., March 29.—"The Country Doctor," with plenty of magnetic appeal for the women downtown in afternoons, outstanding at the Stuart with $4,000, a margin of $900 over par.

Vaudeville helped the Orpheum to $2,700, which was $600 up. The three pictures there were: "My Marriage," "Melody Lingers On" and "Church Mouse." The Lincoln did better than expected by coming up to the average with "Lady Consents" at $2,200.

Total first run business was $10,550. Average is $9,850.

Estimated takings:

Week Ending March 18:

"OREGON TRAIL" (Republic)
"I CONQUER THE SEA" (First Div.)
COLONIAL—(550), 10c-15c, 7 days. **Gross:** $950. (Average, $850)

Week Ending March 19:

"MY MARRIAGE" (20th-Fox)
"MELODY LINGERS ON" (Reliance)
"CHURCH MOUSE" (F. N.)
ORPHEUM — (1,350), 10c-15c-20c-25c, 6 days. **Gross:** $2,700. (Average, $2,100). Stage show three days.

"HELLSHIP MORGAN" (Col.)
VARSITY — (1,100), 10c-20c-25c, 7 days. **Gross:** $700. (Average, $1,300)

"LADY CONSENTS" (Radio)
LINCOLN — (1,600), 10c-20c-25c, 7 days. **Gross:** $2,200. (Average, $2,200)

Week Ending March 20:

"COUNTRY DOCTOR" (20th-Fox)
STUART — (2,000), 10c-25c-40c, 7 days. **Gross:** $4,000. (Average, $3,100)

Kalberer to Louisville

LOUISVILLE, March 29.—A. J. Kalberer of Fort Wayne has been named manager of the Strand, Fourth Ave. Amusement Co. house. He succeeds Flynn Stubblefield, resigned.

Free Celebration

Gibsonburg, O., March 29.—D. B. Follett on April 21 will celebrate his 25th year as owner and manager of the DeLu. By way of celebration, he will admit all of the people of the town free on that day. Cleveland exchanges are donating film for the occasion.

Louisville Gives "Colleen" $3,500

LOUISVILLE, March 29.—"Colleen" at the Mary Anderson did well, grossing $3,800, and "Man of Iron," with Blackstone, the magician, for four days, and Blanche Calloway and her band in for two days, brought in some nice business at the National. Gross was $3,500, over par by $500.

All other first runs felt the Lenten slump, and grosses took a dive. "Magnificent Obsession" at the Brown grossed $2,600, but expectations were for better business on the re-run. Matinees were well attended, mostly by high school and college students, but the nights were off.

Weather of the week was favorable on the whole. Opposition was at a minimum, and the only explanation for the light takings is the Lenten season, bringing the usual lull before Easter.

Total first run business was $22,300. Average is $24,200.

Estimated takings for the week ending March 26:

"THESE THREE" (U.A.)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $4,500. (Average, $5,500)

"TRAIL OF THE LONESOME PINE" (Para.)
RIALTO—(3,000), 15c-25c-40c, 7 days, 2nd week. **Gross:** $3,400. (Average, $4,500)

"MAGNIFICENT OBSESSION" (Univ.)
BROWN—(1,400), 15c-25c-40c, 7 days. **Gross:** $2,600. (Average, $2,800)

"LOVE BEFORE BREAKFAST" (Univ.)
"DON'T GET PERSONAL" (Univ.)
STRAND—(1,500), 15c-25c-40c, 7 days. **Gross:** $3,300. (Average, $3,500)

"COLLEEN" (W.B.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days. **Gross:** $3,800. (Average, $3,500)

"MAN OF IRON" (F.N.)
"COUNT OF MONTE CRISTO" (Radio)
"SIX-DAY BIKE RIDER" (W.B.)
NATIONAL—(2,400), 15c-25c-40c, 7 days. Stage: Blackstone, magician, four days; Blanche Calloway orchestra, two days; straight pictures, one day. **Gross:** $3,500. (Average, $3,000)

"DANGEROUS WATERS" (Univ.)
"THE LADY CONSENTS" (Radio)
"G MAN'S REVENGE" (Radio)
"I DREAM TOO MUCH" (Radio)
ALAMO—(900), 15c-25c, 7 days, split week. **Gross:** $1,200. (Average, $1,400)

Shift Gibraltar Men

BRIDGEPORT, Neb., March 29.—Gibraltar Theatres has shifted B. Boston from the Trail here to the Gibraltar at Alamosa, Col., and has brought Robert Harrison of Scotts Bluff, Neb., here to manage the Trail. L. E. Smith, who preceded Boston here, will handle the house at Scotts Bluff.

Fishman Heads Board

NEW HAVEN, March 29.—Dr. J. B. Fishman has been elected chairman of the board of the newly organized I.M.P.T.O. of Connecticut.

O. G. Finley Transferred

TAMPA, March 29.—O. G. Finley, manager of the Park for Sparks during the past year, has been transferred to the St. Petersburg Capitol.

Chaplin Film Leads Frisco For 2d Week

SAN FRANCISCO, Mach 29.—"Modern Times" demonstrated exceptional strength in its second week at the United Artists by grossing $11,000 and topping the first week normal by $2,000.

The only other house to go over normal was the Fox with a combination of "Three Godfathers" and "Man of Iron." The $7,500 gross was up by $1,500. "Trail of the Lonesome Pine" and "F-Man" took a par $15,000 at the Warfield, but all other houses were off.

Total first run business was $68,550. Average is $74,400.

Estimated takings:

Week Ending March 17:

"LAUGHING IRISH EYES" (Republic)
"LAWLESS NINETIES" (Republic)
EMBASSY—(1,400), 15c-25c-35c, 7 days. **Gross:** $3,000. (Average, $3,600)

"FOLLOW THE FLEET" (Radio)
GOLDEN GATE—(2,850), 25c-35c-40c, 7 days, 3rd week. **Gross:** $8,000. (Average, $14,500)

Week Ending March 18:

"LOVE BEFORE BREAFKAST" (Univ.)
ORPHEUM — (2,440), 15c-30c-35c-40c, 7 days. **Gross:** $6,700. (Average, $6,800)

"WIFE vs. SECRETARY" (M-G-M)
"PREVIEW MURDER MYSTERY" (Para.)
PARAMOUNT—(2,740), 15c-30c-35c-40c, 7 days, 2nd week. **Gross:** $10,500. (Average, $11,500)

"MODERN TIMES" (U. A.)
UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days, 2nd week. **Gross:** $11,000. (Average, $9,000)

Week Ending March 19:

"THREE GODFATHERS" (M-G-M)
"MAN OF IRON" (F. N.)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $7,500. (Average, $6,000)

"COUNTRY DOCTOR" (20th-Fox)
"VOICE OF BUGLE ANN" (M-G-M)
ST. FRANCIS—(1,470), 15c-30c-35c-40c, 7 days. **Gross:** $6,000. (Average, $7,000)

"TRAIL OF THE LONESOME PINE" (Para.)
"F-MAN" (Para.)
WARFIELD — (2,680), 15c-30c-35c-40c, 7 days. **Gross:** $15,000. (Average, $15,000)

Week Ending March 20:

"PETTERSSON-SVERIGE" (Scandinavian)
CLAY—(400), 35c, 7 days. **Gross:** $850. (Average, $1,000)

Oklahoma Collects $25,858 for Rogers

CLAREMORE, Okla., March 29.—With committees from 23 counties still working, the total sum raised in Oklahoma for the Will Rogers Memorial Commission is $25,858.30, according to Morton B. Harrison, chairman for Oklahoma. This total falls far short of the $100,000 goal, but there is still a good chance that Oklahoma will secure one of the two national memorials and that it will be a hospital for crippled children, located here.

Counties that raised or exceeded their quotas were Delaware, Garvin, Love, Rogers and Wagoner. Garvin county was the banner county, having raised $2,038.42, or 407.5 per cent of its quota of $500. Tulsa county raised 18 per cent of its quota and Oklahoma county 28 per cent. Each had a quota of $20,000.

Expand Columbia Office

Columbia's foreign department has taken over the entire seventh floor at 729 7th Ave., making four floors for the company's home office in the building.

Says:

LONDON SUNDAY PICTORIAL

(March 1, 1936)

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The reward of sound journalism is the prestige of integrity—the reader who believes the publication believes its advertiser.

4 FAMOUS EXHIBITORS *Go To Town!..*

CHARLES SKOURAS...

of the Skouras-operated theatres:

"Capra's new picture – Mr. Deeds Goes to Town – is everything that anyone could expect! Grand entertainment! Surefire boxoffice!"

BOB O'DONNELL...

general manager Hoblitzelle circuit:

"Capra has given us a picture that will never be excelled! Gary Cooper's performance the most important he has ever done! Jean Arthur is tremendous!"

MARCO...

of the Fanchon-and-Marco-operated theatres:

"Capra has outdone himself! Cooper marvelous! Story great! Should be acclaimed by press and public as tops!"

JOS. VON HERBERG...

of the Jensen-von Herberg theatres:

"Another Capra masterpiece! A worthy successor to It Happened One Night that will make exhibitors happy, for it is the kind of picture that will get the money!"

The avalanche of enthusiasm roars on ...as every branch of the industry joins in acclaiming the new Capra masterpiece!

COLUMBIA PICTURES

National release date April 12th
Opening Radio City Music Hall, April 16th

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry In All Branches

VOL. 39. NO. 76 NEW YORK, TUESDAY, MARCH 31, 1936 TEN CENTS

Nine Hundred Pay Tribute To Schaefer

Many Industry Leaders At Dinner in Astor

By J. M. JERAULD

That George Schaefer dinner started out to be just a colossal party —about 300 guests; by Saturday it had become super-colossal—500 reservations. All day Monday it grew and grew and by the time the maitre d'hotel, or whoever it is puts on banquets at the Astor, had the tables set last night, more than 800 places were ready. It was stupendous.

It might even have become super-stupendous, but if Mrs. Astor had tried to take any more artichokes and ordinary vegetables out of the Imperial Valley there would have been nothing left except El Centro and a couple of irrigation ditches.

It was a "speechless" banquet—meaning there were only two speeches,

(*Continued on page 4*)

New Group Seeking Mergings of Unions

A merger of all projectionists' and stagehands' unions in New York is the aim of the United Union, organization headed by Bernard Deckoff, which, although formed two years ago, is just now making an active drive for membership. The organization, which is a chartered union under New York state laws, is not affiliated with the A. F. of L. Last summer it was involved with stagehands' Local 1 and operators' Local 306 in a picketing controversy on 42nd St.

Officers in addition to Deckoff are: Charles Axelrod, vice-president; George Sofia, secretary; Louis Skerl, treasurer; Harry Baker, sergeant-at-arms; Thomas Liccardo, business

(*Continued on page 6*)

Theatres Pay Ascap $800,000 for 1935

Theatres contributed approximately $800,000 of the $4,505,829 gross income from music royalties collected by Ascap in 1935, according to the society's estimate in connection with its annual financial report made public yesterday.

The 1935 gross compares with a gross of $3,375,930 for 1934. Net last year after deduction of administration expenses and allowance for foreign royalties was $3,262,556, as compared

(*Continued on page 7*)

After 30 Years, Laemmle's Business Career Nears End

By SHERWIN A. KANE

Carl Laemmle yesterday walked into the comfortably pleasant office on the 12th floor of the RCA Building reserved for his infrequent visits to New York, to begin what is destined to be his last visit there as the executive head of Universal, founded by him 24 years ago.

Outside, coming from the elevator, he had paused to exchange greetings with the man at the floor reception desk. Inside, almost hidden behind a flower-decked table and a stack of waiting mail, the little man, known



Carl Laemmle: Outgoing



R. H. Cochrane: Incoming

affectionately to the industry as "Uncle Carl," greeted his company executives, associates for years. On Thursday he will transfer his controlling interests to the group headed by Standard Capital Co. and Charles S. Rogers, and retire, he said, forever, from the industry of which he has been a vital part for 30 years. He might have remained, had he chosen, as chairman of that board or as a member of that body following the transfer of control.

"There is no point in my doing either," he remarked. "My home is

(*Continued on page 6*)

M.P.T.O.A. Group to Meet Distributors

Members of the M. P. T. O. A. master committee which will be designated to confer with distributor representatives here on trade practices and industry self-regulation will be drawn from the organization's executive committee, it was stated here yesterday. Indications are that the meetings will not get under way before May at the earliest.

Executive committee members who are expected to serve on the committee are Ed Kuykendall, M. P. T. O. A. president; O. C. Lam, Rome, Ga.; Jack Miller, Chicago; Samuel W. Pinanski, Boston; Lewen Pizor, Philadelphia, and Charles E. Williams, Omaha. Morris Loewenstein, M. P. T. O. A. secretary, is an ex-officio member of the committee, but because

(*Continued on page 6*)

Republic Sets 26 For 1936-37 List

Republic's 1936-37 list will have 26 features, W. Ray Johnston, president, said yesterday after conferences with Nat Levine, production head, and other company executives, at the Waldorf-Astoria.

At the same time Levine made it known that he is building up a stock company and is on the lookout for new writing talent. Approximately 75 per cent of the current program has been completed, he said, and three, "The Harvester," "The Glory Parade" and "The Girl from Mandalay," are now in production.

"The outlook for Republic's product shows the planning and sincere effort that has been put into it," Johnston said. "Our picture budgets have been increased, and that alone

(*Continued on page 6*)

No Delay for Federal Case Is Anticipated

Supreme Court Appeal Is No Stay, Say Lawyers

The Government's new anti-trust action against Warners, RKO, Paramount and individual defendants filed recently in Federal court here is not affected at this time by the order signed in St. Louis last Friday granting the defendant distributors leave to appeal to the U. S. Supreme Court from Federal Judge Joseph W. Molyneaux's order dismissing without prejudice the Government's earlier civil action against the distributor defendants, attorneys here said yesterday.

The Supreme Court appeal, it was said, does not automatically arrest proceedings in the new civil action. However, if the appeal is decided in the distributor defendants' favor it would have the effect of nullifying the district court proceedings here.

The right to appeal was granted the defendants by Federal Judge Charles B. Davis at St. Louis in line

(*Continued on page 7*)

No Shifts Made in MPPDA Directorate

Anticipated changes in the directorate of the M.P.P.D.A. following the recent changes in realignment of company executive rosters failed to develop yesterday when the entire slate of officers, headed by Will H. Hays, and directors was reelected at the association's annual meeting.

Frederick L. Herron was again named treasurer; Carl E. Milliken, secretary, and George Borthwick, assistant secretary.

Directors who attended included M.

(*Continued on page 7*)

David Loew in Town To Close Film Deal

David L. Loew arrived in New York from Hollywood yesterday to close a distribution deal for a series of features he will produce starring Joe E. Brown. The comedian, now under contract to Warners, will become available to Loew toward the end of the summer.

The contracts, covering six pictures to be made over a period of two years, will launch Loew, former vice-president of the company his father, Marcus, founded, on his own as a producer.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

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Para. Signs 2-Year Deal with Skouras

Paramount and Fox Theatres have signed a two-year contract for release of Paramount product. The deal covers the forthcoming 1936-37 list and the 1937-38 releases.

Spyros Skouras, confirming the completion of the negotiations stated that the new arrangement assures "the continuance of the friendly and co-operative relationship between the two companies."

McLeod Seen as Director

HOLLYWOOD, March 30.—It was reliably reported here today that Norman McLeod will sign as an M-G-M director following the completion of the Paramount film "Early to Bed."

Moray in Hollywood

HOLLYWOOD, March 30.—Norman H. Moray, Warner shorts head, is here on a general swing around the country. He will probably leave Wednesday.

Otterson on Coast

HOLLYWOOD, March 30.—John E. Otterson, Paramount president, arrived here today for studio executive conferences. Adolph Zukor is due tomorrow.

Davis-Slesinger Marry

HOLLYWOOD, March 30.—Frank Davis, associate producer at M-G-M, and Tess Slesinger, writer, were married yesterday at Yuma, Ariz.

Insiders' Outlook

By RED KANN

Hollywood, March 30

TALES from the Hollywood hills:

Mox Shobbus, blowing the foam from a glass of buttermilk, was wailing.

"Last week I had a protection beef. So I went to Charlie Skouras' lavish complaining office. Was I impressed and did they have a lobby display! Like real showmen.

"In one corner was a Chinese lamp with oil. In another a calendar from the Chase Bank and some crying towels. Also was there a cutout of Georgie Raft throwing a bull and a statue of Harry Houdini escaping from a strait jacket. Seeing all this, I didn't have the heart to complain, even to Skouras.

"So I took a crying towel and chased myself home." . . .

▼ ▼

Into a Hollywood night spot walked a Twentieth Century-Fox official. "What did you think of 'The Country Doctor?'" he asked the head waiter.

"I haven't seen it, but I'll tell you this," answered the captain, knowing his onions as well as his customers: "Anyone who *has* had a child, anyone who *will* have a child, in fact, anyone who ever *was* a child will enjoy it."

"That's great," replied the executive who heard what he wanted to hear. "Your opinion is more valuable to me than these"—turning to a group of studio satellites—"because you represent the public." . . .

▼ ▼

Fred Meyer's thumbnail description of a preview in Hollywood where all theatres twin bill:

"A major preview is the same as a triple feature under a different name." . . .

▼ ▼

A legend, no doubt, but with reasonable room for veracity, is the comment attributed to the producer which ran:

"I don't want anyone working for me who thinks he's as smart as I am." . . .

▼ ▼

Leonard Goldstein, that droll fellow, says:

"Harry Goetz will release 'The Last of the Mohicans' as 'Positively The Last of the Mohicans.'" . . .

▼ ▼

Gene Fowler: "So long. I'm going back to my office and to work."

Harry Brand: "Boy, that's news! I'll send a photographer along." . . .

▼ ▼

A producer, who stemmed from identical ranks himself, talking to another independent:

"No man so ignorant would be anything but an independent." . . .

▼ ▼

"It's super-colossal and more than that," a producer described his latest endeavor.

Actually. . . .

▼ ▼

"If my clients don't get jobs soon, I'll have to go to work myself," moaned an agent the other day. . . .

▼ ▼

During his interregnum, Joe Shea described himself as the best dressed man on the Hollywood dole. . . .

Uniform Pacts for Writers Seen Near

Uniform contracts for members of the Screen Writers Guild, Dramatists Guild and Authors Guild were brought a step nearer yesterday when a plan for absorption of those three affiliated organizations was adopted yesterday by the Authors League.

Full control of the three guilds is vested in the council of the Authors League under the plan for bringing about a more complete solidarity of the writers' organizations. In addition, a writer's membership in the Authors League will cover his activities in any one or all of the fields over which the three affiliated guilds have jurisdiction, thus eliminating the necessity of his joining more than one of the organizations. The uniform contracts for writers will cover their activities in the screen, stage, radio, book and magazine fields, it was said.

Lincoln Conspiracy Trial Due April 27

LINCOLN, March 30.—Trial will begin in Federal court here on April 27 of the conspiracy and collusion suit brought by State Theatres, Inc., against local exhibitors and distributors for $444,000. The defendants are Lincoln Theatres Corp., Twentieth Century-Fox, M-G-M, Universal, United Artists, Warners, RKO and Paramount.

The action was specifically brought by G. L. Hooper of Topeka, principal stockholder of State Theatres, and the Monroe family of Beatrice, Neb., which operated the house. Evidence was compiled by Cal Bard, Independent Theatres, Inc., executive, who will bring a similar suit against the same defendants for $1,353,000 immediately after this suit is concluded. Former State Attorney General Paul Good is counsel for the plaintiff.

Brandt to Decline Presidency of ITOA

Harry Brandt definitely will decline to run again as president of the I. T. O. A., he declared yesterday. Last week, at a meeting of the organization's board of directors at the Astor, Brandt was unanimously recommended for reelection.

That action was taken despite Brandt's repeated indications that he did not want to retain the post. The board's recommendation was to have been submitted to a meeting of the organization at the Astor tomorrow.

Merger Details in Work

Only final details remain to be ironed out in the completion of the merger of the I. T. O. A. and the T. O. C. C., it was indicated yesterday. The merger of the two local exhibitor organizations has been definitely arranged, with only the clarification of details standing in the way of conclusion of the consolidation.

Brandt Withdraws Suit Against Union

The action of Harry Brandt seeking an injunction to restrain the Film Exchange Employes' Union from picketing the Globe, Brandt house on Broadway, has been withdrawn. N. Y. Supreme Court Justice Carewe last week reserved decision on the application.

The withdrawal followed settlement of the employes' strike at the Republic exchange, from which 11 union members had walked out. The union had concentrated on the picketing of houses in which Republic pictures were showing. The Republic film, "The Leathernecks Have Landed," playing the Globe, led to the picketing of the house.

Tax Bill Dead in N.J.; No Censorship Action

TRENTON, March 30.—The state tax bill which provided for a four per cent levy on gross receipts of places of amusement, including theatres, was defeated tonight for the fourth time and is now considered dead. The vote was 32 to 26.

No action was taken by the Senate Miscellaneous Business Committee today on the film censorship bill, which calls for a $2 fee on each 1,200 feet of film examined and for each print. Senator Horace G. Prall, sponsor of the measure, said he will press for a favorable report later in the week.

Independents' Plea Denied in K. C. Case

KANSAS CITY, March 30.—Judge Merrill E. Otis has denied, but not dismissed, the independents' application for a temporary injunction against Fox Midwest and major distributors on charges of conspiracy. Judge Otis based his denial on the fact that the independents had not submitted a clear supporting case.

Fox Midwest and other defendants are expected to answer on April 6, probably with a motion to dismiss.

Edward A. Cuddy Ill

BOSTON, March 30.—Edward A. Cuddy, division manager for M. & P. Theatres Corp., has been ill at his home.

Here's one for the book . . .

HOME OFFICE ASKS FIELD FOR ADVICE!

Yes, Gentlemen, we're asking *you!*

Because "Under Two Flags" is so rich in advertising angles, it has us dizzy!

For instance, how would *you* bill its four great stars? . . . Ronald Colman ("Beau Geste"), Claudette Colbert ("It Happened One Night"), Victor McLaglen ("The Informer"), Rosalind Russell ("Rendezvous")? We want to shout about each one, but type isn't made of rubber.

Would you place them over or under the title, "Under Two Flags"? . . . a title made famous by Ouida's novel and play.

How about the burning love story?

How about the spectacle? . . . the cast of 10,000 . . . the limitless sweep of the Sahara . . . the hordes of blood-mad Arabs and heat-crazed Legionnaires?

And the men whose showmanship sense has come to guarantee entertainment? . . . Darryl F. Zanuck . . . Director Frank Lloyd?

Any one of the above is a great sales slant. But *you tell us* how to do them *all* justice *in one ad!*

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Nine Hundred Pay Tribute To Schaefer

(*Continued from page* 1)

Will H. Hays' and Schaefer's. Both were good. Entertainment followed.

There have been testimonial dinners in this industry before—lots of 'em, but this was different. Practically every important figure connected with films in New York was there, and cities all over the eastern section of the country also had representatives present.

The dais was one of the most distinguished that the industry in the East could muster. From a vantage point in front of it, one saw, from left to right, Nate Spingold, one of the top flight executives of Columbia; James Mulvey, eastern representative for Samuel Goldwyn; J. Robert Rubin, a vice-president of M-G-M; Nathan Burkan, a director of United Artists; Harry D. Buckley, vice-president in charge of United Artists theatres; Leo Spitz, president of RKO; Nicholas M. Schenck, president of Loew's, Inc., and M-G-M; Sidney R. Kent, president of Twentieth Century-Fox; Frank C. Walker, who formerly ranked high in the inner councils of President Roosevelt and now again is active in the industry as general manager of the Comerford circuit; Austin C. Keough, general counsel of Paramount and vice-president of its various subsidiary corporations; Edward Raftery, a member of the law firm of O'Brien, Driscoll and Raftery; Charles L. O'Reilly, president of the Theatre Owners' Chamber of Commerce; W. G. Van Schmus, managing director of the Music Hall; Martin Quigley, publisher of *Motion Picture Herald* and MOTION PICTURE DAILY; Earle W. Hammons, president of Educational; Joseph Bernhard, general manager of the Warner theatre circuit; Spyros Skouras, president of National Theatres, and M. H. Aylesworth, chairman of the board of RKO.

About 10:10 o'clock Hays gave a few gentle taps with a gavel, but the hotel management evidently believed the advance ads about speeches. The microphones were not connected. For a time the tapping sounded like muffled signals at a spiritualist meeting. Then the electricians went to work and the General was able to make himself heard.

After a humorous reference to the "speechlessness" of the dinner, he continued, in a serious vein:

"Twenty-two years ago George Schaefer was secretary to Lewis J. Selznick—not executive secretary, just secretary. Today he is at the same desk, in the same office, with the same paneling. He is selling the pictures of Selznick's son, David, who got his first job under Schaefer.

"Sidney Kent sent George to Boston, and then he brought him back again to New York. He is a great credit to this great and fortunate business. This dinner was brought about by friends wishing to pay tribute to a friend. It is impressive.

"There is nothing a man can earn, nothing he can wish for more than the affectionate esteem of his friends. Schaefer has become a big man by simply attending to his business, and he has never failed to step out of his way for his associates and for the industry."

Hays presented Schaefer four gifts as mementoes of the occasion, and then said that one-half the proceeds of the party would go to the *Film Daily* Relief Fund and the other half to the Actors' Fund of America.

Schaefer was introduced as the "vice-president of the Wingfoot Golf Club." He seemed a bit embarrassed, and admitted that he had felt like a fireless cooker with heat under his collar all day.

"I fall into that third classification of speakers," he said, "who know they are going to be called upon and prepare for it. I'd rather try to sell pictures for 35 or 40 per cent than try to stand on my feet and make a speech."

"Seriously," he continued, "I am deeply affected by the presence of so many of my friends and associates, especially those from distant points. Some of you, I know, will be called upon to pay me plenty of money. I hope, even so, that I will be able to retain your friendship."

Ed Sullivan, columnist of *The New Daily News*, was the first master of ceremonies, shortly thereafter making way for Jay C. Flippen, the m. c. of Station WHN, flagship of the Loew broadcasting chain. Milton Berle, headliner of the Paradise, Broadway night spot, regaled the assemblage with a flow of wisecracks that apparently suffered from no danger of going dry.

Ken Murray and his stooge put on their act, and Roger Pryor, Jane Cooper, Benny Rubin, Richard Himber and Jimmy Savo appeared.

The party wound up about 11:30 o'clock.

Those present included:

Edward L. Alperson, Harold Bareford, Nat Beier, Joseph Bernhard, A. H. Blank, N. J. Blumberg, Mort Blumenstock, Clayton Bond, George Borthwick, William Brecker, Colvin Brown, J. L. Brown, Lawrence L. Brown, Harry D. Buckley, David Burkan, Nathan Burkan.

Ed J. Churchill, W. H. Clark, P. D. Cochrane, R. H. Cochrane, Sam Cohen, W. B. Cokehill, J. Coolidge, J. Cheever Cowdin, James A. Cron, Clement Crystal, Ed Cuddy, James P. Cunningham, Charles W. Curran, Arthur DeBra, Ned E. Depinet, Gregory Dickson, Howard Dietz, Oscar Doob, Phil Dow, Russell Downing, Arthur Driscoll.

W. C. Eadie, S. Charles Einfeld, H. R. Emde, Gus Eyssell, Si Fabian, Lynn Farnol, E. M. Fay, Max Fellerman, W. R. Ferguson, Al Finestone, J. J. Fitzgibbons, Leopold Friedman, Max Friedman, Ray Gallagher, Robert M. Gillham, Harry Gold, Louis Goldberg, Jay Gove, Maurice Grad, Monroe Greenthal.

Joseph A. Hanff, Will H. Hays, Ben Hecht, Leon A. Herman, Gabriel L. Hess, Ed Hinchy, L. George Horowitz, Arthur Israels, Rube Jackter, J. M. Jerauld, John Kadel, Red Kann, Percy Kent, S. R. Kent, Ed Kuykendall.

Paul Lazarus, Lew Lehr, Richard J. Leies, Theodore Lemn, Leon Leonidoff, Jack Levin, Jules Levy, Al Lichtman, Meyer Lieberman, W. P. Lynch, Charles MacArthur, Stewart MacDonald, Charles E. McCarthy, F. J. A. McCarthy, Fred McConnell, J. C. McDermott, S. Barrett McCormick, C. B. McDonald, E. L. McEvoy, Steve McGrath, Willard S. McKay, Capt. G. McL. Baynes, N. L. Manheim, Russell Markert, Harry M. Marks, Haskell Masters, Don M. Mersereau, Fred Meyers, Dan Michalove, A. John Michel, W. C. Michel, L. J. Mohrhardt, Abe Montague, C. C. Moskowitz, Joseph Moskowitz, B. S. Moss, Ed Mullen, M. J. Mullins.

N. L. Nathanson, Louis Nizer, Kenneth O'Brien, David Palfreyman, William Park, Willard C. Patterson, Leonard Peckes, Jack Pegler, Robert Perkins, C. C. Pettijohn, Frank Phelps, Louis Phillips, William E. Phillips, Sam Pinanski, Seymour Poe, William T. Powers, Martin Quigley.

Ed J. Raferty, Arch Reeve, A. J. Richard, E. V. Richards, Jr., Samuel Rifkin, William F. Rodgers, Leon Rosenblatt, Jules Rubens, J. Robert Rubin, E. M. Saunders, Marvin Schenck, Nicholas M. Schenck, L. Meyer Schine, M. A. Schlesinger, Adolph Schumel, Pat Scollard, Si Seadler, Gradwell L. Sears, Jack Shea, Moe Silver, Stanley Simmons, George Skouras, Spyros Skouras, Andrew Smith, Nate Spingold, Charles Stern, Moe Streimer, William Sussman, Harry Takiff, L. E. Thompson, E. F. Tilyou, Sydney Towell, George W. Trendle.

W. G. Van Schmus, Abel Vigard, A. Mike Vogel, George Walsh, William Weaver, Lou Weinberg, Arthur Weinberger, M. Weisfeldt, Norris Wilcox, Jack Wregge and Irving Zimmerman.

Tables were also occupied by Ross Federal Service, National Screen Service, Powers Photo Engraving, Graybar Electric, Erpi, Eastman Kodak, Morgan Lithograph, Gordon Press and Du-Art Film Laboratories.

Industry in East Honors Schaefer



There's $100,000 Wound on This Reel!



Show it for all it's worth on CONSOLIDATED CERTIFIED PRINTS

There it is—a thousand feet of negative — the only record of months of effort, the only collateral on a hundred thousand dollar investment. The dividends it will bring depend on its performance at the box office. But its performance at the box office depends on the quality of its theatre prints. That's why it is so important to use Consolidated Certified Prints. They're an accurate transcription of all the sound and action brought to your negative by talented actors, inspired directors and skilled cameramen. They're scientifically made in the world's largest and finest film laboratory to "show your picture for all its worth."

CONSOLIDATED FILM INDUSTRIES, INC.

NEW YORK HOLLYWOOD

M.P.T.O.A. Group to Meet Distributors

(Continued from page 1)

of illness is not expected to be able to serve on the master committee. It is expected that L. C. Griffith may be named to the committee in his stead. Morgan Walsh of San Francisco, also a member of the executive committee, may be unable to serve because of business demands on his time and may be replaced by Hugh Bruen of Seattle. Major L. E. Thompson of RKO, representative of affiliated theatres on the executive committee, is not expected to serve on the master committee.

Kuykendall returned to his home at Columbus, Miss., late last week following the close of hearings on the Pettengill Bill in Washington. He is expected here late in April when arrangements for inaugurating the meetings with distributors will be completed.

Among matters listed for discussion when the meetings are held are an unconditional minimum rejection privilege of 10 or more pictures in all contracts; removal of all conditions from the present 10 per cent cancellation provisions and an increase of the cancellation to 20 per cent; establishment of local grievance boards; negotiation of uniform clearance and zoning plans; elimination of overbuying; unfair and cut-rate competition, including double featuring and unreasonably low admissions; a simple, standard form of exhibition contract; elimination of the score charge, arbitrary designation of playdates and the forcing of shorts with features.

Penn MPTO Hits Charges

PHILADELPHIA, March 30.—The M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware, at its last meeting, passed a resolution protesting the adoption by United Artists of the policy of collecting score charges, heretofore not practised in this territory. A letter was addressed to George J. Schaefer, vice-president and general manager in charge of distribution of U. A., voicing the protest.

Letters also were sent to all exhibitors in the territory, advising them of the U. A. policy, and urging them to register protests. The letter to Schaefer said in part: "(The organization) asks that this pernicious thing be immediately eliminated as it is a step backward and not forward."

Theatre Bills Killed

ALBANY, March 30.—Three bills affecting theatres have been killed in committee.

The Dix Assembly bill requiring 30 seconds of film showing fire exits has been voted down in the Education Committee. The Moran bill calling for a one-mill tax per foot on film has been lost in the Taxation Committee, and the Crews bill intended to provide a day of rest a week for engineers and firemen in theatres has been voted down by the Labor and Industries Committee.

Brandt, Bolognino Pool

Harry Brandt and Lawrence Bolognino have pooled their interests in the Circle, Columbus and Park. Brandt says the Columbus will be closed.

After 30 Years, Laemmle's Business Career Nears End

(Continued from page 1)

in California. I can't cross the continent every month for a board meeting. Wherever I am, at any time, I will be at the service of the company if called upon, and I could do no more as a member of the board."

Following Thursday's formalities Laemmle will return to the coast to remain until early in June. He will return here for a few days then before sailing on a European vacation. This will be of indefinite duration and much of it will be spent at Carlsbad, he said.

"Unless loafing bores me too much my retirement will be permanent," Laemmle said, in answer to a question. "However," he added smilingly, "I can loaf as good as the next one."

In his last message to the Universal personnel, just given to the company house organ, *Universal Weekly*, Laemmle says:

"With the production of 'Show Boat' I bow out of moving pictures as an active figure. My interest and enthusiasm for them will never leave me. Pictures have been my life work for 30 years. I have put my heart and my soul and sometimes my very breeches into the business, plus all I could borrow on many occasions. I have tried to so conduct Universal that when I left it the industry would feel that I had done more for the business than it had done for me. I hope I have succeeded.

"I have tried, too, to accumulate by my efforts enough money to leave my family in comfortable circumstances. Everyone in this business has that very laudable ambition. I have done that. There is another ambition in life that is just as understandable. I have that, too. That ambition is to leave a business that you have created in the very best hands. That ambition I have realized.

"When I turn over the reins of Universal, the company will be placed in the hands of R. H. Cochrane, without whose loyalty, good sense, unfailing courage and daily advice this company could never have weathered the storms that beset it or achieved the measure of success it has attained. I am happy to turn it over to him and to the men who surround him in the new business setup.

"My heart and my interest will always remain with Universal. I feel that because it has always been a fighting company, and a fair fighting company with a consideration for others, it also has a warm spot in the heart of the great majority of exhibitors. From those exhibitors I would now like to ask the same consideration for the new Universal that they have always given Universal and me."

Set Mickey Mouse Circus

HOLLYWOOD, March 30.—Fanchon & Marco have signed with Walt Disney for circus rights to Mickey Mouse. Plans are being made for a 30 or 40-week tour under a one-ring big top with Singer's Midgets appearing as the cartoon characters. The circus will run two hours, and will carry the usual complement of animals and clowns, though the plan now is to have all actors in miniature. The tour will start on this coast in about two weeks.

In Hotel Post

Frederick Wynne-Jones, former managing director of Ufa Films, Inc., American subsidiary of the German company, has entered the hotel industry as reception manager of the Hotel Knickerbocker which he will endeavor to develop as a Times Square rendezvous for film men.

Wynne-Jones is now recovering from an extended illness.

Oakie Aids Flood Show

NORWALK, March 30.—Jack Oakie, visiting relatives in Greenwich, made a personal appearance at the Empress at a benefit performance to raise funds for the Hartford flood victims.

A benefit performance at the Palace in Bridgeport was canceled when word was received from the Red Cross that sufficient funds had been raised.

Para. Holds MacMurray

HOLLYWOOD, March 30.—Fred MacMurray, has been given a new contract which provides for his appearance under the Paramount banner for the next seven years.

Republic Sets 26 For 1936-37 List

(Continued from page 1)

should prove that we have confidence in our pictures."

Present at the conferences besides Johnston and Levine, were: E. H. Goldstein, executive vice-president; Moe J. Siegel, production executive; Herman Gluckman, president of the New York exchange; Herman Rifkin, president Republic Pictures of New England; Edward Schnitzer, eastern division sales manager; Edward Finney, advertising director; Sam Horwitz, divisional sales manager for the middle west; Norton V. Ritchey, general manager of the foreign department; N. K. Loder, treasurer; Morris Goodman, sales manager of the foreign department; Lou Lifton, eastern story editor; Sam Hacker, contract manager; and Claude Ezell, vice-president of Republic Pictures of Texas.

Sign Karloff for Two

HOLLYWOOD, March 30.—Boris Karloff has been signed by Warners for two more pictures following the success of "The Walking Dead." He will make the films on his return from England, as well as the three he still has to make for Universal.

To Discuss Time Change

CLEVELAND, March 30.—A proposed daylight saving ordinance and flood relief will be the principal topics of discussion Wednesday at a business meeting of the Cleveland M. P. Exhibitors' Ass'n. to follow a luncheon.

Music Union Plans Walkout for Today

A strike of 150 arrangers, copyists, proofreaders and pianists against 36 members of the Music Publishers' Protective Ass'n., has been called definitely by Local 802 of the A.F.M. for this morning, in an effort to obtain higher wages and union recognition.

Attempts on the part of John G. Paine, chairman of the publishers' group, to negotiate the matter, were rebuffed on the ground that the terms he offered were unsatisfactory. A meeting of all prominent band leaders has been called for 11 A.M. today to discuss the situation.

New Group Seeking Merger of Unions

(Continued from page 1)

agent for operators; Courtney Vieland, business agent for stagehands. The executive board includes: Irving Baker, Pete Waxberg, Charles Zoufaully. Deckoff has been in the projection field as an operator and handling equipment for the past eight years.

Union Merger Still Talked

The proposed merger of Allied M. P. Operators and Local 306, projectionist unions, is still in the course of negotiation, it was indicated yesterday.

"Pine" Suit Off to May

Trial of a suit for damages against Paramount involving dramatic rights to "The Trail of the Lonesome Pine" which was scheduled to begin in N. Y. supreme court here yesterday was postponed to the May trial calendar.

M-G-M Gets "Quo Vadis"

HOLLYWOOD, March 30.—M-G-M has acquired all film rights to "Quo Vadis," historical novel by Henryk Sienkiewicz, which was one of the first spectacles of the early silent days. No production plans have been made as yet.

Wall Street

20th-Fox Issues Up on Board

	High	Low	Close	Net Change
Columbia, vtc	35⅜	35	35⅜	+ ⅜
Consolidated	6	6	6	.....
Consolidated, pfd.	18	17¾	17¾	.....
Eastman	165½	163¼	163¼	— ½
Loew's, Inc.	48¼	47⅜	47⅝	+ ⅝
Loew's, Inc., pfd.	107¼	107¼	107¼	+ ¾
Paramount	9½	9¼	9¼	— ⅜
Paramount 1 pfd.	72¾	71	71	—1
Paramount 2 pfd.	10	9⅞	9⅞	— ⅛
Pathe Film	11⅝	10¾	10¾	— ⅝
RKO	7¾	7½	7½	— ⅛
20th Century-Fox	28¼	27¾	28¼	+1¼
20th Century, pfd.	36	36¾	36	+ ½
Warner Bros.	12⅛	11⅝	11⅝	— ⅜

Sonotone Gains ⅛ on Curb

	High	Low	Close	Net Change
Sonotone	3⅛	3	3⅛	+ ⅛
Technicolor	29	28⅝	28⅞	— ⅛
Trans-Lux	4	4	4	.....

Paramount Only Bond Advance

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf	27¼	27¼	27¼	— ¼
Paramount Pict. 6s '55	90⅞	90¼	90¼	+ ⅝
Warner Bros. 6s '39 wd	96	95	95	— ⅝

(Quotations at close of March 30)

Purely Personal

HENRY ARMETTA, who completed a personal appearance tour which resulted in his being signed up Universal, will continue his stage appearances. F. & M. is arranging dates.

•

WALTER TRUMBULL, DAVE PALFREYMAN GABE HESS, LOUIS PHILLIPS, CHARLES CASANAVE, LOUIS NIZER, MARTIN QUIGLEY and COLVIN BROWN among those at The Cinema Club yesterday.

•

LOU IRWIN will fly to Hollywood tonight with the RITZ BROS. who will open an engagement at the Clover Club Thursday evening. IRWIN will return in about 10 days.

•

VYVYAN DONNER, FOX Movietone News fashion editor, will discuss and illustrate her work tonight for the boys and girls of Hudson Guild.

Quip of the Day

Unconfirmed report from the Pittsburgh flood area has it one theatre there displayed this sign the other night:
"Floating Room Only."

HAROLD HENDEE, director of research for RKO, will lecture before the Columbia class on photoplay appreciation tonight.

•

PERCY PHILLIPSON entrained for Montreal last night, unable to make the GEORGE J. SCHAEFER dinner after all.

•

GRAD SEARS, ANDY SMITH and CHARLIE EINFELD now plan to fly west on Thursday.

•

BEN GOETZ' stay in England has been extended. He will return some time in May.

•

ARCHIE MAYO, one of the ace Warner directors, is in town from the coast.

•

HARVEY YORKE, son of GABE, is in town from Dartmouth. Easter vacation.

•

BEN LYON and MRS. LYON are staying at the Lombardy indefinitely.

•

CHARLES STEELE, G. B. executive, back at his desk after a long illness.

•

SAM DEMBOW has set back his return from Miami until Thursday.

•

ALIDA DEPINET well again after a coast illness, but slightly shaky.

•

EDMUND LOWE returns today from England on the *Ile de France.*

•

JACK SULLIVAN, Fox West Coast film buyer, arrives today.

•

FAY WRAY has left for the coast after a vacation here.

•

ROGER PRYOR and ANN SOTHERN at the Stork Club.

•

LYNN FARNOL back from Hollywood.

No Shifts Made in MPPDA Directorate

(*Continued from page* 1)

H. Aylesworth, Harry D. Buckley. R. H. Cochrane, Ned E. Depinet, Earle W. Hammons, Sidney R. Kent and Nicholas M. Schenck. Eastman Kodak was represented by Eugene Chrystal; Pathe by Willis Bright and Erpi by Whitford Drake.

Organizations outside the industry have aided, rather than hindered, development of higher types of pictures and have helped create the market necessary to make them successful, Hays stated in his annual report. He also had words of praise for creative talent within the industry.

"The new standards of artistry attained by the screen this year," he said, "are a tribute to the creative personnel of the industry.

"It is a tribute just as full to the great and growing success which the cooperation given to the industry by educational and religious leadership has effected in the standards of motion picture appreciation. The processes of criticism, selection and education have enlarged, not restricted, the artistic and dramatic opportunities of the screen; they have increased, not decreased, motion picture attendance."

Points to Coming Features

Hays named a number of forthcoming releases as indicating upward trends. Among them were: "Romeo and Juliet," "Mary of Scotland," "Under Two Flags," "The Life of Beethoven," "Green Pastures," "The Old Maid," "The Good Earth" and "Lost Horizon.'

"Conclusions reached by competent critics and by commentators of the press,' Hays continued, "are to the effect that 'there is more intellectual distinction in the movies than ever before'; that 'the screen has translated into celluloid drama the greatest number of established classics in the history of motion pictures'; that 'the new productions have exceeded in quality the most optimistic hopes'; that 'pictures of historical significance are ever on the increase'; that 'the screen has shown its ability to portray the highest concepts of the human mind'; that 'pictures are finer, more interesting, more entertaining and more educational than ever before'; that 'honest and compelling themes are predominating in the outstanding pictures'; that 'more meaning and dignity has been lent to the screen'; and that the industry is performing a 'great experiment that will help to determine whether the screen is the universal entertainment medium for the expression of the highest forces of art and drama.'

"Not every picture produced by the industry during the period under review is entirely free from objection," Hays admits. "There are, and always will be, border line cases, where even critical opinion will divide as to the over-all social or moral values of a given film or dramatic performance, and where the strictest moral rating will make a necessary and proper distinction as between adult and family attendance. In such instance public opinion is finally the safe guide."

In discussing the work of the Production Code Administrations Hays said: "The vigilance which will not permit our production code to degenerate into a mere process of censorship applies to the opportunities as well as the self-restraint of the screen. The character of pictures produced during the current season demonstrates the ability of the screen to deal with vital subjects of the day, with social problems and with all dramatic forms on which honest entertainment can be built. This is asserted, notwithstanding such artificial controversies as may be raised to the contrary."

Ten color films will be produced in 1936, he said. Referring to the proportion of films based on originals, plays, etc., he said they rated as follows: From original stories, 244, or 47.01 per cent; from stage plays, 41, or 7.90 per cent; from novels, 142, or 27.36 per cent; from biographies, three, or .58 per cent; from short stories, 37, or 7.13 per cent; miscellaneous, 52, or 10.02 per cent.

This was an increase of seven per cent in the use of originals over the previous year.

Hays went into detail in discussing the advertising code and said that new types of pictures appealing to new audiences required new kinds of advertising.

"The rise is to be noted, therefore," he pointed out, "of a new day of advertising effort in which the right product will be 'sold' to the right audience in the right way. Some of the distinctive methods recently adopted to introduce the truly great picture sufficiently in advance of exhibition, the greater artistry that has marked the exploitation of our greater products, and the new recognition that wholesomeness and good taste are creative stimuli, are welcome signs of a new era."

The report closes with a critical appraisal of cartoon subjects in which he said: "We are seeing the rise of a new medium of story telling. With improved technique and with the advantages of color, sound and music, it is not difficult to forsee dramas spun from fantasy, which, with kindly humor or satire, may come to have large social and even educational significance."

Theatres Pay Ascap $800,000 for 1935

(*Continued from page* 1)

with a net of $2,514,850 for the preceding year. The net is divided equally between publishers and writers.

The society's relief fund will receive $18,446 from last year's receipts, as compared with $9,899 in 1934.

No Delay for Federal Case Is Anticipated

(*Continued from page* 1)

with the procedure directing qualified appellants in cases brought by the Government to go directly to the high court without a hearing before the intervening Circuit Court of Appeals. The defendants point out in their appeal papers that they had sought denial of the Government's motion for leave to dismiss its civil action without prejudice when the motion was made, Jan. 29. They state that they also petitioned Judge Molyneaux, and were denied, a motion to dismiss the Government's case with prejudice or on the grounds of *res adjudicata,* contending that the dismissal of the Government's earlier criminal action at St. Louis disposed of the issues in the civil action.

The defendants in their application for leave to appeal cite 21 assignments of error in Judge Molyneaux's rulings on the Government's motions and their own motions. They are granted 40 days from March 27 in which to file their record of appeal with the Supreme Court, but because of the voluminous records in the case additional time will be sought of the high court for the filing of the appeal. The appeal will ask the Supreme Court for a reversal of Judge Molyneaux's refusal to deny the Government's St. Louis motion for a dismissal without prejudice.

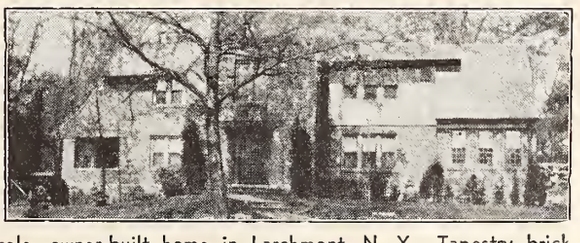
Capital Sees No Effect

WASHINGTON, March 30.—Justice department officials said today that they do not anticipate that the appeal order issued by Judge Davis in St. Louis will have any effect on the pending New York case. It was said that the New York suit is considered an entirely separate case and that it was not expected that the action in the St. Louis case will serve to delay it.

Successor for Sarecky

HOLLYWOOD, March 30.—Following the resignation of Bernard Sarecky today, J. Lawrence Wickland succeeded to the post of supervisor on action and serial films at Republic. Wickland had been a serial writer on the Republic staff.

BEAUTIFUL HOME IN LARCHMONT



For sale, owner-built home in Larchmont, N. Y. Tapestry brick over hollow tile; slate roof; ten rooms; three baths; leaded glass windows and doors; hand carved lintel; satin oak finish; fireplace; tiled porch; two-car garage; copper screened throughout; convenient to station and schools; restricted neighborhood. This home will appeal to the lover of the beautiful. Must be seen to be appreciated. Address Box 500, Motion Picture Daily, Rockefeller Center, New York.

13787 485

TRADE PAPERS JOIN IN . . .

HOLLYWOOD REPORTER . .

"Capra's Mr. Deeds Goes to Town is certain of big grosses everywhere! A boxoffice riot! Scores of excellent sales angles!"

DAILY VARIETY . . . .

"Spells boxoffice with a smash! Has names, merit and everything it takes! Goes to town as outstanding to pile a lot of dough into exhibitor tills!"

MOTION PICTURE DAILY . . .

"Mr. Deeds goes to town and so will any exhibitor who books this hilarious combination of comedy and romance!"

BOXOFFICE . . . . . .

"Will send grosses soaring! Can't miss!"

FILM DAILY . . . . . .

"Plenty boxoffice! Clicks in all departments! Will please all types of audiences!"

It's unanimous! The whole industry's gone wild about Capra's new "best of the year"... a booming boxoffice bonanza!

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